

1/14/1983

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of
Environmental
Quality

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

January 14, 1983

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

REVISED TENTATIVE 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.

- A. Minutes of December 3, 1982, EQC meeting.
- B. Monthly Activity Report for November 1982.
- C. Tax Credits.

9:05 am 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

- D. Request for authorization to conduct a public hearing to consider repeal of Mid-Willamette Area Nuisance Rule, OAR 340-29-020, in response to Legislative Council comments.
- E. Request for authorization to conduct a public hearing to consider adoption of the Control Strategy for Total Suspended Particulate for the Medford AQMA as a revision of the State Implementation Plan (SIP).

ACTION AND INFORMATION 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.

- F. Request for a time-limited variance from OAR 340-22-170(4)(j), Solvent in Paint Limit, for Boeing of Portland.
- G. Request for a time-limited variance from OAR 340-22-170(4)(j), Solvent in Coating Limit, for Winter Products of Portland.
- H. Approval of Lane Regional Air Pollution Authority New Source Review and Plant Site Emission Limit Rules and authorization to submit them as a revision to the State Implementation Plan (SIP).

(MORE)

- 10:00 am I. Public hearing and consideration of amending the ambient air quality standard for lead, OAR 340-31-055, and adopting a proposed lead control strategy for the state, as revisions to the Oregon State Implementation Plan (SIP).
- J. Approval of Stipulated Consent Orders for the following water permittees:
1. City of Silverton
 2. Bear Creek Valley Sanitary Authority
- K. Request for reharing and reconsideration in the Dale Moore variance denial appeal.
- L. Informational report: Progress on hazardous waste disposal methods and procedures.
- M. Informational report: Report to the Legislature on waste reduction.
- N. Clatsop County solid waste variances: Failure to meet variance conditions.
- O. Informational report: 1982 Annual Field Burning Report to the Legislative Committee on Trade and Economic Development.

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 any item not having a set time should arrive at 9:00 a.m. to avoid missing any item of interest.

The Commission will breakfast (7:30 a.m.) 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

January 14, 1983

BREAKFAST AGENDA

1. Effects of LUBA decision on land use compatibility statements. Mike Huston
Dept. of Justice
2. February 25, 1983 Medford Meeting - possible plant site visits. Weathersbee

LUNCH AGENDA

1. Legislative update. Biles

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED FORTY-FIFTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

January 14, 1983

On Friday, January 15, 1983, the one hundred forty-fifth meeting of the Oregon Environmental Quality Commission convened at the Department of Environmental Quality, Portland, Oregon. Present were Commission members Mr. Fred J. Burgess, Vice-Chairman; Mrs. Mary V. Bishop; Mr. Wallace B. Brill; and Mr. James Petersen. Chairman Joe B. Richards was absent. 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 Burgess, Bishop, Brill, and Petersen were present. Chairman Richards was absent. Also present were several members of the Department staff.

The following items were discussed:

1. Mike Huston, Assistant Attorney General, described for the Commission the effects of a recent Land Use Board of Appeals (LUBA) decision on the requirement for land use compatibility statements. Mr. Huston will be reporting back periodically as new information becomes available.
2. February 25, 1983 Meeting, Medford - E. J. Weathersbee, Air Quality Administrator, informed the Commission they had been invited to tour facilities at 3M and Timber Products while in Medford for their February meeting. Commissioners Burgess, Bishop, and Brill indicated they were definitely interested in a tour. Commissioner Petersen said he would attend if travel arrangements could be worked out.

FORMAL MEETING

Commissioners Burgess, Bishop, Brill, and Petersen were present for the formal meeting. Chairman Richards was absent.

AGENDA ITEM A: MINUTES OF THE DECEMBER 3, 1982 EOC MEETING.

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

AGENDA ITEM B: MONTHLY ACTIVITY REPORT FOR NOVEMBER 1982

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

AGENDA ITEM C: TAX CREDITS

It was MOVED by Commissioner Bishop, seconded by Commissioner Petersen and carried unanimously that the Director's Recommendation be approved. Item 2 of the Director's Recommendation regarding the denial of a Request for Certification by Precision Castparts was postponed to a later date at the request of the company. Director Young asked the Commission to note that application T-1570, for Teledyne Wah Chang, was being certified for 100 percent under solid waste. The claimed cost of the facility was \$148,844 and the Company estimated a return on that investment in one year of \$1,969,000. Director Young said that if the proposed changes to the tax credit statutes were adopted, this application would be certified at less than 20 percent.

PUBLIC FORUM

No one appeared.

AGENDA ITEM D: REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING TO CONSIDER REPEAL OF MID-WILLAMETTE AREA NUISANCE RULE, OAR 340-29-020, IN RESPONSE TO LEGISLATIVE COUNCIL COMMENTS.

A Nuisance Rule, for miscellaneous air pollution sources, inherited by the Department when the Mid-Willamette Valley Air Pollution Authority dissolved, was singled out by the Legislative Counsel Committee as not being within the cited enabling legislation and also as being too vague to be constitutional. Since it is limited to the five-county, Mid-Willamette area and has had rare use, the Department asked the Commission to authorize a hearing to consider repeal of this rule.

Director's Recommendation

It is recommended that the Commission authorize the Department to hold a hearing to consider the repeal of OAR 340-29-020.

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

AGENDA ITEM E: REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING TO CONSIDER ADOPTION OF THE CONTROL STRATEGY FOR TOTAL SUSPENDED PARTICULATE FOR THE MEDFORD AQMA AS A REVISION OF THE STATE IMPLEMENTATION PLAN (SIP).

This hearing is scheduled for the February 25, 1983, EQC meeting in Medford. Both local ordinances and state rules will be required to implement the strategy. The necessary local ordinances have now been adopted by the City of Medford and Jackson County. The Commission was requested to consider adoption of the Medford Particulate Control Strategy at the February 25 meeting following the review of the public testimony.

Director's Recommendation

Based on the Summation in the staff report, the Director recommends that the EQC authorize a public hearing to consider public testimony and adoption of the proposed Medford Particulate State Implementation Plan (SIP) Revision at the February 25, 1983 EQC meeting in Medford. The proposed SIP revision includes: primary and secondary standard attainment strategies; OAR 340-30-020 (revision), OAR 340-30-043 (new) and OAR 340-30-044 (new), and OAR 340-30-045 (revision); and redefinition of the nonattainment area boundaries.

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

AGENDA ITEM F: REQUEST FOR A TIME-LIMITED VARIANCE FROM OAR 340-22-170(4) (j), SOLVENT IN PAINT LIMIT, FOR BOEING OF PORTLAND.

Boeing of Portland requested a variance from the Department's solvent in coatings rule as no product is currently available which meets rule requirements. They desire a more lenient rule for aerospace coatings, such as the similar rules in Seattle and Los Angeles, but may be able to "bubble" their way into compliance. A limited-time variance will allow selection of the best course of action.

Director's Recommendation

Based upon the findings in the Summation in the staff report, it is recommended that the Commission grant a variance to Boeing of Portland from OAR 340-22-170(4) (j) (C), VOC limitation in coatings, until January 1, 1984, providing Boeing will continue to investigate alternative ways of complying and submit a feasibility report not later than October 1, 1983 to the Department.

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

AGENDA ITEM G: REQUEST FOR TIME-LIMITED VARIANCE FROM OAR 340-22-170(4) (j), SOLVENT IN COATING LIMIT, FOR WINTER PRODUCTS OF PORTLAND.

Winter Products Corporation has requested a variance from the Department's solvent in coating rule. They use a clear lacquer to give a bright finish

to the furniture hardware they make. There is no lacquer available that conforms to the coatings rule. A limited variance will give needed time to develop an acceptable product. An alternative of a revised rule can also be studied during the variance period.

Director's Recommendation

Based upon the findings in the Summation in the staff report; it is recommended that the Commission grant a variance to Winter Products Corporation of Portland from OAR 340-22-170(4)(j), VOC Limitation in Coatings, until January 1, 1987, providing that Winter Products provide annual progress reports each January on how they are progressing to reduce their VOC emissions to that required by the OAR.

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

AGENDA ITEM H: APPROVAL OF LANE REGIONAL AIR POLLUTION AUTHORITY NEW SOURCE REVIEW AND PLANT SITE EMISSION LIMIT RULES AND AUTHORIZATION TO SUBMIT THEM AS A REVISION TO THE STATE IMPLEMENTATION PLAN (SIP).

The Commission has before it newly adopted LRAPA New Source Review and Plant Site Emission Limit rules nearly identical to state rules adopted in 1981. If approved by the Commission and submitted to EPA as a SIP revision, LRAPA can obtain delegation to administer these rules without detailed Federal oversight.

Director's Recommendation

It is recommended that the Commission approve LRAPA New Source Review, and Plant Site Emission Limits as being at least as stringent as OAR 340-20-220 to -320, and to direct the Department to submit them as a SIP revision with a request to EPA to delegate authority to administer such in Lane County to LRAPA.

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

AGENDA ITEM J: APPROVAL OF STIPULATED CONSENT ORDERS FOR THE FOLLOWING WATER PERMITEES:
1. CITY OF SILVERTON
2. BEAR CREEK VALLEY SANITARY AUTHORITY

Bear Creek Valley Sanitary Authority needs about a two-year delay in connecting the White City sewers to the Medford regional treatment plant. Some excessive infiltration must be removed from the sewers before the connection can be approved by Medford.

The City of Silverton needs about a two-year extension to their construction schedule because the project had to be redesigned due to citizen objections to the original plan. A noteworthy item is the fact

that, because of doubt surrounding the availability of a federal grant, the City proceeded to pass a local bond issue for financing the entire project. Even though federal funds were finally released and they didn't have to sell the entire bond issue, the City should be commended for their willingness to proceed on their own.

Present at this meeting were the Mayor and City Manager of the City of Silverton. The Commission congratulated them on undertaking the project and being so successful. Vice-Chairman Burgess hoped that Silverton would serve as a model to other communities to show that projects could be carried out without federal funds.

In response to questions from Commissioner Petersen, Commissioner Brill presented some background to the Bear Creek Valley Sanitary Authority (BCVSA) project. Commissioner Brill served on the BCVSA Board for many years.

Director's Recommendation

Based upon the findings in the summation in the staff report, it is recommended that the Commission approve revised stipulated consent orders for Silverton and the Bear Creek Valley Sanitary Authority.

It was MOVED by Commissioner Brill, seconded by Commissioner Bishop, and carried with Commissioner Petersen dissenting, that the Director's Recommendation be approved.

AGENDA ITEM K: REQUEST FOR REHEARING AND RECONSIDERATION IN THE DALE MOORE VARIANCE DENIAL APPEAL.

At the request of the applicant, and with the agreement of the Commission, this matter was postponed until a later date.

AGENDA ITEM O: INFORMATIONAL REPORT: 1982 ANNUAL FIELD BURNING REPORT TO THE LEGISLATIVE COMMITTEE ON TRADE AND ECONOMIC DEVELOPMENT.

ORS 468.470 requires the Department to report annually to the Legislative Committee on Trade and Economic Development on the effectiveness of its field burning smoke management program and on the progress being made to research and develop alternatives to open field burning.

Mr. Sean O'Connell of the Department's Field Burning Office told the Commission the State Department of Forestry had requested that references to 1982 slash burning and slash utilization be deleted from this report as DEQ has no legislative mandate to report on slash burning to the legislature. The Department agreed and DEQ and Forestry will continue to have discussions on DEQ's role in slash burning alternatives.

In response to questions from Commissioner Petersen, Mr. O'Connell informed the Commission on the progress of research into alternative crops, such as Meadowfoam.

Director's Recommendation

This report is submitted for your information, and with your concurrence, will be sent to the Legislative Trade and Economic Development Committee as provided by ORS 468.470.

The Commission agreed to accept this report and forward it to the Legislature.

AGENDA ITEM I: PUBLIC HEARING AND CONSIDERATION OF AMENDING THE AMBIENT AIR QUALITY STANDARD FOR LEAD, OAR 340-31-055, AND ADOPTING A PROPOSED LEAD CONTROL STRATEGY FOR THE STATE, AS REVISIONS TO THE OREGON STATE IMPLEMENTATION PLAN (SIP).

This agenda item is a public hearing and proposed adoption of the revised ambient air standard for lead and the statewide control strategy for lead. The Department received generally favorable written comments on this proposed rule. The Environmental Protection Agency recommended minor changes which are discussed in an amendment to the staff report.

Director's Recommendation

Based on the summation of the December 3, 1982 staff report and the above summary, the Director recommends that, barring any unforeseen major adverse comments at the hearing, the EQC adopt the revision of the state lead standard and the proposed lead control strategy as revisions of the State Implementation Plan.

It was MOVED by Commissioner Petersen, seconded by Commissioner Bishop and carried unanimously that the Director's Recommendation that the revision of the state lead standard and proposed lead control strategy as amended be approved and submitted as a revision to the State Implementation Plan.

Some time after this public hearing had concluded, Charles P. Schade, M.D., Multnomah County Health Officer appeared and offered oral and written testimony generally supportive of the Commission's action. However, he told the Commission that the health community may well be before them in the future regarding this standard.

AGENDA ITEM L: INFORMATIONAL REPORT: PROGRESS ON HAZARDOUS WASTE DISPOSAL METHODS AND PROCEDURES

The Sixty-first Legislative Assembly (regular session 1981) directed the Environmental Quality Commission to adopt hazardous waste disposal rules that "shall provide for the highest and best practical disposal of the hazardous wastes in a manner that will minimize:

- (a) The possibility of a dangerous uncontrolled reaction, the release of leachate, noxious gases and odors, fire, explosion or the discharge of hazardous wastes; and
- (b) The amount of land used for burial of hazardous wastes."

The Department was directed to investigate and analyze in detail the disposal methods and procedures required to be adopted by rule and report to the Sixty-second Legislative Assembly (regular session 1983) on its progress.

Director's Recommendation

Based upon the Evaluation and Conclusion in the staff report, it is recommended that the Commission concur with the Director's decision to submit the attached report to the Sixty-second Legislative Assembly.

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

AGENDA ITEM M: INFORMATIONAL REPORT: REPORT TO THE LEGISLATURE ON WASTE REDUCTION.

SB 925 passed by legislature in 1979 requires a biennial report on the use and status of waste reduction programs. Earlier, the EQC acted to accept the Department's procedures regarding these programs. The Commission has also submitted draft legislation to modify the original legislation. The legislative report explains the present status of the program and need for the additional legislation.

Director's Recommendation

It is recommended that the Commission concur in the submission of the report to the Legislature.

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

AGENDA ITEM N: CLATSOP COUNTY SOLID WASTE VARIANCES: FAILURE TO MEET VARIANCE CONDITIONS.

At the October 15, 1982 EQC meeting, the Commission granted variances to three Clatsop County disposal sites. Two conditions were attached to the variances. The status of these conditions, alternatives for action and the Director's recommendation are included in the staff report.

Mr. Robert Brown of the Department's Solid Waste Division informed the Commission of a meeting he and Director Young had with county officials and local operators. Mr. Brown said the meeting had been less than effective, but did indicate that the Elsie site could operate without burning. The Solid Waste Division will recommend to the Commission at their February 25 meeting that the Elsie variance be revoked. The operator in Vernonia has indicated they could serve the Elsie area with existing equipment.

Director's Recommendation

It is the Director's recommendation to go forward with Option 3 of the alternatives in the staff report as follows:

1. Direct staff to work directly with the cities and operators involved.

2. Revoke the variance on Elsie, effective March 1, 1983.
3. Put all parties on notice that continuation of the variances past October 31 1983 is highly unlikely.

It was MOVED by Commissioner Bishop, seconded by Commissioner Brill, and carried unanimously that Items 1 and 3 of the Director's Recommendation be approved, and that staff be directed to return at the February 25, 1983 EQC meeting for a public hearing to consider revoking the Elsie variance, effective March 1, 1983.

There being no further business, the meeting was adjourned.

LUNCH MEETING

Legislation status: Stan Biles, Assistant to the Director, reported on the status of the Department's legislative proposals.

Medford EQC Meeting: There was some discussion on what the agenda for the Medford meeting might look like and what arrangements for travel and lodging would be.

Respectfully submitted,


Carol A. Spletstaszer
Acting EQC Assistant

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED FORTY-FOURTH MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

December 3, 1982

On Friday, December 3, 1982, the one hundred forty-fourth 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. James Petersen; 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, Petersen, Brill, Burgess, and Bishop were present, as were several members of the Department staff.

The following items were discussed:

1. Robb Haskins, Assistant Attorney General, described for the Commission the LUBA decision on the temporary discharge permit issued to Rancho Rajneesh for a sewage treatment system for their religious festival held last summer. He reported that LUBA found the Department had acted inappropriately in issuing the permit without making findings on state land use planning goals.

Department staff will distribute copies of that decision to the Commission and will report at their next meeting on how the LCDC handles the issues raised by this decision.

2. Dates and locations of future EQC meetings: The Commission decided to meet on the following dates and at the locations listed:

January 14, 1983	Portland
February 25, 1983	Medford
April 8, 1983	Salem
May 20, 1983	Portland

3. Proposed changes in EQC deadlines: The staff proposed, and it was decided to alter the current mailing schedule for the EQC meeting agenda to the public to correspond with the mailing of the staff report packet, which is two weeks prior to the meeting.
4. Several of the EQC members described their recent visits to regional editorial boards.

FORMAL MEETING

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

AGENDA ITEM A: MINUTES OF THE OCTOBER 15, 1982 MEETING.

It was MOVED by Commissioner Bishop, seconded by Commissioner Burgess, and carried unanimously that the Minutes be approved as submitted but with the language from a breakfast meeting item referring to "curbside pickup program" included originally in Concept #1 of proposed recycling legislation to be omitted in order to make the language broader and to reflect more accurately what the Commission discussed.

AGENDA ITEM B: MONTHLY ACTIVITY REPORT FOR SEPTEMBER & OCTOBER, 1982.

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

AGENDA ITEM C: TAX CREDITS.

It was MOVED by Commissioner Bishop, seconded by Commissioner Brill and passed that the Director's Recommendation be approved. Tax credit application T-1540 was withdrawn with the concurrence of the company and deferred to another meeting.

PUBLIC FORUM: No one chose to appear.

AGENDA ITEM D: REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON PROPOSED AMENDMENTS TO POLLUTION CONTROL BOND FUND RULES FOR SEWERAGE PROJECTS (OAR CHAPTER 340, DIVISION 81).

The Pollution Control Bond Fund Rules for Sewerage Projects were recently modified by two separate temporary rule actions in order to advance funds to two projects.

The present rules were written in 1971 to be consistent with federal grant processes. The majority of projects that will now receive financial assistance from the bond fund will not be receiving federal grants. Thus, it is desirable to rewrite and update the rules to reflect present-day needs.

This requests authorization to conduct a public hearing on proposed amendments to the Pollution Control Bond Fund Rules for Sewerage Projects.

Director's Recommendation

Based on the findings in the summation, it is recommended that the Commission authorize the Department to hold a public hearing to consider the adoption of revised rules for use of the bond fund for sewerage works construction (OAR 340-81-005 et. seq.) as set forth in Attachment I.

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

AGENDA ITEM E: REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC RULEMAKING HEARING FOR:

- (1) MODIFYING GEOGRAPHIC REGIONAL RULE OAR 340-71-400(2) FOR THE GENERAL NORTH FLORENCE AQUIFER, AND
- (2) ESTABLISHING SPECIAL WATER QUALITY PROTECTION FOR CLEAR LAKE AND ITS WATERSHED BY ADDING A SPECIAL PROTECTION CLAUSE TO THE MID COAST BASIN WATER QUALITY MANAGEMENT PLAN [OAR 340-41-270(1)] AND ESTABLISHING A MORATORIUM ON NEW ON-SITE WASTE DISPOSAL SYSTEMS [OAR 340-710460(6) (f)].

At the December 19, 1980 EQC meeting, the Commission adopted a Geographic Regional Rule, OAR 340-71-400(2), for the North Florence Dunal Aquifer in Lane County. The purpose of the rule was to provide interim septic tank control measures until an ongoing 208 Groundwater Study was completed. The study was completed in June, 1982 and its recommendations have been formally adopted by Lane County. Based on this action and staff's review of the Study, it appears the current rule can be significantly relaxed, except for those areas within the Clear Lake Watershed where more protective measures are needed.

After the final staff report was sent to the Commission, it was discovered that one section contained a confusing paragraph. The language below reflects the correct changes:

Page 2, No. 3.a.: The 208 Study determined that, on the average, 20 lbs. NO₃-N [per acre] is contributed annually to the aquifer per dwelling unit. [This] The loading rate of 58 lbs. is therefore equivalent to 2.8 single-family dwelling units per acre.

[Bracketed language is deleted; underlined language is added.]

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize the Department to conduct a public rulemaking hearing to take testimony on:

1. Whether to establish special water quality protection for Clear Lake and its watershed by adding a special protection clause to the Mid-Coast Basin Water Quality Management Plan (OAR 340-41-270) as set forth in Attachment D, and establish an

on-site sewage disposal moratorium area (OAR 340-71-460(6)(f) for those lands within the Clear Lake Watershed Boundaries of the North Florence Dunal Aquifer as set forth in Attachment E.

2. Whether to modify the current Geographic Regional Rule 340-71-400(2), for those lands overlaying the North Florence Dunal Aquifer that are located outside of the Clear Lake Watershed Boundaries as set forth in Attachment C.

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

AGENDA ITEM F: REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON GENERAL MODIFICATIONS TO NOISE CONTROL RELATED RULES: OAR 340-35-015, 35-025, 35-030, 35-035, 35-040, AND 35-045 AND PROCEDURE MANUALS: NPC-1, 2, 21, AND 35.

Periodically, it is necessary to propose general modifications to DEQ administrative rules. These proposed amendments to the noise control rules are designed to enhance their effectiveness, eliminate misinterpretations, and streamline their implementation. Minor amendments are proposed in each major noise control rule and in four procedure manuals.

Director's Recommendation

Based on the Summation, it is recommended that the Commission authorize public hearings to take testimony on proposed amendments to noise control rules OAR 340-35-015, 35-025, 35-030, 35-035, 35-040, AND 35-045 and the Procedure Manuals NPC-1, 2, 21, and 35 as shown in Attachment 3.

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

AGENDA ITEM G: REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING CONCERNING PROPOSED CHANGES IN THE NEW SOURCE REVIEW, HOT-MIX ASPHALT PLANT, AND VOLATILE ORGANIC COMPOUND RULES IN THE STATE IMPLEMENTATION PLAN.

The Department is proposing several changes in the New Source Review, Hot-Mix Asphalt Plant, and Volatile Organic Compound rules. These changes are of a minor nature and are required to correct wording problems, to update the rules where changes have been required by EPA, and to streamline Department procedures.

The proposed changes are discussed below and involve revising the following rules:

1. Definition of Nonattainment Area.
2. Language corrections in the Salem Area Ozone and offset rules.
3. Growth margins for volatile organic compounds in Medford and Portland.
4. Stack height regulations.

5. Portable hot-mix asphalt plants.
6. Commission approval for use of non-guideline models.
7. Repeal of redundant "bubble" rule in the Volatile Organic Compound rules.

It is requested that a public hearing be authorized concerning these proposed rule changes.

Director's Recommendation

Based upon the above Summation, it is recommended that a public hearing be authorized concerning these proposed changes in the New Source Review, Hot-Mix Asphalt Plant, and Volatile Organic Compound rules as shown in Attachment 3.

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

AGENDA ITEM H: REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING TO ADOPT A LEAD CONTROL STRATEGY FOR THE STATE, AND TO AMEND THE AMBIENT AIR QUALITY STANDARD FOR LEAD, OAR 340-31-055, AS REVISIONS TO THE OREGON STATE IMPLEMENTATION PLAN.

This was a request to hold a hearing before the Commission at its January 14, 1983, meeting on the proposed Statewide Control Strategy for Lead. Attainment of the ambient air standard for lead is projected by the end of 1983 due to federally-mandated reductions of gasoline lead levels. The lead strategy would become a revision to the State Implementation Plan. Adoption would also be requested at the January 14, 1983, EQC meeting as EPA has requested expeditious action on this SIP revision as the result of a recent court case action.

The Department is also requesting a hearing to consider changing the state lead standard to the more stringent EPA standard.

Director's Recommendation

Based on the Summation, the Director recommends that the EQC authorize a public hearing to be held at the January 14, 1983 EQC meeting to consider adoption of the proposed lead control strategy and revision of the state lead standard as revisions of the State Implementation Plan.

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

AGENDA ITEM I: REQUEST FOR AN ADDITIONAL EXTENSION OF A VARIANCE FROM OAR 340-25-315 (1) (b), DRYER EMISSION LIMITS, BY MT. MAZAMA PLYWOOD COMPANY.

This item was a request by Mt. Mazama Plywood Company for an additional time extension on a variance from veneer dryer emission standards for their mill located in Sutherlin. The company gave the reason that their

unfavorable financial position has not improved since the initial variance was issued in July, 1981. They indicated that expenditures for dryer pollution control equipment at this time would result in shutdown of the mill.

Based on information received, the Department has identified and analyzed four variance alternatives.

Director's Recommendation

Based on the Summation, it is recommended that the Commission grant an extension to the incremental progress step which requires submitting a control strategy subject to the following conditions:

1. By March 1, 1983, submit a final control strategy in the form of detailed plans and specifications which are acceptable for construction approval by the Department.
2. By March 1, 1983, the Company shall submit a financial statement which documents the current profit and loss position of Mt. Mazama Plywood Company.
3. A Department report be made at the April 1983 Commission meeting for the Commission to consider appropriate further scheduling of progress and a final compliance date.

James Klein, Manager of Mt. Mazama Plywood Company, reported to the Commission that there are no alternatives to a shutdown of the plant if they are required to comply now with permit conditions.

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

AGENDA ITEM J: REQUEST FOR A VARIANCE FROM OAR 340-21-015(2) (b) VISIBLE AIR CONTAMINANT LIMITS AND OAR 340-21-030(2) PARTICULATE EMISSION LIMITS FOR THE OIL-DRI CORPORATION OF AMERICA, CHRISTMAS VALLEY PLANT.

Oil-Dri Corporation of America purchased in 1979 and now operates a diatomaceous earth processing plant near Christmas Valley. While progress has been made in improving process problems and reducing air emissions, the company has been unable to complete two previously negotiated compliance schedules and currently is requesting a variance from Visible Air Contaminant Limits and Particulate Emission Limits.

Director's Recommendation

Based upon the findings of the Summation, it is recommended that the Commission grant a variance from OAR 340-21-015(2) (b) and OAR 340-21-030(2) until April 1, 1984 for the wet scrubber at the Oil-Dri Corporation diatomaceous earth processing facility at Christmas Valley, Oregon, subject to the following conditions:

1. The company shall meet the compliance schedule contained in the Summary.
2. If the Commission determines that the scrubber emissions cause a nuisance to persons or property, this variance may be revised or revoked.

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

AGENDA ITEM K: REQUEST FOR A VARIANCE FROM OAR 340-21-025 (B) PARTICULATE EMISSION LIMITS FOR A CREMATORIUM PROPOSED BY THE RAJNEESH NEO-SANNYAS INTERNATIONAL COMMUNE.

The Rajneesh Neo-Sannyas International Commune proposes to construct and operate a crematorium unit to dispose of the bodies of deceased residents of their ranch. The crematorium would allow the burning body to be viewed by the communal followers as part of a religious experience. The crematorium should meet opacity regulations and not cause nuisance conditions but may not meet the particulate emission limit. Because of limited use and remote location, the crematorium should not cause any measurable air quality problems if the variance is granted.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance from OAR 340-21-025(2)(b) for the crematorium proposed by the Rajneesh Neo-Sannyas International Commune, subject to the following conditions:

1. Visible emissions from the crematorium shall not exceed standards specified in OAR 340-21-015(2).
2. The variance may be revised or revoked by the Commission if the Commission determines that the crematorium emissions cause a nuisance.
3. The variance shall apply only to this specific location and the crematorium shall be available only to the deceased followers residing at the Ranch.

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

"...for the crematorium proposed by the Rajneesh Neo-Sannyas International commune, subject to the following conditions and in compliance with all other applicable state laws and regulations:"

No. 3:

"...the crematorium shall be available only to followers residing at the Ranch who are deceased."

[Underlined language is added.]

AGENDA ITEM L: REQUEST FOR A VARIANCE FROM OAR 340-21-030(3), PARTICULATE EMISSION LIMITS, AND OAR 340-21-060(1), FUGITIVE EMISSIONS, FOR DIAMOND INTERNATIONAL, BEND.

There has been a nuisance problem in the neighborhoods around the Diamond International/Willamette Industries wood product mills in Bend for a number of years. Staff has identified the sanderdust handling system at Diamond's sawmill as the cause of the nuisance condition. The company had requested a variance until December, 1984, and due to the environmental impact of the sanderdust emissions, the Department had recommended that the request be approved with a final compliance date of December, 1983.

Director's Recommendation

Based upon the findings in the Summation, as amended, it is recommended that the Commission grant a variance from OAR 340-21-030(2) and OAR 340-21-060(1) until June 15, 1984 for the sanderdust handling system at the Diamond International Bend sawmill, subject to the following condition:

1. The company shall meet the compliance schedule contained in the Summation, as amended.

John McCafferty, Diamond International, responded to questions from the Commission.

It was MOVED by Commissioner Petersen, seconded by Commissioner Bishop, and passed unanimously that the Director's Recommendation above, taken from an addendum to the staff report, be approved.

AGENDA ITEM M: APPROVAL OF NON-GUIDELINE AIR QUALITY MODELS FOR THE PROPOSED ALUMAX PACIFIC CORPORATION PRIMARY ALUMINUM REDUCTION PLANT IN UMATILLA.

The Department has received an Air Contaminant Discharge Permit Application from Alumax Pacific Corporation to construct a Primary Aluminum Reduction Plant. This proposed facility would be located approximately four miles east of Umatilla on the bank of the Columbia River. The plant would be the second largest aluminum plant in the Northwest and would be capable of producing 220,000 tons of aluminum per year.

Alumax has conducted air quality modeling for the proposed facility using non-guideline models. These models have not been formally incorporated into the EPA Guideline on Air Quality Models. In order to approve the use of these models, the Department must obtain the written approval of EPA and the concurrence of the Commission, as required by Department rules.

EPA has provided written approval in a letter dated November 3, 1982. The Department is now requesting Commission approval for the use of these models.

Under a separate agenda item (Item G), the Department is requesting authority to approve the use of non-guideline models in the future without having to seek Commission approval.

Director's Recommendation

Based on this Summation, it is recommended that the BLP model and the Short-Z model be approved for use by Alumax for modeling aluminum plant emissions for their proposed Umatilla plant.

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

AGENDA ITEM N: INFORMATIONAL REPORT: PROGRESS AND STATUS REPORT ON PASSENGER CAR AND LIGHT TRUCK NOISE EMISSIONS.

In 1980, the Commission rescinded the 75 decibel noise emission standard for autos and light trucks and left the 80 decibel limit as the final step in this new product noise regulation. However, the Commission required that a progress report be submitted to evaluate the necessity of further regulations or control strategies for auto and light-truck noise. This report provides the status of progress toward development of new test procedures needed for further emission controls. The report also discusses the need to enhance enforcement of noise laws designed to correct excessive vehicle noise from modified or deteriorated exhaust systems.

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 monitor the efforts of the automobile industry to develop new noise emission testing procedures.
2. Encourage and assist the development of a national motor vehicle noise control strategy that considers various control methods including new vehicle certification and in-use vehicle enforcement.
3. Continue the Department's efforts to control excessive automobile noise due to exhaust system modification and deterioration by assisting appropriate state and local enforcement agencies.

The report was accepted by the Commission as submitted.

AGENDA ITEM O: DISCUSSION OF ALTERNATIVE METHODS FOR SECURING LOANS FROM THE POLLUTION CONTROL BOND FUND.

By letter dated October 25, 1982, Senator Jack Ripper and Representative Tom Throop, Co-Chairmen of the JOINT INTERIM TASK FORCE ON MANAGING AND FINANCING GROWTH, recommended that the Environmental Quality Commission consider a proposal of the League of Oregon Cities that:

"The Department of Environmental Quality, with appropriate safeguards, should use the proceeds of the Pollution Control Fund to support more creative local financing than just the purchase of general obligation bonds, as in the past."

This agenda item was intended to provide background information and highlight major policy issues for EQC consideration.

Director's Recommendation

It is recommended that the Commission discuss these and related issues during the Work Session at this meeting.

Howard Rankin, Department bond counsel, answered questions from the Commission and talked generally regarding bonds and appropriate security.

The Commission discussed this matter but took no action.

AGENDA ITEM P: FINAL ORDER DENYING PETITION TO AMEND OAR 340-14-025 (5) REGARDING HEARINGS IN PERMIT MATTERS.

At the October 1982 meeting, the Commission rejected a petition proposing amendment of an administrative rule regarding hearings in permit matters.

Department's counsel drafted an order reflecting the Commission's action and the basis for it. The proposed order, and petitioner's response to it, was sent to the Commission.

The Commission is now required to take formal action to memorialize its October decision.

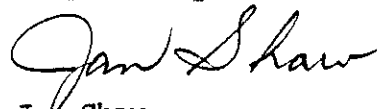
The Commission asked staff to revise the proposed final order to avoid implication of anything petitioners may have intended by their petition and submit the final order to Commissioners for changes or approval.

There being no further business, the meeting was adjourned.

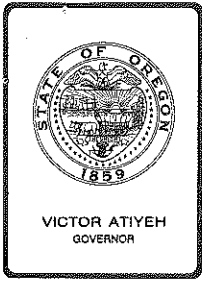
LUNCH MEETING

1. Legislation status: Stan Biles, Assistant to the Director, reported on the status of the Department's legislative proposals. John Charles, OEC, discussed legislation that his organization will be supporting. Tom Donaca, AOI, reported that his board is supporting woodstove legislation.
2. Budget status: Mike Downs, Management Services Administrator, reported on the status of the Department's 83-85 budget request.
3. Woodstove certification program: John Kowalczyk, Air Quality, presented a slide show and written report on a potential woodstove certification program.

Respectfully submitted,



Jan Shaw
EQC Assistant



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, January 14, 1983, EQC Meeting
November, 1982 Program Activity Report

Discussion

Attached is the November, 1982 Program Activity Report.

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

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

The purposes of this report are:

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

Recommendation

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

William H. Young
Director

M. Downs:k
229-6485
December 22, 1982
Attachments
MK616 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

November, 1982

Table of Contents

<u>Air Quality Division</u>	<u>Page</u>
Summary of Plan Actions	1
Listing of Plan Actions Completed	2
Summary of Permit Actions	3
Listing of Permit Actions Completed	4
<u>Water Quality Division</u>	
Summary of Plan Actions	1
Listing of Plan Actions Completed	6
Summary of Permit Actions	8
Listing of Permit Actions Completed	9
<u>Solid Wastes Management Division</u>	
Summary of Plan Actions	1
Summary of Solid and Hazardous Waste Permit Actions	11
Listing of Solid Waste Permit Actions Completed	12
Listing of Hazardous Waste Disposal Requests	13
<u>Noise Control Section</u>	
Summary of October Noise Control Actions	17
Listing of October Noise Control Actions Completed	18
Summary of November Noise Control Actions	19
Listing of November Noise Control Actions Completed	20
<u>Enforcement Section</u>	
Civil Penalties Assessed	21
<u>Hearings Section</u>	
Contested Case Log	23

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air, Water, Solid Waste Divisions
(Reporting Unit)

November 1982
(Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	FY	Month	FY	Month	FY	
<u>Air</u>							
Direct Sources	4	23	8	32	0	0	11
Small Gasoline Storage Tanks Vapor Controls	0	0	0	0	0	0	0
Total	4	23	8	32	0	0	11
<u>Water</u>							
Municipal	10	81	6	65	0	3	20
Industrial	2	24	2	38	0	0	6
Total	12	105	8	103	0	3	26
<u>Solid Waste</u>							
Gen. Refuse	0	11	4	8	0	0	5
Demolition	0	0	0	0	0	0	0
Industrial	1	9	0	8	0	0	6
Sludge	1	3	0	3	0	0	0
Total	2	23	4	19	0	0	11
<u>Hazardous Wastes</u>	-	-	-	-	-	-	-
<u>GRAND TOTAL</u>	18	151	20	154	0	3	48

MAR.2 (1/82)
MK616.A

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

COUNTY	NUMBER	SOURCE	PROCESS DESCRIPTION	DATE OF ACTION	ACTION
JACKSON	593	TEXACO INC.	BULK PLANT VOC CONTROL	11/22/82	CANCELLED
JACKSON	596	CHEVRON USA INC.	BULK PLANT VOC CONTROL	11/22/82	CANCELLED
LANE	635	TREE PRODUCTS HARDWOODS	WELLONS BOILER, NC BY LRAPA	12/01/82	APPROVED
JACKSON	660	ENERGY COOPERATION INC	EXP ALCOHOL FUEL PLANT	12/07/82	CANCELLED
MULTNOMAH	752	ESCO CORPORATION PLANT 3	BAGHOUSE INSTALLATION	12/07/82	WITHDRAWN
MULTNOMAH	851	PRECISION CAST PARTS	(2) STUCCO HOOD ENCLOSURES	11/03/82	WITHDRAWN
	856		DUST COLLECTION SYS	11/12/82	APPROVED
MULTNOMAH	857	DWENS-ILLINOIS	FURNACE MOD & DUST COLL SYS	12/02/82	APPROVED
TOTAL NUMBER QUICK LOOK REPORT LINES			8		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

November 1982
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	FY	Month	FY			
<u>Direct Sources</u>							
New	6	17	1	13	19		
Existing	0	3	1	12	17		
Renewals	20	59	11	56	71		
Modifications	<u>2</u>	<u>15</u>	<u>4</u>	<u>20</u>	<u>16</u>		
Total	28	94	17	101	123	1908	1944
<u>Indirect Sources</u>							
New	2	3	1	2	4		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>		
Total	2	3	1	2	4	204	208
<u>GRAND TOTALS</u>	30	97	18	103	127	2112	2152

Number of
Pending Permits

Comments

15	To be reviewed by Northwest Region
11	To be reviewed by Willamette Valley Region
3	To be reviewed by Southwest Region
8	To be reviewed by Central Region
3	To be reviewed by Eastern Region
25	To be reviewed by Program Planning Division
21	To be reviewed by Program Operations
16	Awaiting Public Notice
21	Awaiting the end of the 30-day period
<u>123</u>	TOTAL

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

MONTHLY ACTIVITY REPORT
DIRECT SOURCES
PERMITS ISSUED

COUNTY	SOURCE	PERMIT NUMBER	APPL. RECEIVED	STATUS	DATE ACHIEVED	TYPE APPL. PSEL
HOOD RIVER	CHAMPION BUILDING PRODUCT	14	0002 10/15/82	PERMIT ISSUED	10/27/82	MOD
CLACKAMAS	POTTERS INDUSTRIES	03	2672 07/27/82	PERMIT ISSUED	11/01/82	MOD
DOUGLAS	D R JOHNSON LUMBER CO.	10	0018 07/02/82	PERMIT ISSUED	11/01/82	RNW
MARION	CASTLE & COOKE MUSHROOM	24	5747 07/13/82	PERMIT ISSUED	11/01/82	RNW
MULTNOMAH	CROWN ZELLERBACH PKG DIV	24	2777 10/01/82	PERMIT ISSUED	11/01/82	MOD
PORT.SOURCE	DESCHUTES READY MIX S & G	37	0026 01/13/82	PERMIT ISSUED	11/01/82	RNW
KLAMATH	KINGSLEY FIELD	18	0039 11/01/82	PERMIT ISSUED	11/08/82	MOD
JOSEPHINE	MORRIS LUMBER COMPANY	17	0010 08/26/82	PERMIT ISSUED	11/15/82	RNW
MARION	COLUMBIA MILLWORK	24	4339 07/29/82	PERMIT ISSUED	11/15/82	RNW
MULTNOMAH	ALEXANDRA COURT APTS	26	0137 07/15/82	PERMIT ISSUED	11/15/82	RNW
MULTNOMAH	BROADWAY HOTEL	26	0424 09/22/82	PERMIT ISSUED	11/15/82	RNW
MULTNOMAH	AMERICAN APARTMENTS	26	0710 07/22/82	PERMIT ISSUED	11/15/82	RNW
MULTNOMAH	BENSON HOTEL	26	1085 07/22/82	PERMIT ISSUED	11/15/82	RNW
MULTNOMAH	BELLE COURT APARTMENTS	26	1453 08/02/82	PERMIT ISSUED	11/15/82	RNW
MULTNOMAH	PORTLAND WIRE & IRON WKS	26	2486 06/01/81	PERMIT ISSUED	11/15/82	EXT
MULTNOMAH	ARROW TRANSPORTATION CO	26	2615 07/26/82	PERMIT ISSUED	11/15/82	RNW
MULTNOMAH	UNION PACIFIC RAILROAD	26	5098 06/01/82	PERMIT ISSUED	11/15/82	NEW

TOTAL NUMBER QUICK LOOK REPORT LINES

17

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

November 1982
(Month and Year)

PERMIT ACTIONS COMPLETED

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

Indirect Sources

Multnomah	Parking Structure No. 2 Addition - Oregon Health Sciences University 450 Spaces	11/12/82	Final Permit Issued
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AA2857
MAR.6 (5/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality	November, 1982
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED 8

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL WASTE SOURCES 6

Columbia	Lagoon Expansion Plans Vernonia	11-23-82	Preliminary Concept Approval
Columbia	Lagoon Expansion Plans Vernonia	10-28-82	Comment Letter
Columbia	Septic tanks and disposal system Berg-Cowen Moorage	11-16-82	P. A.
Douglas	Sieve Installation WWTP Winston-Green Service Dist.	11-17-82	P.A.
Tillamook	Proposal Rock Subdivision Sewers & Lift Station Lester E. Fultz	11-3-82	Comment Letter
Marion	Industrial Park Sanitary Sewers Hubbard	11-17-82	P. A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

November, 1982
(Month and Year)

PLAN ACTIONS COMPLETED 8

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	* *
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INDUSTRIAL WASTE SOURCES 2

Wasco	Union Pacific Railroad Wood Treating Recycle System The Dalles	11/1/82	Approved	
Linn	Sunny Service Station Spill Control System Halsey	11/16/82	Approved	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

November, 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.			
	* /**	* /**	* /**	* /**	* /**	* /**	* /**
<u>Municipal</u>							
New	0 /1	0 /9	1 /3	1 /13	0 /9		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	9 /2	37 /7	3 /1	15 /5	57 /6		
Modifications	0 /0	1 /0	0 /0	1 /0	0 /0		
Total	9 /3	38 /16	4 /4	17 /18	57 /15	238/119	238/128
<u>Industrial</u>							
New	0 /1	3 /5	0 /0	4 /0	3 /7		
Existing	0 /0	0 /0	0 /0	0 /0	0 /1		
Renewals	3 /4	15 /16	2 /2	8 /11	41 /20		
Modifications	0 /0	2 /0	0 /0	3 /0	1 /0		
Total	3 /5	20 /21	2 /2	15 /11	45 /28	379/187	382/195
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	0 /0	1 /0	1 /0	0 /0		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	0 /0	0 /0	0 /0	0 /0	0 /0		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	0 /0	0 /0	1 /0	1 /0	0 /0	56 /16	56 /16
<u>GRAND TOTALS</u>	12 /8	58 /37	7 /6	33 /29	102/43	673/322	676/339

* NPDES Permits

** State Permits

7 General Permits Issued

(2 from pending NPDES permits)

NOTE: Permits Pending adjusted to count.
Also Sources Under Permit

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

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

MUNICIPAL AND INDUSTRIAL SOURCES - NPDES (7)

Multnomah	Rhone-Poulenc, Inc. Portland	11-5-82	Permit Renewed
Columbia	Riverwood Mobile Park STP, St. Helens	11-5-82	Permit Issued
Wasco	Dufur, STP	11-19-82	Permit Renewed
Jackson	Eagle Point, STP	11-19-82	Permit Renewed
Douglas	Riddle, STP	11-19-82	Permit Renewed
Lane	Ray Wells, Inc.	11-19-82	Permit Renewed
Klamath	Anadromous, Inc. Ft. Creek Hatchery	11-23-82	Permit Issued

MUNICIPAL AND INDUSTRIAL SOURCES - STATE PERMITS (6)

Washington	Flavorland Food, Inc. Forest Grove	11-8-82	Permit Renewed
Linn	National Fruit Canning Co. Albany	11-8-82	Permit Renewed
Polk	Polk Station Comm. Corp. STP, Dallas	11-10-82	Permit Issued
Wasco	Rajneesh-NeoSannyas Buddha Grove, STP, Antelope	11-18-82	Permit Issued
Wasco	Rajneesh-NeoSannyas Jesus Grove, STP, Antelope	11-18-82	Permit Issued
Clackamas	Riverview Mobile Home Park STP	11-19-82	Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL AND INDUSTRIAL SOURCES - GENERAL PERMITS (7)

Cooling Water, Permit 0100-J, File 32539 (3)

Multnomah	Gilmore Steel Heat Treating Division Portland	11-19-82	Transferred to General Permit
Multnomah	Armour Food Co. Portland	11-19-82	Transferred to General Permit
Jackson	Medford Corp. Rogue River Division	11-19-82	Transferred to General Permit

Filter Backwash, Permit 0200-J, File 32540 (1)

Douglas	Sutherlin Nonpareil, WTP	11-19-82	Transferred to General Permit
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Log Ponds, Permit 0400-J, File 32544 (2)

Lane	Southwest Forest Industries Plant #2, Springfield	11-24-82	Transferred to General Permit
Jackson	Southwest Forest Industries Plant #5, White City	11-24-82	Transferred to General Permit

Gravel Mining, Permit 1000, File 32565 (1)

Marion	North Santiam S & G Stayton	11-24-82	Transferred to General Permit
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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division

November 1982

(Reporting Unit)

(Month and Year)

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	Month	FY	Month	FY			
<u>General Refuse</u>							
New	-	2	1	3	-		
Existing	-	-	-	-	-		
Renewals	-	10	1	18	3		
Modifications	-	7	3	7	-		
Total	0	19	5	28	3	176	176
<u>Demolition</u>							
New	-	-	-	1	-		
Existing	-	-	-	-	-		
Renewals	-	1	-	1	-		
Modifications	-	2	-	2	-		
Total	0	3	0	4	0	21	21
<u>Industrial</u>							
New	-	3	1	6	4		
Existing	-	-	-	-	-		
Renewals	1	8	-	6	6		
Modifications	-	-	-	-	-		
Total	1	11	1	12	10	104	104
<u>Sludge Disposal</u>							
New	1	1	1	2	1		
Existing	-	-	-	-	-		
Renewals	-	2	-	2	-		
Modifications	-	1	1	2	-		
Total	1	4	2	6	1	12	12
<u>Hazardous Waste</u>							
New	58	332	58	332	-		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	58	332	58	332	-	-	-
<u>GRAND TOTALS</u>	60	369	66	382	14	313	313

SC806.A
MAR.5S (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

November 1982
(Month and Year)

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Clatsop	Cannon Beach Existing Landfill	11/2/82	Permit amended	*
Clatsop	Elsie Existing Landfill	11/2/82	Permit amended	*
Clatsop	Seaside Existing Landfill	11/2/82	Permit amended	*
Jackson	Butte Falls Existing Landfill	11/9/82	Permit renewed	*
Lincoln	T & L Septic Service Existing Sludge Lagoon	11/10/82	Permit amended	*
Columbia	Boise Cascade, St. Helens New Landfill	11/29/82	Permit issued	*
Curry	Clay Hill Lagoon New Sludge Site	11/30/82	Permit issued	*
Wasco	Rajneeshpuram New Landfill	11/30/82	Permit issued	*

SC806.D
MAR.6 (5/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

November 1982
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-SECURITY SYSTEMS, INC., GILLIAM CO.

WASTE DESCRIPTION

* Date *	Type	Source	Present	Quantity Future
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TOTAL DISPOSAL REQUESTS GRANTED - 58

OREGON - 16

11-10	Paint sludge, thinner & lacquer	Furniture mfg.	0	12 drums
11-15	Old lacquer thinner	Fireplace implemt. mfg.	50 drums	0
11-15	Cyanide plating bath	Electropltg.	1200 gal.	0
11-15	Ignitable still bottoms	Fireplace implemt. mfg.	50 drums	0
11-15	Caustic cyanide strip solution	Fireplace implemt. mfg.	25 drums	0
11-15	Caustic solution	Fireplace implemt. mfg.	30 drums	0
11-17	Pentachlorophenol sludge	Wood treatment	0	3 drums
11-17	PCB-contaminated articles	Wood products company	8 drums	0
11-22	Paint products	Paint mfg.	160 ft ³	0
11-22	Lead based paint pigment	Paint mfg.	3000 lb.	0
11-22	Alkyd/urea resins	Paint mfg.	8 drums	0
11-24	Urea-formaldehyde resin	Chemical co.	15 drums	0

SC806.E
MAR.15 (1/82)

* * Date *	* * Type *	* * Source *	* * Quantity *	
			* Present	* Future
11-30	Paint sludge	Paint supplier	0	600 gal.
11-30	Dion polyester resin-contaminated soil	Spill cleanup	166 ft ³	0
12-2	Pentachlorophenol sludge	Wood treatment	1480 lb.	30 drums
12-2	Creosote sludge	Wood treatment	2000 lb.	0
WASHINGTON - 21				
11-8	PCB capacitors	Elec. utility	0	4000 lb.
11-10	PCB transformers	School	3 units	0
11-12	Lead-contaminated sump sludge	Paper box printing	440 gal.	0
11-12	Creosote/pentachlorophenol sludge	Wood treatment	0	40,000 gal.
11-12	Pentachlorophenol-contaminated soil	Wood treatment	28 yd ³	0
11-12	Zinc sulfate	Oil co.	2 drums	0
11-12	PCB-contaminated matl.	Oil co.	0	50 drums
11-12	Paraformaldehyde tank washwater	Wood products co.	0	100 drums
11-17	Monoisopropyl biphenyl/paper dyes	Paper co.	0	20 drums
11-17	Ferric chloride sludge	Etching	0	50 gal.
11-18	Chromic acid	Electropltg.	350 gal.	0
11-18	PCB capacitors	Elec. shop	0	200 units
11-18	PCB capacitors	Elec. utility	0	1000 lb.
11-30	PCB transformers	Paper co.	0	350 gal.
11-30	PCB transformer	Elec. utility	0	1 unit
12-2	PCB liquid	Elec. utility	0	500 gal.
12-2	PCB-contaminated fluid	Elec. utility	0	2000 gal.

SC806.E
MAR.15 (1/82)

* * Date *	* Type *	* Source *	* Present *	Quantity		* Future *
				* *	* *	
12-2	PCB transformers	Elec. utility	0		6 units	
12-2	Paint sludge	Paint co.	0		8000 gal.	
12-2	Latex paint sludge	Paint co.	0		4000 gal.	
12-7	Gasoline tank bottoms	Oil co.	19 drums		2 drums	
OTHER STATES - 21						
11-10	PCB capacitors	Wood products co. (Idaho)	0		400 lb.	
11-10	PCB-contaminated transformers	Wood products co. (Idaho)	0		300 gal.	
11-10	PCB transformers	Wood products co. (Idaho)	0		200 gal.	
11-10	Salt bath annealing sludge	Zirconium co. (Utah)	0		100 drums	
11-10	Carbon extrusion sludge	Zirconium co. (Utah)	0		100 drums	
11-10	Mercury-contaminated solids	Fed. agency (Hawaii)	0		1100 gal.	
11-10	Electroplating sludge	Fed. agency (Hawaii)	0		11,000 gal.	
11-10	Diphenylmethane diisocyanate	Fed. agency (Hawaii)	0		20 gal.	
11-10	Mercuric chloride- contaminated water	Fed. agency (Hawaii)	0		1100 gal.	
11-10	Potassium permanganate	Fed. agency (Hawaii)	0		500 lb.	
11-10	Freon	Fed. agency (Hawaii)	0		100 gal.	
11-10	Sulfuric acid solution	Fed. agency (Hawaii)	0		1000 gal.	
11-10	Hydrofluoric acid solution	Electronic co. (Idaho)	0		120,000 gal.	

SC806.E
MAR.15 (1/82)

* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Date	Type	Source	Present	Quantity	Future	
11-18	PCB transformers	Aluminum co. (Montana)	0	20 units		
11-18	PCB capacitors	Aluminum co. (Montana)	0	20 units		
11-18	PCB-contaminated matl.	Aluminum co. (Montana)	0	20 drums		
11-30	PCB-contaminated solvents	Site cleanup (Saskatchewan)	21 drums	0		
11-30	Monoethanolamine	Chemical co. (Alberta)	0	15 drums		
12-2	DDT	State agency (Hawaii)	0	814 ft ³		
12-2	Cadmium cyanide/ chromic acid/sodium dichromate/trichloro- ethylene, mixed oil, gasoline & water	Airline co. (B.C.)	50 drums	0		
12-2	Cyanide hardening fluid	Heat treatment (B.C.)	2 drums	0		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

October, 1982
(Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	<u>Mo</u>	<u>FY</u>	<u>Mo</u>	<u>FY</u>	<u>Mo</u>	<u>Last Mo</u>
Industrial/ Commercial	9	33	8	28	112	111
Airports			2	5	1	1

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit)	October, 1982 (Month and Year)
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FINAL NOISE CONTROL ACTIONS COMPLETED

County	* * Name of Source and Location	* * Date	* * Action
Clackamas	Unique Plastics, Portland	10/82	In Compliance
Multnomah	H. G. Lavelle Landfill, Portland	10/82	In Compliance
Multnomah	USS Henry B. Wilson, Swan Island, Portland	10/82	In Compliance
Washington	Beckman's Place (tavern), Portland	10/82	In Compliance
Tillamook	Netarts-Oceanside Sanitary District, Tillamook County	10/82	Action Suspended
Lane	Bohemia Lumber Company, N. Danebo Plant, Eugene	10/82	No Violation
Lane	Seneca Sawmill, Eugene	10/82	No Violation
Douglas	Roseburg Paving Company, Roseburg	10/82	Tax Credit Granted
Umatilla	St. Anthony's Hospital Helistop, Pendleton	10/82	Exception Granted
Columbia	Holce & Oblack Airport, Columbia County	10/82	Boundary Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

November, 1982
(Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	<u>Mo</u>	<u>FY</u>	<u>Mo</u>	<u>FY</u>	<u>Mo</u>	<u>Last Mo</u>
Industrial/ Commercial	3	36	13	41	98	108
Airports			1	6	1	1

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit)		November, 1982 (Month and Year)	
<u>FINAL NOISE CONTROL ACTIONS COMPLETED</u>			
County	Name of Source and Location	Date	Action
Clackamas	Bullock & Cumpston Greyhound Kennel, Clackamas County	11/82	In Compliance
	Foster Auto Parts, Clackamas	11/82	In Compliance
	J. C. Compton Yoder Quarry, Molalla	11/82	Source Closed
	Jorgenson Rock Quarry, Molalla	11/82	Source Closed
Multnomah	Atlas Iron Works, Portland	11/82	In Compliance
	Continental Brass, Inc. Portland	11/82	In Compliance
	Landa Rental, Inc., Portland	11/82	In Compliance
	Portland Recycling Team, Portland	11/82	In Compliance
	Putt Putt Golf Course, Portland	11/82	In Compliance
	Schnitzer Steel at T-4, Portland	11/82	In Compliance
Washington	Water Metrics, Portland	11/82	In Compliance
	Beaverton Toyota, Beaverton	11/82	In Compliance
Polk	Stadeli Pump & Construction, Polk County	11/82	Source Closed
Tillamook	Barview Jetty Helipad, Tillamook	11/82	Airport Boundary Exception Granted

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1982

CIVIL PENALTIES ASSESSED DURING MONTH OF NOVEMBER, 1982:

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Riedel International, Inc., dba/Western- Pacific Construction Materials Co., Portland, Oregon	WQ-NWR-82-97 Discharged waste water without a waste discharge permit.	11-1-82	\$500	Paid 11-10-82.
Mocon Corporation, Portland, Oregon	AQOB-NWR-82-100 Open burned construction wastes.	11-1-82	\$50	Paid 12-2-82.
James Tippet, Clackamas County	AQ-FB-82-AG1 Conducted 4th priority agricultural open burning during a prohibited period.	11-1-82	\$50	Contested 11-30-82.
LeRoy Schrock, Linn County	AQ-FB-82-AG2 Conducted 4th priority agricultural open burning during a prohibited period.	11-1-82	\$50	Paid 11-4-82.
Western Industrial Cleaning Service, Inc. and McCall Oil and Chemical Corporation, Portland, Oregon	WQ-NWR-82-95 Placed oil contami- nated wastewater in a location where it was likely to enter public waters.	11-1-82	\$500	Paid 11-18-82.
Paul Mangum dba/ Magnum's Septic Tank Service, Harney County	SS-CR-82-104 Dumped a load of septage off of Hwy. 392, 6 1/2 miles north of Burns.	11-29-82	\$500	Awaiting response to notice.
Jeff Carl, Marion County	AQ-FB-82-01 Late open field burn- ing.	11-30-82	\$1,000	Awaiting service.

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY

1982

CIVIL PENALTIES ASSESSED DURING MONTH OF NOVEMBER, 1982:

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Donald Etzel Marion County	AQ-FB-82-02 Late open field burning.	11-30-82	\$1,000	Awaiting response to notice.
Willard McLagen dba/3M Farms, Linn County	AQ-FB-82-03 Open field burning without a permit.	11-30-82	\$1,500	Awaiting response to notice.
Jess Ropp dba/ Ropp Seed & Mfg. Co., Linn County	AQ-FB-82-04 Open field burning unregistered acreage.	11-30-82	\$1,500	Request for settlement and/or hearing to be filed by 12-28-82.
George Schlegel, Linn County	AQ-FB-82-05 Open field burning unregistered acreage.	11-30-82	\$400	Request for hear- ing and answer to be filed by 12-31-82.
Rodney Kragness, Lane County	AQ-FB-82-06 Late open field burning.	11-30-82	\$1,000	Awaiting response to notice.
Jay Faxon dba/Faxon Farms, Benton County	AQ-FB-82-07 Late open field burning.	11-30-82	\$1,000	Awaiting response to notice.
Vermont Gianella, Marion County	AQ-FB-82-08 Late open field burning.	11-30-82	\$1,000	Hearing request and answer filed 12-17-82.
Hayworth Farms, Inc., Linn County	AQ-FB-82-09 Late open field burning.	11-30-82	\$1,000	Awaiting response to notice.
Oak Park Farms, Inc., Linn County	AQ-FB-82-10 Open field burning without a permit.	11-30-82	\$1,500	Awaiting response to notice.
Richard Breitenstein, Polk County	AQ-FB-82-11 Late open field burning.	11-30-82	\$200	Paid 12-10-82.

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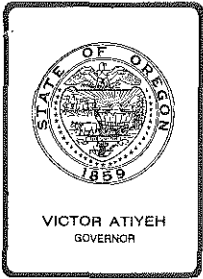
-2-

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT</u>
Preliminary Issues	3	3
Discovery	0	1
Settlement Action	1	0
Hearing to be scheduled	5	5
Hearing scheduled	2	2
HO's Decision Due	2	2
Briefing	0	0
Inactive	4	4
 SUBTOTAL of cases before hearings officer.	 <u>17</u>	 <u>17</u>
HO's Decision Out/Option for EQC Appeal	2	1
Appealed to EQC	1	4
EQC Appeal Complete/Option for Court Review	0	0
Court Review Option Pending or Taken	0	0
Case Closed	0	0
 TOTAL Cases	 <u>20</u>	 <u>22</u>
15-AQ-NWR-76-178	15th Hearing Section case in 1976 involving Air Quality Division violation in Northwest Region jurisdiction in 1976; 178th enforcement action in Northwest Region in 1976.	
ACDP	Air Contaminant Discharge Permit	
AQ	Air Quality	
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	
Hrnng	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	
<u>Underlining</u>	New status or new case since last month's contested case log	
WVR	Willamette Valley Region	
WQ	Water Quality Division	

November 1982

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrri	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	
POWELL, Ronald	11/77	11/77	RLH	01/23/80	Prtys	\$10,000 Fld 12-AQ-MWR-77	Brn -241 set element > be drafted ratio to
WAH CHANG	04/78	04/78	RLH		Prtys	16-P-WQ-WVR- NPDES Permit Modification	78-2849-Jmit ing
WAH CHANG	04/78	04/78	RLH		Prtys	08-P-WQ-WVR- NPDES Permit Modification	78-2012-Jmit ing
M/V TOYOTA MARU No. 10	12/10/79	12/12/79	RLH		Hrgs	17-WQ-NWR-79 Oil Spill Ci of \$5,000	127 on request wil Penalt summar y
HAYWORTH, John W. dba/HAYWORTH FARMS INC.	12/02/80	12/08/80	LMS	04/28/81	Resp	33-AQ-WVR-80 Field burnin penalty of \$	187 civil 4,660 led hea ings order. Brief s due 1/6/83.
PULLEN, Arthur W. dba/Lakes Mobile Home Park	07/15/81	07/15/81	RLH		Prtys	16-WQ-CR-81-	60 not wish to rsue fur her action end ed progrs in g a communit ity.
FRANK, Victor	09/23/81	09/23/81	LMS	06/08/82	Hrgs	19-AQ-FB-81- FB civil pen of \$1,000	05 e.
GATES, Clifford	10/06/81		LMS		Hrgs	21-SS-SWR-81-	90 uled.
SPERLING, Wendell dba/Sperling Farms	11/25/81	11/25/81	LMS	01/25/83	Prtys	23-AQ-FB-81- FB Civil Pen of \$3,000	15 cheduled.
NOPZIGER, Leo	12/15/81	01/06/82	LMS	06/29/82	Hrgs	26-AQ-FB-81- FB Civil Pen of \$1,500.	18 e.
OLD MILL MARINA		03/04/82	LMS	01/06/83	Prtys	27-AQOB-NWR- Open Burning Penalty	82-01 Civil cheduled.
PULLEN, Arthur	03/16/82		RLH		Prtys	28-WQ-CR-82-	16 on case abve.
BOWERS EXCAVATING & FENCING, INC.	05/20/82		LMS		Hrgs	30-SW-CR-82-	34 uled.
ADAMS, Gailen			VAK	08/25/82	Resp	31-SS-NWR-82-	51 Objections officer's
OLINGER, Bill INC.	09/10/82	09/13/82	RLH		Prtys	33-WQ-NWR-82-	73
TOEDTEMEIER, Norman	09/10/82	09/13/82	LMS		Hrgs	34-AQOB-WVR-	2-65 uled.
SYLER, Richard E.	09/20/82	09/28/82	VAR		Hrgs	35-AQOB-WVR- OB civil pen of \$100.	2-76 uled.
LOGSTON, Howard	09/23/82	09/28/82	LMS		Hrgs	36-AQ-ER-82- AQ civil pen of \$2,000.	72 uled.
FRIENDS OF THE EARTH/OREGON	09/14/82	09/21/82		10/15/82		37-NWR-82 Petition to OAR 340-14-0	mend 5(5) or Rulemaking findings to be
FIREBALL CONSTRUCTION CORP.	09/27/82				Resp	38-SS-SWR-82-	85 d Amended /82.
MOORE, Dale	12/06/82	12/08/82		01/14/82		Appeal of va denial	iance de whether to denial.
TIPPET, James	12/02/82	12/06/82	LMS		Prtys	39-AQ-FB-82- Ag. Burning penalty of \$	AG1 civil 0 Issues



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. C, January 14, 1983, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended the Commission take the following actions:

1. Approve tax credit applications:

Appl. No.	Applicant	Facility
T-1540	Tektronix, Inc.	Replacement of vapor degreaser and modification to other degreasers
T-1559	#1 Boardman Station	Ambient air monitoring network
T-1560	#1 Boardman Station	Modifications to 32 boiler burners
T-1570	Teledyne Wah Chang	Harrop tunnel kiln
T-1571	Chevron USA, Inc.	Vapor recovery system
T-1574	Ramon & Susan Landolt	Animal waste control system
T-1576	Weyerhaeuser Company	Pentachlorophenol spill control system
T-1577	Pennwalt Corporation	Effluent pH controller

2. Deny Tax Credit Application No. T-1539, Precision Castparts Corporation, as request for Preliminary Certification was not made (see review report).
3. Revoke Pollution Control Facility Certificate No. 426, issued to Publishers Paper Company (see review report).
4. Revoke Pollution Control Facility Certificate No. 590, issued to Timber Products Company (see review report).

Bill

William H. Young



Contains
Recycled
Materials

CASplettstaszer
229-6484
12/22/82
Attachments

PROPOSED JANUARY 1983 TOTALS

Air Quality	\$ 1,240,853
Water Quality	490,310
Solid/Hazardous Waste	1,233,052
Noise	<u>-0-</u>
	\$ 2,964,215

CALENDAR YEAR 1982 TOTALS

Air Quality	\$12,820,907
Water Quality	43,360,895
Solid/Hazardous Waste	25,971,190
Noise	<u>49,416</u>
	\$82,202,408

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

1. Applicant

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

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

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

2. Description of Claimed Facility

The facility described in this application is the replacement of one vapor degreaser and the modification of five open top vapor degreasers with the controls and lids required by Department rules for control of VOC.

Request for Preliminary Certification for Tax Credit was made on February 25, 1980, and approved on June 12, 1980.

Construction was initiated on the claimed facility on June 16, 1980, completed on August 31, 1981, and the facility was placed into operation on August 31, 1981.

Facility cost: \$18,438.36 (Complete documentation by copies of invoices was provided).

3. Evaluation of Application

The open top vapor degreasers did not comply with the DEQ rules. The volatile organic compounds (VOC) evaporative losses were uncontrolled and vented to the ambient air. Five degreasers were modified as described in OAR 340-22-180 through 22-186, and one degreaser could not be modified to meet the rule and had to be replaced.

The savings in vapor loss are \$4,892.75 per year. The factor used to establish the portion of cost allocable to pollution control is the estimated annual percent return on the investment in modifying the degreasers. Using the Department's tax credit program guidance handbook method, the return on investment is 18.4%. The percent of cost allocable to pollution control in accordance with the guidance handbook is 40% or more but less than 60%, based on an 18.4% return on investment calculated with a seven year useful life of the facility.

The roll top lids and other control equipment added to the five modified degreasers are considered to have a useful life of five years. The one replacement degreaser has a tax write-off period of seven years. Since the replacement degreaser, at \$14,516.93, is 79% of the claimed cost, the seven year write-off period of the replacement degreaser was used in the calculation of the estimated annual percent return on investment.

The application was received on June 29, 1982, additional information was received on July 12, 1982 and November 26, 1982, and the application was considered complete on November 26, 1982.

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 40% or more but less than 60%.

4. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$18,438.36 with 40% or more but less than 60% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1540.

R. Potts, Engineer:ahc
(503) 229-6093
12-09-82

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

1. Applicant

Number One Boardman Station consisting of:

Portland General Electric Company 80%
121 S. W. Salmon Street
Portland, Oregon 97204

Idaho Power Company 10%
1270 Idaho Street
Post Office Box 70
Boise, Idaho 83707

Pacific Northwest Generating Company 10%
Suite 330
8383 N. E. Sandy Boulevard
Portland, Oregon 97220

The applicants own and operate a 500,000 KW coal-burning steam electric generator at Boardman, Oregon.

The applications were made for tax credit for an air pollution control facility.

2. Description of Claimed Facility

The facility described in this application consists of an ambient air monitoring network.

Notice of Intent to Construct was made on June 9, 1975, and approved on July 16, 1975. Preliminary Certification for Tax Credit is not required.

Construction was initiated on the claimed facility in September, 1975, completed in January, 1976, and the facility was placed into operation in January, 1976.

Facility Cost: \$322,919.00 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility consists of four (4) permanent and one (1) mobile ambient air monitoring stations each equipped with strip chart recorders, data loggers and auxiliary sampling equipment. The equipment was required by the Department to identify ambient air conditions within the vicinity of the plant before and after plant startup.

The data obtained allowed modelling studies to determine air quality impact and to demonstrate compliance with air quality limits. The data has been furnished monthly to the Department in conformance with the Air Contaminant Discharge Permit.

Annual operating costs of the facility before taxes, exclusive of depreciation, are as follows:

Labor	-	\$56,500
Insurance	-	<u>390</u>
TOTAL		\$56,890

There is no income or cost savings associated with the operation of the claimed facility. Therefore, there is no return on the investment in the facility and 80% or more of the facility cost is allocable to pollution control.

The application was received on September 16, 1982, additional information was received on December 17, 1982, and the application was considered complete on December 17, 1982.

4. Summation

- a. Facility was constructed under a certificate of approval to construct issued pursuant to ORS 468.175.
- 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 \$322,919.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1559.

WJFuller:ahe

(503) 229-5364

December 20, 1982

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Number One Boardman Station consisting of:

Portland General Electric Company 80%
121 S. W. Salmon Street
Portland, Oregon 97204

Idaho Power Company 10%
1220 Idaho Street
Post Office Box 70
Boise Idaho 83707

Pacific Northwest Generating Company 10%
Suite 330
8383 N. E. Sandy Boulevard
Portland, Oregon 97220

The applicants own and operate a coal-burning steam electric generator at Boardman, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of modifications to 32 boiler burners.

Request for Preliminary Certification for Tax Credit was made on November 23, 1976, and approved on January 16, 1977, by default.

Construction was initiated on the claimed facility in March, 1979, completed in July, 1980, and the facility was placed into operation on August 3, 1980.

Facility Cost: \$119,824.00 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility is a boiler modification to obtain the most current design available for controlling NO_x emissions. The modification consisted of changing 32 burners from single register to dual register and redesign of nozzle tips. Without the modification, the permit level of 0.70 lb NO_x/10⁶ BTU would have been difficult to maintain.

The claimed facility has been source tested and has been found to be operating in compliance with regulations and permit conditions. The source test indicated an average emission rate of 0.57 lb NO_x/10⁶ BTU.

The claimed facility, which was installed to reduce NO_x levels, has no economic benefit to the applicants other than the ability to use various alternate coals and reduced slagging and corrosion. These benefits are reported by the applicants to be insignificant, yielding little or no economic benefit. The

annual operating expenses before taxes, exclusive of depreciation, consist of \$140.00 insurance. Therefore, in accordance with the guideline on cost allocation, there is no rate of return on the investment in the facility and 80% or more of the facility cost is allocable to pollution control.

The application was received on September 16, 1982, additional information was received on December 17, 1982, and the application was considered complete on December 17, 1982.

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 \$119,824.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1560.

WJFuller:ahe

(503) 229-5364

December 21, 1982

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries Inc.
Teledyne Wah Chang Albany
1600 Old Salem Road/P.O. Box 460
Albany, OR 97321

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

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 Harrop tunnel kiln to thermally oxidize zirconium metal. Major cost breakdown is as follows:

Harrop tunnel kiln	\$ 45,875.52
Associated equipment	38,004.43
Natural gas supply installation	7,443.37
Excavation, slab, roof & walls	32,450.59
Electrical equipment	14,961.26
Fans, ductwork and miscellaneous	<u>10,109.06</u>
	\$148,844.23

Amount claimed (\$148,842)

Request for Preliminary Certification for Tax Credit was made on March 8, 1978, and approved on March 28, 1978.

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

Facility Cost: \$148,842 (Accountant's Certification was provided).

3. Evaluation of Application

Facility oxidizes zirconium metal from the waste stream to produce a usable reactor grade zirconium oxide. At present an average of 2,263 pounds of material is produced per day. Normal cost of production of zirconium oxide is \$2.90/pound. The company estimates 300 production days per year with a total recovery of 340 tons valued at \$1,969,000.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$148,842 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1570.

R. L. Brown:b
(503) 229-5157
December 14, 1982
SB1624

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

1. Applicant

Chevron USA, Inc.
225 Bush Street, Room 1233
San Francisco, CA 94104

The applicant owns and operates a gasoline terminal at 5531 N. W. Doane Avenue, Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a gasoline vapor recovery system which uses a carbon adsorption-type recovery unit to return displaced vapors as gasoline to a storage tank.

Request for Preliminary Certification for Tax Credit was made on April 30, 1979, and approved on June 30, 1979.

Construction was initiated on the claimed facility in December, 1980, completed on July 31, 1981, and the facility was placed into operation on July 31, 1981.

Facility cost: \$779,762 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant installed a McGill Incorporated gasoline vapor recovery unit which serves their gasoline delivery tank truck loading rack and the Union loading rack across the street. The gasoline vapors displaced when tank trucks are loaded are recovered and returned to a regular gasoline storage tank. The prevention of the displaced vapors from being vented to the air is required by the Department's volatile organic compound (VOC) rule. The recovery unit was tested and meets all air permit conditions.

The value of the recovered vapors results in a return on investment of less than 1% using the Department's tax credit program guidance handbook method of calculation. Therefore, 80% or more of the cost is allocable to pollution control.

The application was received on November 3, 1982 and the application was considered complete on November 3, 1982.

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 \$779,672 with 80% or more allocated to pollution control, be issued to the facility claimed in Tax Credit Application No. T-1571.

Ray Potts:ahc
(503) 229-6093
12-15-82

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Ramon G./Susan M. Landolt
7440 Kilchis River Road
Tillamook, OR 97141

The applicant owns and operates a dairy operation at Tillamook.

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

2. Description of Claimed Facility

The facility described in this application is an animal waste control system consisting of:

- a. A concrete manure tank 32 feet in diameter and 8 feet deep;
- b. Rock for tank site preparation;
- c. Manure pump and piping;
- d. A 24 foot x 26 foot, 3 sided, roofed solids storage shed; and
- e. Guttering and downspouts

Request for Preliminary Certification for Tax Credit was made February 9, 1982, and approved February 17, 1982. Construction was initiated on the claimed facility March 15, 1982, completed June 24, 1982, and the facility was placed into operation June 24, 1982.

Facility Cost: \$14,304.77 (Accountant's Certification was provided).

The accountant's certification showed a facility cost \$32,937.77. However, the Tillamook Office of the Soil Conservation Service informed the Department that their cost share of \$18,633 reduced the facility cost to \$14,304.77.

3. Evaluation of Application

Prior to construction of the claimed facility, inadequate area drainage caused manure to drain into a nearby creek. The new liquid manure tank and solids storage shed allow for collecting and holding animal wastes. Roofing and guttering of these new facilities diverts rainwater which otherwise would cause contaminated runoff. This manure control system has eliminated the direct discharge of manure to public waters and provides for land application during dry periods. There is no return on investment from the facility.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$14,304.77 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1574.

Charles K. Ashbaker:g
(503) 229-5325
WG1752

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Wood Products Manufacturing
P. O. Box 389
North Bend, OR 97459

The applicant owns and operates a lumber and plywood manufacturing facility at North Bend.

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 pentachlorophenol spill control system consisting of:

- a. A 36' long steel dip tank;
- b. Concrete foundation, curbing, and drip pad;
- c. Pump house; and
- d. Stainless steel pump.

Request for Preliminary Certification for Tax Credit was made July 9, 1981, and approved July 31, 1981. Construction was initiated on the claimed facility August 11, 1981, completed November 9, 1981, and the facility was placed into operation November 9, 1981.

Facility Cost: \$141,886 (Accountant's Certification was provided).

3. Evaluation of Application

Wood intended for export is often dipped in a pentachlorophenol solution to reduce stain and fungus growth. Prior to installation of the claimed facility, the pentachlorophenol dip system did not provide for collection of drippings and spills. Early in 1981, several spills occurred from this system which allowed the anti-stain solution to enter Coos Bay. In addition, the solution was applied by hose on large timbers with excess solution dripping onto the ground. The new dip tank is large enough such that all lumber and timbers can be handled in it. The spill control facility has a sealed concrete floor and walls to contain drips and spills. Lumber removed from the dip tank is placed on sloped racks within the walled area for further drip time. Liquids collect in a sump and are pumped back to the dip tank. A shed located within the facility houses the pumps and concentrated solution. This is a well designed system which has greatly reduced the loss of pentachlorophenol to the surrounding environment. 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 \$141,886 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1576.

C. K. Ashbaker:g
(503) 229-5325
November 24, 1982

WG1770

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Pennwalt Corporation
Inorganic Chemicals
P. O. Box 4102
Portland, Oregon

The applicant owns and operates an inorganic chemicals plant which produces chlorine, hydrochloric acid, sodium hydroxide, sodium chlorate and ammonia 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 plant effluent pH controller consisting of a computerized central control system, pH and Oxidation Reduction Potential (ORP) transmitters, automatic acid/caustic feed systems, mixing tanks and agitators.

Request for Preliminary Certification for Tax Credit was made October 16, 1979 and approved April 21, 1980. Construction was initiated on the claimed facility April 1980, completed April 1982, and the facility was placed into operation April 1982.

Facility Cost: \$334,120 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant discharges approximately 21.0 MGD of process waste water through four outfalls to the Willamette River. Prior to installation of the claimed facility, the applicant's plant effluent was in compliance with the pH requirements of their NPDES permit 75% of the time (based on a minute-by-minute tracking method). Since the installation, the level of compliance has improved to 97%. The system automatically senses the pH of the waste water and feeds a controlled quantity of acid or caustic to neutralize the water prior to discharge. 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 \$334,120 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1577.

CKA:g
WG1887
(503) 229-5325
December 21, 1982

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

1. Applicant

Precision Castparts Corporation
 4600 S. E. Harney Drive
 Portland, Oregon 97206

The applicant owns and operates a foundry for the production of steel and stainless steel investment castings at 1334 S. E. Eighth Street, Clackamas, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of nine (9) individual dust and/or fume collection systems.

Request for Preliminary Certification was not made; applicant requests that the Commission waive requirements for filing. See Attachment 1.

Construction was initiated on the claimed facility in May, 1980, completed in November, 1980, and the facility was placed into operation from August, 1980 through January, 1981.

Facility cost: \$137,072.78 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility, consisting of one scrubber installation, one electrostatic precipitator, two (2) filter systems, and five (5) dust collection systems, are used to control emissions from the leach tank, wax departments, zyglo (spray oil penetrant/black light crack inspection area), sandblast, pot packing, cleaning, and metal preparations at the new small parts plant. A breakdown of the individual systems, their cost, and the areas served is noted below.

System 6	- \$ 38,681.87	- Wax Department
System 7	- 39,845.93	- Wax Assembly Department
System 9	- 11,459.00	- Zyglo Department
System 18	- 5,062.00	- Foundry Department
System 19	- 17,904.31	- Sandblast Department
System 20	- 9,361.94	- Packing Department
System 21	- 5,451.00	- Zyglo Department
System 22	- 3,701.71	- Cleaning Department
System 23	- 5,605.02	- Metal Preparation

TOTAL \$137,072.78

The facility has been inspected by Department personnel and has been found to be operating in compliance with Department regulations and permit conditions. The applicant reports that the following material is collected by the claimed facility, neutralized if applicable, and disposed of by transporting to a local landfill.

System 6 - Sulfuric Acid	- 1,680 gal/yr
System 7 - Wax	- 300 lbs/yr
System 9 - Oil	- 5.55 tons/yr
System 18 - Oil	- 0.46 tons/yr
System 19 - Blast dust & Refractory material-	3.9 tons/yr
System 20 - Refractory material	- 500 lbs/yr
System 21 - Aluminum & Talc Powder	- 720 lbs/yr
System 22 - Blast dust & Refractory material-	3.9 tons/yr
System 23 - Metallic dust	- 1.3 tons/yr

The applicant derives some benefit from reduced space heating cost by discharging the cleaned air from System 7 and System 23 back into the building. The annual savings in space heating costs are as follows:

System 7 -	\$2,027/yr
System 23 -	<u>443/yr</u>
TOTAL	\$2,470/yr

The rate of return on investment for the two systems was computed in accordance with the "Tax Credit Guidance Handbook." The percent of return on investment (% ROI) based on a ten (10) year life for these two systems are as follows:

	% ROI
System 7 -	<1%
System 23 -	<1%

Therefore, since the % ROI for System 7 and System 23 is less than 1%, there is no reduction in the percent of actual cost allocable to pollution control for these two (2) systems and 80% or more of the claimed facility would be allocable to pollution control except for the requirement for preliminary certification.

The application was received on June 15, 1982, additional information was received on September 9, 1982, and November 22, 1982, and the application was considered complete on November 22, 1982.

4. Summation

- a. The Department is not aware of special circumstances which made the filing of an application for preliminary certification unreasonable; however, the facility would otherwise be eligible for tax credit.
- b. Facility was constructed on or after January 1, 1977, 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 could be properly allocable to pollution control is 80% or more.

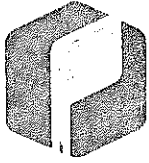
5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate be denied for the facility claimed in Tax Credit Application No. T-1539.

WJFuller:ahe

(503) 229-5747

December 20, 1982



Precision
Castparts
Corp.

4600 S.E. Harney Drive
Portland, Oregon 97206
Telex 36-0992
Telecopier 503-777-7324

Attachment 1

June 2, 1982

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

Gentlemen:

Enclosed are amended applications, two copies each, for Pollution Control Tax Credits for our Clackamas facility. The original application, now on file with the DEQ, included systems modifications which were not constructed according to the preliminary plans and specifications and do not have preliminary certification for tax credits. These systems and costs have been separated and included on an amended application. The remaining systems, dust collection systems 1, 2, 3, 4 and 5, did receive preliminary certification, as verified by Mr. Clinton and Mr. Fuller; these systems are included on an amended application with a total claimed cost of \$368,492.60. We did not include engineering drawings in the enclosed amended applications, please refer to the original applications for these details. If you need additional drawings, please contact me.

As indicated on the amended application for systems 6, 7, 9, 18, 19, 20, 21, 22 and 23, preliminary certification was not received prior to construction. We would like to request a waiver of this requirement for these systems, and ask that the DEQ accept the amended application for certification for the systems. In your review of this request for a waiver, please consider the following reasons for the changes in the systems, and for our not obtaining the necessary preliminary approvals and certifications:

1. The facility was built on a fast-track method and proper submittal of applications was an oversight on the consultant's part. Changes in the plant and equipment layout and selection of the most cost effective means of pollution controls were made later in the project, during the construction phase. These changes were improvement in pollution controls above and beyond the originally proposed systems.

T-1539
(See also T-1500)

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JUN 04 1982

AIR QUALITY CONTROL

2. These applications were the first that we had submitted for Pollution Control Tax Relief. We were apparently unclear on details of the application process, specifically the requirement for notification of changes.
3. The intent of the tax relief program and of the pollution control regulations was met or exceeded. System changes were necessary to achieve maximum pollutant control. (e.g. It was decided that baghouses would not be adequate for fume and some dust controls and that separate systems would be necessary).
4. We were unclear of the definition of "commencing construction" and took this to mean plant construction, not pollution control unit construction.
5. The total CFM airflow is close to that proposed in the original applications for construction approval. The dust collection systems as constructed totalled slightly less CFM than as originally proposed, the balance of the proposed CFM is in the fume and smaller dust control systems.
6. The smaller systems, added later, control emissions which were not originally going to be controlled, so our net emissions are lower than originally proposed.
7. The systems for which we are requesting acceptance of a late application total \$137,072.78 in claimed costs. This is a significant cost, representing a significant tax credit. Since our intent was good from the start we feel that tax relief is warranted. This is a large manufacturing facility, employing over 500 people, with many years of future productivity and benefit to the community. This one-time opportunity for Pollution Control Tax Relief should not be denied on the basis of oversight.

Please process the application for systems 1, 2, 3, 4 and 5 as soon as possible. If necessary, we would be happy to meet with representatives from DEQ to further support our request for certification for the remaining systems.

Thank you for your assistance in the tax relief process. If you need further information, please contact me.

Sincerely,

George Bissonnette

George Bissonnette
Mgr., Environmental Affairs

GB/my

Enclosures

State of Oregon
Department of Environmental Quality

REVOCATION OF POLLUTION CONTROL FACILITY CERTIFICATE

1. Certificate Issued To:

Publishers Paper Company
Molalla Division
419 Main Street
Oregon City, Oregon 97045

Certificate was issued for an air pollution control facility.

2. Summation

On September 21, 1973, the Environmental Quality Commission issued Pollution Control Facility Certificate No. 426 to Publishers Paper Company for modifications to their wigwam waste burner at their plant in Oregon City. By letter of April 28, 1976, the Company informed the Department that the certified facilities were removed from operation in 1975. The Department subsequently informed the Company that they would ask the Environmental Quality Commission to revoke Certificate No. 426. Through an oversight this revocation was not presented to the Commission at that time. The Company has not taken tax relief on this Certificate since 1974.

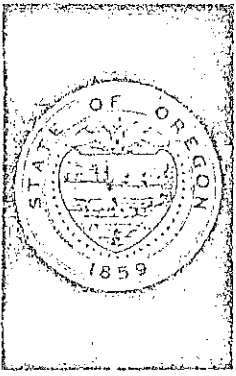
Pursuant to ORS 317.072(10), it is necessary that the Commission revoke Pollution Control Facility No. 426 as of January 1, 1975.

3. Director's Recommendation

It is recommended that the Commission revoke Pollution Control Facility Certificate No. 426 as of January 1, 1975, as the certified facility has been removed from operation.

CASplettstaszer
229-6484
12/22/82
Attachments

03-1791
A @



DEPARTMENT OF
ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229- 5397

ROBERT W. STRAUB
GOVERNOR

May 5, 1976

Publishers Paper
419 Main Street
Oregon City, Oregon 97045

Attention: James R. Murray, Corporate Tax Manager

Gentlemen:

In your letter of April 28, 1976, you stated that the wigwam burner for the Molalla Division became completely inoperative in 1975 and you would not be taking a tax credit for this facility in any year subsequent to 1974.

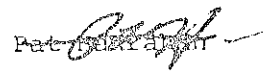
Pollution Control Facility Certificate #426(1973) will be presented to the Environmental Quality Commission for revocation at its next regular meeting.

Sincerely,

LOREN KRAMER
Director

E. J. Weathersbee, Administrator
Technical Programs Coordination

EJW:lb

cc: Portland Region
cc: AQ File 03-1791, Pat. 
cc: Dept. of Revenue

03-1791
Tax Credits Section
No. T-47d
Received APR 29 1976
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TIMES MIRROR

April 28, 1976

Department of Environmental Quality
1234 S.W. Morrison
Portland, Oregon 97205

Attention: Tax Credits Section

Gentlemen:

On September 21, 1973, your agency certified a wigwam burner modification at our Molalla Division for tax credit in the amount of \$36,435 (Certificate #426). The wigwam burner became completely inoperative in 1975.

Accordingly, we will not take tax credit against this certificate in any tax year subsequent to 1974.

Yours very truly,

James R. Murray
James R. Murray
Corporate Tax Manager

eh

E.I. 03-1771

Lenora:

J.R. Murray says it's OK to revoke. Also I learned from Dick Woods of the Molalla plant that they didn't use it last year and plan to tear it down soon. Therefore please revoke the certificate.

Pete Bosserman 4/30/76

cc: Portland Region
cc: AQ File 03-1771 thru Pat [Signature]

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Publishers Paper Company Molalla Division 419 Main Street Oregon City, Oregon 97045	As: Owner	Location of Pollution Control Facility: State Highway 213 South of Liberal Clackamas County
Description of Pollution Control Facility: Modification of wigwam waste burner consisting of: top damper, under-fire and over-fire air systems, ignition system, temperature recording system, and automatic control system.		
Date Pollution Control Facility was completed and placed in operation: June 9, 1972; June 9, 1972		
Actual Cost of Pollution Control Facility: \$ 36,435		
Percent of actual cost properly allocable to pollution control: 80 percent or more		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations 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 air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed 

B. A. McPhillips

Title Chairman, Environmental Quality Commission

Approved by the Environmental Quality Commission

on the 21st day of September 19 73

State of Oregon
Department of Environmental Quality

REVOCATION OF POLLUTION CONTROL FACILITY CERTIFICATE

1. Certificate Issued To:

Timber Products Company
P. O. Box 1669
Medford, Oregon 97501

Certificate was issued for an air pollution control facility.

2. Summation

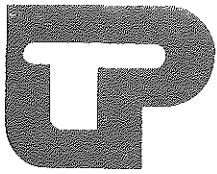
On June 27, 1975, the Environmental Quality Commission issued Pollution Control Facility Certificate No. 590 to Timber Products Company for scrubbers and associated equipment at their plant in Medford, Oregon. On November 15, 1982 the Company informed the Department that the certified facilities were dismantled and removed November 1, 1982.

Pursuant to ORS 307.405(4), it is necessary that the Commission revoke Pollution Control Facility Certificate No. 590.

3. Director's Recommendation

It is recommended that the Commission revoke Pollution Control Facility Certificate No. 590 as of November 1, 1982, as the certified facilities have been removed from service.

CASplettstaszer
229-6484
12/22/82
Attachments



TIMBER PRODUCTS CO.
Executive Office

POST OFFICE BOX 269
SPRINGFIELD, OREGON 97477
PHONE 503/747-3321

November 15, 1982

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
NOV 17 1982
AIR QUALITY CONTROL

Department of Environmental Quality
522 S.W. Fifth Avenue
P.O.Box 1760
Portland, OR 97207


Attn: Mr. Harold Patterson

Gentlemen:

Re: Tax Relief Application No. T-663
Certificate No. 590

The emission control devices covered by this certificate were dismantled and removed November 1, 1982. Emission controls designed to meet the requirements of OAR 340-30-030 are an integral part of the alterations and modifications currently under way at the milling and drying facility of the Timber Products Co. particleboard plant.

Yours very truly



J.H. Gonyea

JHG/dn

CC: Gary Grimes - DEQ, Medford
Don Neff - DEQ, Portland

75-09547

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: Timber Products Company Post Office Box 1669 Medford, Oregon 97501	Ass. Owner	Location of Pollution Control Facility: McAndrews Road Medford, Oregon Jackson County
Description of Pollution Control Facility: Three scrubbers consisting of rotoclones on particle dryers #'s 1 and 2, and core cyclone and fine cyclone; pump blowers; electrical supplies; steel for platform; and freight, foundation, fittings, and miscellaneous.		
Date Pollution Control Facility was completed and placed in operation: August, 1973; not given		
Actual Cost of Pollution Control Facility: \$ 59,015.94		
Percent of actual cost properly allocable to pollution controls: Eighty percent (80%) or more		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations 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 air pollution.
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.

Jackson County, Oregon

Recorded

OFFICIAL RECORDS

3:43 JUL 29 1975 P.M.

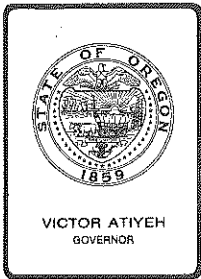
HARRY CHIPMAN

CLERK and RECORDER

By Thomas DeputyJewettSigned [Signature]Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 27th day of June 19 75



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. D, January 14, 1983, EQC Meeting

Authorization for a Hearing to Consider Repeal of Mid-Willamette Area Nuisance Rule, OAR 340-29-020, In Response to Comments by Legislative Counsel

Background and Problem Statement

OAR 340-29-020, Attachment 1, was originally adopted by the now defunct Mid-Willamette Valley Air Pollution Authority (MWVAPA). When MWVAPA was dissolved in July, 1975, DEQ re-assumed air quality control responsibility in the MWVAPA region and the MWVAPA rules, standards and orders continued in effect until superseded by action of the Commission (pursuant to ORS 468.560).

On June 11, 1982, the EQC took action to repeal the MWVAPA rules and re-adopt those, including OAR 340-29-020, which were not duplicative of existing DEQ rules and which were deemed to be useful. Since OAR 340-29-020 had been an effective rule of MWVAPA (and later the Department) since its original adoption (last revised in May, 1970), the Department staff did not question its legality or constitutionality.

Problem

On October 22, 1982, the State of Oregon's Legislative Counsel Committee sent a letter and report ARR 4229, Attachment 2, stating that the rule did not appear to be within the intent and scope of the enabling legislation, and stating that the rule violated the vagueness doctrine.

Alternatives and Evaluation

The Commission could authorize a hearing (see Attachment 3) to consider repeal of OAR 340-29-020. Other alternatives include trying to mend deficiencies of the rule or seeking statutory support for such a rule.

Rulemaking Statement

A "Rulemaking Statement" is appended to Attachment 3 of this memorandum.

Discussion

The DEQ Willamette Valley Regional staff reports that the subject rule has seen fairly limited use in the past and almost none in recent times, and they do not foresee a future need for this rule. Only one person recalled only one case where the rule was used; see Attachment 4.

The staff, upon review, believes that adequate authority is available under ORS 468.115 (see Attachment 1) to deal with possible releases of air pollutants which are not specifically limited by DEQ standards, but which might present an imminent and substantial endangerment to health.

Since the rule has had very limited use, it seems the least amount of effort to deal with this problem would be to repeal the rule.

Summation

1. OAR 340-29-020, an old Mid-Willamette Valley Air Pollution Authority rule, was adopted as an OAR by the Commission on June 11, 1982. The rule is aimed at abating miscellaneous air pollution "nuisances".
2. The Legislative Counsel Committee's October 22, 1982 letter and report singled out the rule as not being within the cited enabling legislation, and as being too vague to be constitutional.
3. Further staff review reached a concensus that the Department's air program could be effectively administered without OAR 340-29-020, since only one case of its actual use in recent times can be cited. Other remedies are available to deal with conditions that might present a health hazard, not addressed by specific Department rules.
4. After evaluating the arguments for repealing, repairing, or retaining the rule, the Department believes repealing the rule is the most cost-effective solution to the problem cited by the Legislative Counsel.

Director's Recommendation

It is recommended that the Commission authorize the Department to hold a hearing to consider the repeal of OAR 340-29-020.

Bill

William H. Young

- Attachments:
1. Rule 340-29-020 with ORS 468.115
 2. Legislative Counsel letter October 22, 1982 and staff report ARR 4229
 3. Public Hearing Notice with attached Rulemaking Statements
 4. DEQ Interoffice Memo, St. Louis to Weathersbee, November 2, 1982, concerning proposed repeal of 340-29-020

J.F. Kowalczyk:a
AA2875
(503) 229-6459
December 17, 1982

"Nuisance Rule" Proposed for Repeal

[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.]

"Nuisance Law" Which Remains in Force for Serious Nuisance Cases.

468.115 Enforcement in cases of emergency. (1) Whenever it appears to the Department that water pollution or air pollution or air contamination is presenting an imminent and substantial endangerment to the health of persons, at the direction of the Governor the Department shall, without the necessity of prior administrative procedures or hearing, enter an order against the person or persons responsible for the pollution contamination requiring the person or persons to cease and desist from the action causing the pollution or contamination. Such order shall be effective for a period not to exceed 10 days and may be renewed thereafter by order of the Governor.

(2) The state and local police shall cooperate in the enforcement of any order issued pursuant to subsection (1) of this section and shall require no further authority or warrant in executing and enforcing such an order.

(3) If any person fails to comply with an order issued pursuant to subsection (1) of this section, the circuit court in which the source of water pollution or air pollution or air contamination is located shall compel compliance with the order in the same manner as with an order of that court. (Formerly 449.980)

THOMAS G. CLIFFORD
LEGISLATIVE COUNSEL



STATE OF OREGON
SALEM, OREGON 97310
AREA CODE 503
378-8148

STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

October 22, 1982

To: Office of the Director
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

From: Robert W. Lundy
Chief Deputy Legislative Counsel

Enclosed is a copy of our staff report ARR 4229, reflecting our review of rules of the Environmental Quality Commission relating to air pollution control in the Mid-Willamette Valley area

The staff report includes a negative determination under Question 1 in respect to one of the rules, and also a determination that the same rule raises a constitutional issue.

The Legislative Counsel Committee requests your response to those determinations. The Committee wishes to consider that response when it considers the report at its next meeting.

We would appreciate receiving that response by November 12, 1982.

Encl.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
OCT 26 1982
AIR QUALITY CONTROL

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
OCT 25 1982
OFFICE OF THE DIRECTOR

LEGISLATIVE COUNSEL
S101 State Capitol
Salem, Oregon 97310

ARR Number: 4229

October 20, 1982

Administrative Rule Review
REPORT
to the
Legislative Counsel Committee
(Pursuant to ORS 183.720)

State Agency: Environmental Quality Commission

Rule: Air pollution control in Mid-Willamette Valley area

These rules were filed with the Secretary of State on June 18, 1982, and became effective on that date.

The rules consist of new rules (OAR 340-29-011, 29-020 and 29-030), amendments of existing rules (OAR 340-29-001 and 29-005) and repeal of an existing rule (OAR 340-29-010). The rules include a description of purposes and application, definitions of terms and restrictions on the emission of odorous matter, other air contaminants and large particulate matter.

The rules replace previous air pollution control rules for Benton, Linn, Marion, Polk and Yamhill Counties. The previous rules adopted by reference the rules and regulations of the former Mid-Willamette Valley Air Pollution Authority.

The stated need for the rules is as follows:

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.

DETERMINATIONS

(Questions 1 and 2 pursuant to ORS 183.720(3))
(Question 3 pursuant to request of Committee)

1. Does the rule appear to be within the intent and scope of the enabling legislation purporting to authorize its adoption? No, in part. The enabling legislation is ORS 468.020 and 468.295.
2. Does the rule raise any constitutional issue other than described in Question 1? Yes.
3. Does violation of the rule subject the violator to a criminal or civil penalty? Yes. A civil penalty is imposed by ORS 468.140(1).

DISCUSSION AND COMMENT

Intent and scope of enabling legislation

One of the new rules of the Environmental Quality Commission (Commission) relating to air pollution control in the Mid-Willamette Valley area does not appear to carry out a pertinent statutory directive and, for that reason, to be within the intent and scope of the enabling legislation.

The rule in question (OAR 340-29-020) reads:

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.

ORS 468.020(1) sets forth the general authority of the Commission to "adopt such rules and standards as it considers necessary and proper in performing the functions vested by law in the commission." The Commission cites ORS 468.295(3) as the statutory authority for the rule in question. ORS 468.295(3) reads:

(3) The commission may establish air quality standards including emission standards for the entire state or an area of the state. The standards shall set forth the maximum amount of air pollution permissible in various categories of air contaminants and may differentiate between different areas of the state, different air contaminants and different air contamination sources or classes thereof. (Emphasis added)

We do not perceive that the rule in question establishes any meaningful maximum levels for air contaminant emissions in the Mid-Willamette Valley area. Without those maximum levels, we believe the rule fails to comply with the directive found in the second sentence of ORS 468.295(3), and thus does not appear to be within the intent and scope of the enabling legislation.

Constitutional issue

OAR 340-29-020 also raises a constitutional due process issue because the vague language used in the rule fails to give adequate notice of prohibited conduct and makes the rule susceptible to selective enforcement. The issue is raised by the looseness of the rule phrases "tends to cause injury, detriment, nuisance or annoyance" and "considerable number of people." (Emphasis added)

Oregon case law states that a criminal statute or ordinance is void for vagueness "if language describing elements of the offense is so elastic that men of common intelligence must necessarily guess at its meaning." State v. Sanderson, 33 Or App 173, 176, 575 P2d 1025 (1978), citing City of Portland v. White, 9 Or App 239, 242, 495 P2d 778 (1972) Sup Ct review denied. A criminal statute will fail if it does not "provide any standard by which police, judges and juries can distinguish between innocuous and criminal acts." Id. at 177.

As indicated above, the rule in question does not establish any meaningful maximum levels for air contaminant emissions. Rather, a person causing or permitting an air contaminant emission is compelled to guess whether other people will react to the emission in a manner that will be considered "annoyance" and thus give rise to a violation of the rule. The rules do not define "annoyance." In State v. Sanderson the court analyzed the phrase "alarms or seriously annoys" in Oregon's harassment statute (ORS 166.065(1)(d) prior to amendment in 1981) and found the statute unconstitutional because "the phrase...gives no basis to distinguish between anti-social conduct which was intended to be prohibited and socially tolerable conduct which could not reasonably have been intended to be subject to criminal sanction." State v. Sanderson, 33 Or App 173, 176-177, 575 P2d 1025 (1978). In the same way, the rule phrase "tends to cause...annoyance" gives no basis to distinguish between tolerable air contaminant emission levels and those that will be unlawful.

Also, a person is not told by the rule in question what will constitute a "considerable number" of people who may be caused injury, detriment, nuisance or annoyance by an air contaminant emission. "Considerable" is defined in Webster's Third New International Dictionary as "rather large in extent or degree." That definition fails to add any certainty to the rule by providing a definite number of people that must be caused injury, detriment, nuisance or annoyance before a violation of the rule can be said to occur.

We are informed by a representative of the Commission that the rule in question was intended to be a "catch-all" rule that would allow the taking of action against an air polluter if enough complaints were received. That characterization of the rule makes it very much like the type of unconstitutional ad hoc legislation by enforcers described by the court in State v. Hodges, 254 Or 21, 457 P2d 491 (1969). In that case the court held unconstitutional a statute (ORS 167.210, repealed in 1972) that imposed a criminal penalty on a person for conduct that "manifestly tends to cause any child to become a delinquent child." As in the statute dealt with in State v. Hodges, the looseness of the language in the rule offends due process by providing a catch-all phrase that is an instrument of potential abuse.

We point out that the vagueness doctrine appears to be applied by courts in situations involving criminal conduct. Violation of the rule in question subjects the violator to a civil penalty; i.e., a monetary fine. The nature of the sanction for violation of the rule may, or may not, be such as to preclude application of the vagueness doctrine.

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Nuisance Rule Public Hearing

December 20, 1982

WHO IS AFFECTED:

Businesses and citizens in the Willamette Valley counties of Benton (Corvallis), Linn (Albany), Marion (Salem), Polk (Dallas), and Yamhill (McMinnville) who might create or be affected by nuisance type air pollution sources.

WHAT IS PROPOSED:

The Department of Environmental Quality is proposing to repeal OAR 340-29-020. This administrative rule was adopted a decade ago to protect people, business, or property from an air pollution nuisance, not otherwise covered by the rules. Repeal is being proposed because the rule may not have proper enabling law, and may also be unconstitutionally vague.

The Department is of the opinion that the other ORS's and OAR's for odor, etc., are sufficient to deal with any serious nuisance condition.

HOW TO COMMENT:

Copies of the complete proposed rule package may be obtained from the Air Quality Division in Portland or the regional office nearest you.

A public hearing will be held before a hearings officer at:

3:00 p.m.
February 16, 1983
Room 4B, 4th Floor,
522 S.W. 5th
Portland, Oregon 97204

Oral and written comments will be accepted at the public hearing. Written comments may be sent to Peter Bosserman, but must be received by no later than 5:00 p.m., February 16, 1983.

PUBN.AH (9/82)
AA2875.2



P.O. Box 1760
Portland, OR 97207

8/10/82

FOR FURTHER INFORMATION:

Contact the person or division identified in the public notice by calling 229-5696 in the Portland area. To avoid long distance charges from other parts of the state, call 1-800-452-7813, and ask for the Department of Environmental Quality.

WHAT IS THE NEXT STEP:

After public hearing the Environmental Quality Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The Commission's deliberation should come on April 8, 1983, as part of the agenda of a regularly scheduled Commission meeting.

A Statement of Need, Fiscal and Economic Impact Statement, and Land Use Consistency Statement are attached to this notice.

PUBN.AH (9/82)
AA2875.2

RULEMAKING STATEMENTS

for
Repealing Nuisance Rule Affecting Mid-Willamette Counties

Pursuant to ORS 183.335, these statements provide information on the intended action to amend a rule.

STATEMENT OF NEED:

Legal Authority

This proposal repeals OAR 340-29-020. It is proposed under authority of the Environmental Quality Commission to repeal what it adopted.

Need for the Rule

The Legislative Counsel Committee has challenged the rule's:

- a) basis from cited enabling legislation, saying it does not set a limit on a pollution source.
- b) clarity, saying that the rule is unconstitutionally vague in several areas.

Principal Documents Relied Upon

1. Legislative Counsel letter October 22, 1982 to DEQ and staff report ARR 4229.
2. DEQ Interoffice Memo, St. Louis to Weathersbee, November 2, 1982, concerning proposed repeal of 340-29-020.

FISCAL, ECONOMIC AND SMALL BUSINESS IMPACT STATEMENT:

Since the rule was only used once in a decade to relocate one smoke house, it can be estimated that the fiscal and economic impact of the rule and its repeal is negligible. No impact on small business is anticipated.

LAND USE CONSISTENCY STATEMENT:

The proposed rule does not affect land use as defined in the Department's coordination program approved by the Land Conservation and Development Commission because rule use is so rare.



INTEROFFICE MEMO

TO: E.J. Weathersbee, AQD

DATE: Nov. 2, 1982

FROM: D. St Louis through John Borden

SUBJECT: AQ - MWVAPA Rule 29-020, "Other Emissions"
Willamette Valley Region

We concur with Legislative Counsel's comments and your proposal to repeal the above regulation.

The "Other Emission" regulation has seen fairly limited use in the past and almost none in more recent times. During better economic times, the Region was able to respond to nearly every citizen complaint and may have used the rule to:

1. Address emissions from welding, auto repair and other small shops in residential areas where scentometer standards weren't violated and only one party was impacted.
2. Control fallout on residential property that wasn't over 250 microns.

I recall only one instance of specific use. A residential smoke house annoyed a nearby neighbor in Mt Angel. I believe we used the rule to convince the responsible party to relocate the smoke house.

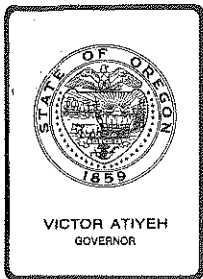
In summary, I don't foresee a lot of use for this rule.

D. St Louis

D. St Louis

State of Oregon
 DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
 NOV 2 1982
 AIR QUALITY CONTROL





Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E, January 14, 1983, EQC Meeting

Request for Authorization to Hold a Public Hearing on
Proposed Revisions to the State Air Quality Implementation
Plan for the Medford-Ashland AQMA Regarding Particulate
Control Strategies

BACKGROUND AND PROBLEM STATEMENT

The Clean Air Act of 1977 requires states to submit plans to demonstrate how they will attain and maintain compliance with national ambient air standards for those areas designated as "nonattainment". The Medford-Ashland Air Quality Maintenance Area (AQMA) was designated nonattainment in 1974 because of measured exceedences of the secondary ambient air quality standard for Total Suspended Particulate (TSP). In 1978 the Environmental Quality Commission adopted a State Implementation Plan (SIP) designed to improve air quality and meet the secondary standard. Before this plan could be implemented, air quality worsened and on January 10, 1980 the AQMA was designated to be in nonattainment with the primary particulate standard.

The 1978 SIP, which has been partially implemented at this time, has contributed to the air quality improvements recorded during 1980 and 1981. The economic recession and better than normal ventilation have also contributed to this improvement. While these improvements appear to be significant, the Medford and White City areas are projected to remain in exceedence of the primary TSP standard (under normal economic and ventilation conditions and expected growth) even with full implementation of the 1978 SIP. It is necessary, therefore, to develop a revised SIP strategy containing the additional control measures necessary to improve air quality to meet the primary and the secondary TSP standards.

The Department, the Jackson County Air Quality Advisory Committee and the Jackson County Board of Commissioners have developed recommended particulate control strategies for the Medford area which are expected to

result in attainment of the primary particulate standard by 1984 and attainment of the secondary standard by the year 2000. The federal secondary standard is the same as the Oregon particulate standard.

The Medford area exceeds particulate standards predominately because of non-traditional source impacts such as residential wood burning emissions and road dust. Thus, the new particulate strategies concentrate on these non-traditional area source categories. The new strategies require State rules, local ordinances and other commitments for implementation.

Problem Statement

The particulate strategies are needed to meet the requirements of the Clean Air Act. The plan outlining these strategies was due to the Environmental Protection Agency (EPA) by July 10, 1981. However, the development of local ordinances on residential wood burning control measures has been controversial and time consuming. This has resulted in a delayed plan submittal.

Since the Medford area is designated nonattainment for particulate matter and an adopted particulate control plan has not been submitted to EPA, major new or modified existing particulate sources are prohibited in the Medford-Ashland AQMA. Economic sanctions are also possible for failure to submit an approvable plan. Adoption of the proposed Medford particulate plan would allow major new or modified existing sources in the Medford-Ashland AQMA if emission offsets are provided.

Authority for the Commission to Act

ORS Chapter 468, Section 020, gives the Commission authority to adopt necessary rules and standards; Section 305 authorizes the Commission to prepare and to develop a comprehensive plan. Attachment 1 contains the Statements of Need, Fiscal and Economic Impact, and Land Use Consistency.

ALTERNATIVES AND EVALUATION

A special data base improvement project entitled the Medford Aerosol Characterization Study (MACS) was completed in January 1981. This project was designed to accurately identify the sources contributing to violation of the particulate standard in the Medford and White City areas. Study results indicate that the major sources of TSP are vegetative burning (31%), soil and road dust (30%) and the wood products industry (20%).

The MACS results were used by DEQ, the Jackson County Air Quality Advisory Committee and the Jackson County Commissioners to develop recommended particulate control strategies. The major control measures to meet the primary standard are listed below.

PRIMARY STANDARD ATTAINMENT STRATEGY

<u>Control Measures</u>	<u>Implementation Date</u>	<u>Implementation Mechanism</u>
Completion of 1978 industrial control measures.	1980-83	Existing OARs
Industrial fugitive emissions control and compliance schedule.	1983	OAR 340-30-043 (new) 340-30-045 (revised)
Operation and maintenance program for industrial control equipment and compliance schedule.	1983	OAR 340-30-044 (new) 340-30-045 (revised)
Mandatory weatherization before new woodstove installation.	1984	City (#4740) and County (#82-6) ordinances
Mandatory weatherization of homes with existing woodstoves starting in 1984 if primary standard not attained.	1984	City (#4740) and County (#82-6) ordinances
Firewood moisture control including shifting standing timber firewood cutting to spring.	1982	USFS and BLM program commitments
Commercial firewood control including shifting standing timber firewood cutting to spring.	1982	USFS and BLM program commitments
Mandatory woodstove curtailment during pollution episodes, now in County, 1984 in City.	1983	City (#4740) and County (#82-6) ordinances
Alternate heat source required for new homes with woodstoves.	1983	City (#4740) and County (#82-6) ordinances
Solar access and orientation planning requirements.	1982	City land development code (Section 13.3-16)
Open burning controls including tighter ventilation criteria.	1982	City (#4732) and County (#82-6) ordinances
Trackout control programs.	1982	City (#4740) and County (#82-6) ordinances
Street sanding and sweeping improvements.	1982	City, County and ODOT program commitments
Paving unpaved roads (13 roads) and shoulders.	1983	City program commitments

Ambient particulate levels (annual geometric mean) would be expected to increase to 105 micrograms per cubic meter (ug/m^3) by 1984 if no additional controls were implemented after the MACS base year. In order to meet the primary particulate standard ($75 \text{ ug}/\text{m}^3$) by 1984, ambient particulate levels must be reduced by $30 \text{ ug}/\text{m}^3$. The 1984 attainment date is required under the Clean Air Act. The new primary standard attainment strategy, combined with completion of the 1978 strategy, is expected to reduce particulate levels by $32 \text{ ug}/\text{m}^3$. The relative contributions of the control measure categories are:

<u>Category</u>	<u>Projected TSP Reduction (ug/m^3)</u>
Completion of 1978 industrial control measures.	12
New industrial control measures.	2
New vegetative burning control measures.	16
New soil and road dust control measures.	2
<hr/> Total	<hr/> 32

In addition to the primary standard attainment strategy, other control measures are required to maintain compliance with the primary standard and attain the secondary standard. The proposed control measures for the secondary strategy are outlined below.

SECONDARY STANDARD ATTAINMENT STRATEGY

<u>Control Measures</u>	<u>Implementation Date</u>	<u>Implementation Mechanism</u>
Completion of the retrofit weatherization programs.	1984-1990	City/County ordinances
Certification program for sale of new woodstoves.	1985	DEQ program (following legislative authority)
Solar access and orientation program continuation.	Ongoing	City ordinances
Upgraded veneer dryer controls and compliance schedule.	1990	OAR 340-30-020 (revised) 340-30-045 (revised)
Soil and road dust measures.	1990	City/County ODOT programs

The primary maintenance/secondary attainment strategy is expected to reduce ambient TSP levels to 70 ug/m³(annual geometric mean) by 1990 and 60 ug/m³ by the year 2000. The Department is unable at this time to identify sufficient control measures, short of sharp curtailment of woodstove use or industrial operations, to provide a growth increment. Offsets would continue to be required for major new or modified sources.

Attachment 2 contains the proposed particulate control strategy for the Medford-Ashland AQMA. Attachment 2 (page 11) also contains the proposed revision of the nonattainment area boundaries which more accurately identifies the area projected to exceed primary or secondary particulate standards in future years. The precise legal definition of the nonattainment area will be included in Appendix 4.10-1 of the SIP control strategy document and will be adopted as part of the plan. Attachment 3 contains the proposed state rules which are needed to implement the control strategies identified in the document, and will also be incorporated into the State Implementation Plan. The proposed rules include revising OAR 340-30-020 (upgraded veneer dryer controls by 1990), adopting OAR 340-30-043 (fugitive emissions control), adopting OAR 340-30-044 (operation and maintenance programs), and revising OAR 340-30-045 (compliance schedules).

Alternatives

Alternative control measures have been identified as potential substitutes for the control measures included in the proposed strategies. The alternative control measures were evaluated by the Jackson County Air Quality Advisory Committee but were considered less energy efficient, less cost-effective and/or less implementable than the recommended control measures. Alternative control measures include:

- o Scrubber controls on small hogged fuel boilers.
- o Baghouse controls on small drywood cyclones.
- o Baghouse controls on large hogged fuel boilers.
- o Upgraded veneer dryer controls by 1984.
- o Ban the installation of new woodstoves.
- o Ban the use of existing or new woodstoves.

SUMMATION

1. The Medford-Ashland AQMA is designated a primary nonattainment area for primary total suspended particulate standards.
2. Recent airshed studies indicate that the major sources contributing to the particulate levels in Medford are vegetative burning (31%), soil & road dust (30%), and the wood products industry (20%).
3. TSP levels were expected to reach 105 ug/m³ in 1984 (under normal growth, economic activity and ventilation) if no controls were implemented after the MACS sampling period. A 30 ug/m³ reduction

was therefore needed to meet the primary (health related) standard by 1984.

4. The Department, the Jackson County Air Quality Advisory Committee, the Jackson County Board of Commissioners and local cities have developed particulate strategies which focus on the major sources of total particulate matter in the Medford area. The strategies are designed to attain the primary particulate standard by the required date of 1984 and the secondary standard by the year 2000, which is considered as expeditiously as practicable.
5. A revision to the State Implementation Plan (SIP) has been drafted. The revision includes local ordinances and commitments to reduce residential woodburning emissions, local commitments to reduce soil & road dust, and proposed new and revised state rules to further reduce industrial emissions in the Medford area and a commitment to seek control of new woodstoves.
6. Alternative control measures appear to be less energy efficient, less cost-effective and/or less implementable than the proposed measures.
7. Major new and modified existing particulate sources are currently prohibited in the Medford-Ashland AQMA. The adoption of the proposed SIP revision would allow major new and modified existing sources in the Medford-Ashland AQMA if emission offsets are provided. Other potential EPA sanctions would also be avoided.

DIRECTOR'S RECOMMENDATION

Based on the Summation, the Director recommends that the EQC authorize a public hearing to consider public testimony and adoption of the proposed Medford Particulate State Implementation Plan (SIP) Revision at the February 25, 1983 EQC meeting in Medford. The proposed SIP revision includes: primary and secondary standard attainment strategies; OAR 340-30-020 (revision), OAR 340-30-043 (new) and OAR 340-30-044 (new), and OAR 340-30-045 (revision); and redefinition of the nonattainment area boundaries.

Bill

William H. Young

- Attachments:
1. Public Hearing Notice, Statements of Need for Rulemaking, Fiscal and Economic Impact, and Land Use Consistency.
 2. Proposed Particulate Control Strategy for the Medford-Ashland Air Quality Maintenance Area (AQMA) as a State Implementation Plan Revision.
 3. Proposed state rules, including revision of OAR 340-30-020 (Veneer Dryer Emission Limitations), adoption of OAR 340-30-043 (Control of Fugitive Emissions), adoption of OAR 340-30-044 (Requirement for Operation and Maintenance Plans), and revision of OAR 340-30-045 (Compliance Schedules).

John F. Kowalczyk:a
AG1877
229-6459
December 20, 1982

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

The Proposed Particulate Control Strategy for the Medford-Ashland Area

Notice of Public Hearing to be held February 25, 1983

WHO IS AFFECTED:

Residents, industries and public works departments within Jackson County.

WHAT IS PROPOSED:

The Department of Environmental Quality is proposing to amend OAR 340-20-047, the Oregon Air Quality State Implementation Plan, by revising the particulate control strategy for the Medford-Ashland Air Quality Maintenance Area. The Department is also proposing to adopt new and revised state rules as part of the control strategy. The proposed strategy is expected to bring the area into compliance with the primary (health) standard by 1984 and the secondary (welfare) standard by the year 2000. A hearing on this matter will be held in Medford on February 25, 1983.

WHAT ARE THE HIGHLIGHTS:

Major elements of the proposed primary standard control strategy include:

- o Weatherization of homes prior to installing woodstoves.
- o Weatherization of existing homes.
- o Firewood moisture control program.
- o Temporary curtailment of woodstove use during air pollution episodes.
- o Fugitive emissions control program for industrial and commercial operations (new OAR 340-30-043).
- o Operation and maintenance program for industrial pollution control equipment (new OAR 340-30-044).
- o Paving selected unpaved roads and shoulders.

Major elements of the proposed secondary standard control strategy include:

- o Completion of the retrofit weatherization programs.
- o Upgraded veneer dryer control equipment (revision to OAR 340-30-020).
- o Woodstove certification program.
- o Additional soil and road dust control measures.



P.O. Box 1760
Portland, OR 97207

2/10/82

FOR FURTHER INFORMATION:

Contact the person or division identified in the public notice by calling 229-5696 in the Portland area. To avoid long distance charges from other parts of the state, call 1-800-452-7813, and ask for the Department of Environmental Quality.

PUBN. AH (9/82)
AA2879

SPECIAL CONDITIONS:

The nonattainment area boundaries would be revised to more accurately identify the area projected to exceed primary or secondary particulate standards in future years.

The particulate strategies include proposed revisions to OAR 340-30-020 (upgraded veneer dryer controls by 1990), new OAR 340-30-043 (fugitive emission control programs), new OAR 340-30-044 (operation and maintenance programs for industrial pollution control equipment), and proposed revisions to OAR 340-30-045 (compliance schedules).

HOW TO COMMENT:

Copies of the complete proposed rule package may be obtained from the Air Quality Division in Portland (522 S.W. Fifth Avenue) or the Southwest Regional Office in Medford (201 W. Main Street).

A public hearing will be held before the Environmental Quality Commission at:

9:30 a.m.
February 25, 1983
Medford City Hall, Council Chambers
411 W. 8th Street
Medford, Oregon

Oral and written comments will be accepted at the public hearing. Written comments may be sent to DEQ, Air Quality Division, Box 1760, Portland, OR 97207, but must be received by no later than February 23, 1983.

WHAT IS THE NEXT STEP:

After public hearing the Environmental Quality Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted rules will be submitted to the U. S. Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation may come at their February 25, 1983 meeting following the hearing.

A Statement of Need, Fiscal and Economic Impact Statement, and Land Use Consistency Statement are attached to this notice.

RULEMAKING STATEMENTS

for

The Proposed Particulate Control Strategy for the Medford-Ashland Air Quality Maintenance Area

Pursuant to ORS 183.335, these statements provide information on the intended action to amend a rule.

STATEMENT OF NEED:

Legal Authority

This proposal amends OAR 340-20-047, 340-30-020 and 340-30-045, and would adopt OAR 340-30-043 and 340-30-044. It is proposed under authority of ORS Chapter 468, including Section 295 which authorizes the Commission to establish air quality standards and Section 305 which authorizes the Commission to adopt a general comprehensive plan for air pollution control.

Need for the Rule

The Medford area currently exceeds Federal and State ambient air quality standards for particulate matter. The Clean Air Act requires that a control strategy be submitted to bring the area into compliance. The proposed new and revised rules are needed as part of the control strategy to bring the area into compliance with air quality standards. This control strategy must be submitted to the Environmental Protection Agency as a revision to the Oregon State Implementation Plan.

Principal Documents Relied Upon

- 1) Clean Air Act as Amended (PL 95-95) August 1977.
- 2) DEQ Updated Emission Inventory.
- 3) Medford Aerosol Characterization Study, February 1981.
- 4) Background Report to Jackson County Air Quality Advisory Committee, February 1981.
- 5) Jackson County Board of Commissioners Findings and Recommendations for a Particulate Control Strategy, November 1981.

FISCAL AND ECONOMIC IMPACT STATEMENT:

The residential woodburning control measures are generally designed to improve energy efficiency, thus reducing the amount of firewood burned and pollutants emitted. The weatherization and firewood seasoning programs are expected to result in energy and dollar savings to participating homeowners. Free energy audits and zero or low-interest weatherization financing are available, generally through local utility companies, to address the initial capital expense. Retrofit weatherization is expected to reduce the space heating energy requirement of an average home by 40% per year at an average total cost of \$1600 per home.

Temporary curtailment of woodstove use during pollution episodes is expected to cost the average woodstove household about \$20 per year due to using a greater amount of alternate source (electric, gas or oil) heat.

The capital cost for upgraded veneer dryer equipment for 15 dryers in the Medford-White City area in 1990 is estimated at \$3.75 million (\$250,000 per dryer). Annual operation and maintenance costs for the control equipment are estimated at \$25,000 per year per dryer (1980 dollars).

Wood products and aggregate industries would incur some additional expense as a result of proposed fugitive dust control requirements and control equipment operation and maintenance requirements. These requirements would affect larger businesses. The additional expense is expected to be moderate.

City, County and State (ODOT) public works departments may incur some moderate additional expense as a result of proposed street sweeping and sanding program improvements.

The City of Medford has approved \$200,000 in federal Housing and Urban Development grant money to pay 50% of the cost of paving selected unpaved streets. The remainder would be paid by participating homeowners.

Woodstove dealers would probably experience a reduction in models of woodstoves available for sale as a result of the proposed woodstove certification program. Weatherization companies may experience an increase in business as a result of the proposed retrofit weatherization requirements. Other small businesses are not expected to be significantly affected by the proposed rules.

LAND USE CONSISTENCY STATEMENT:

The proposed rule appears to affect land use and appears to be consistent with the Statewide Planning Goals.

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

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

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

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

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

Section 4.10

MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA
STATE IMPLEMENTATION PLAN FOR PARTICULATE MATTER

DRAFT

December 1982

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

Table of Contents

	<u>Page</u>
4.10.0 MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA STATE IMPLEMENTATION PLAN FOR PARTICULATE MATTER	1
4.10.0.1 Introduction	1
4.10.0.2 Summary	1
4.10.1 AMBIENT AIR QUALITY	3
4.10.1.1 Identification of Study Area	3
4.10.1.2 Monitoring Data	4
4.10.1.3 Nonattainment Area Boundaries	8
4.10.2 EMISSION INVENTORY	10
4.10.2.1 Base Year Emission Inventory	10
4.10.2.2 Projected Emissions in Future Years	12
4.10.2.3 Growth Factors	13
4.10.3 SOURCE IMPACTS	14
4.10.3.1 Analysis of Impacts by Source Categories	14
4.10.3.2 Projected Source Impacts in Future Years	15
4.10.4 CONTROL STRATEGY	18
4.10.4.1 Emission Reduction Necessary for Attainment	18
4.10.4.2 Evaluation of Potential Control Measures	19
4.10.4.3 Primary Standard Attainment Strategy	21
4.10.4.4 Secondary Standard Attainment Strategy	29
4.10.4.5 Air Quality Improvements	31
4.10.4.6 Other Impacts of the Strategies	34
4.10.5 RULES, REGULATIONS AND COMMITMENTS	37
4.10.6 REASONABLE FURTHER PROGRESS	42
4.10.7 RESOURCE COMMITMENT	44
4.10.8 PUBLIC INVOLVEMENT	44

4.10.0 MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA STATE IMPLEMENTATION PLAN FOR PARTICULATE MATTER

4.10.0.1 Introduction

The Medford-Ashland Air Quality Maintenance Area (AQMA) was designated nonattainment in 1974 because of measured exceedences of the secondary ambient air quality standard for Total Suspended Particulate (TSP). In 1978 the Environmental Quality Commission adopted a State Implementation Plan (SIP) designed to improve air quality and meet the secondary standard. The 1978 SIP was subsequently approved by the Environmental Protection Agency. Before this plan could be implemented, air quality worsened and on January 10, 1980 the AQMA was designated to be in nonattainment with the primary particulate standard.

The 1978 SIP, which has been partially implemented at this time, has contributed to the air quality improvements recorded during 1980 and 1981. While these improvements appear to be significant, the Medford and White City areas are projected to remain in exceedence of the primary and secondary standards even with full implementation of the 1978 SIP. It is necessary, therefore, to develop a revised SIP containing the additional control measures necessary to improve air quality to meet the primary and the secondary TSP standards.

4.10.0.2 Summary

A special data base improvement project entitled the Medford Aerosol Characterization Study (MACS) was completed in January 1981. This project was designed to accurately identify the sources contributing to violation of the particulate standard in the Medford and White City

areas. Study results indicated that the major sources of TSP during the 1979-80 MACS sampling period were Vegetative Burning (31%), Soil & Road Dust (30%) and Wood Products Industry (20%).

follows:

The MACS results were used by DEQ, the Jackson County Air Quality Advisory Committee and the Jackson County Commissioners to develop a recommended particulate control strategy. The major control measures of the primary standard attainment strategy include:

- o Completion of 1978 industrial control measures.
- o Weatherization of homes prior to installing wood stoves.
- o Weatherization of existing homes.
- o Firewood moisture control program.
- o Temporary curtailment of woodstove use during air pollution episodes.
- o Fugitive emissions control program for industrial and commercial operations.
- o Operation and maintenance program for industrial pollution control equipment.
- o Paving selected unpaved roads and shoulders.

Ambient particulate levels (annual geometric mean) are expected to increase to 105 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) by 1984 if no additional controls are implemented after the MACS base year. In order to meet the primary particulate standard by 1984, ambient particulate levels must be reduced by $30 \mu\text{g}/\text{m}^3$. The new strategy, combined with completion of the 1978 strategy, is expected to reduce particulate levels by $32 \mu\text{g}/\text{m}^3$. The relative contributions of the control measure categories are outlined in the following table.

Table 4.10.0-1

OVERVIEW OF PRIMARY ATTAINMENT STRATEGY

<u>Category</u>	<u>Projected Annual TSP Reduction (ug/m³)</u>
Completion of 1978 industrial control measures.	12
New industrial control measures.	2
New vegetative burning control measures.	16
New soil and road dust control measures.	2
<hr/> TOTAL	<hr/> 32

Additional control measures are needed to maintain the primary standard after 1984 and attain the secondary standard by the year 2000. These key additional control measures are:

- o Completion of retrofit weatherization programs.
- o Solar access and orientation.
- o Woodstove certification program.
- o Upgraded veneer dryer controls.
- o Soil and road dust control measures.

As indicated by the MACS results, the Medford-White City area exceeds particulate standards predominately because of non-traditional source impacts such as residential woodburning and road dust, thus, the new particulate strategy concentrates on these non-traditional area source categories. The new strategy requires both state rules and local ordinances for implementation.

4.10.1 AMBIENT AIR QUALITY

4.10.1.1 Identification of Study Area

The Medford-Ashland AQMA is located within the Bear Creek Valley of Jackson County, Oregon. It covers about 228 square miles and includes

the cities of Ashland, Central Point, Eagle Point, Jacksonville, Medford, Phoenix and Talent as shown in Figure 4.10-1. The principal industries are logging, wood products manufacturing, agriculture and tourism.

The AQMA is located at an elevation of about 1200 feet in a mountainous valley formed by the Rogue River and its tributary, Bear Creek. The surrounding mountain elevations range from 3000 to 9500 feet.

The climate of the Bear Creek Valley is moderate with marked seasonal changes. The annual average rainfall totals about 20 inches. Winds are normally very light, prevailing from the south during the winter months and from the north during the remainder of the year.

The topography of the area restricts natural ventilation of the valley. Holzworth (1971) identified the southwest interior of Oregon as one of the two areas most prone to air pollution episodes in his study of the meteorological potential for air pollution within the continental United States. The National Weather Service issues Air Stagnation Advisories (ASAs) on about 20 days each year in the Medford-Ashland AQMA. Most episodes occur during the winter months and last about 4 days.

4.10.1.2 Monitoring Data

The air monitoring network for the Medford-Ashland AQMA includes 4 particulate monitoring sites. The sites are located in Medford, White City, Ashland and on Dodge Road. The Dodge Road site is the background site, located north of the AQMA in the Sams Valley area. The air monitoring network is illustrated in Figure 4.10-2.

Figure 4.10-1

MEDFORD - ASHLAND
AIR QUALITY MAINTENANCE AREA

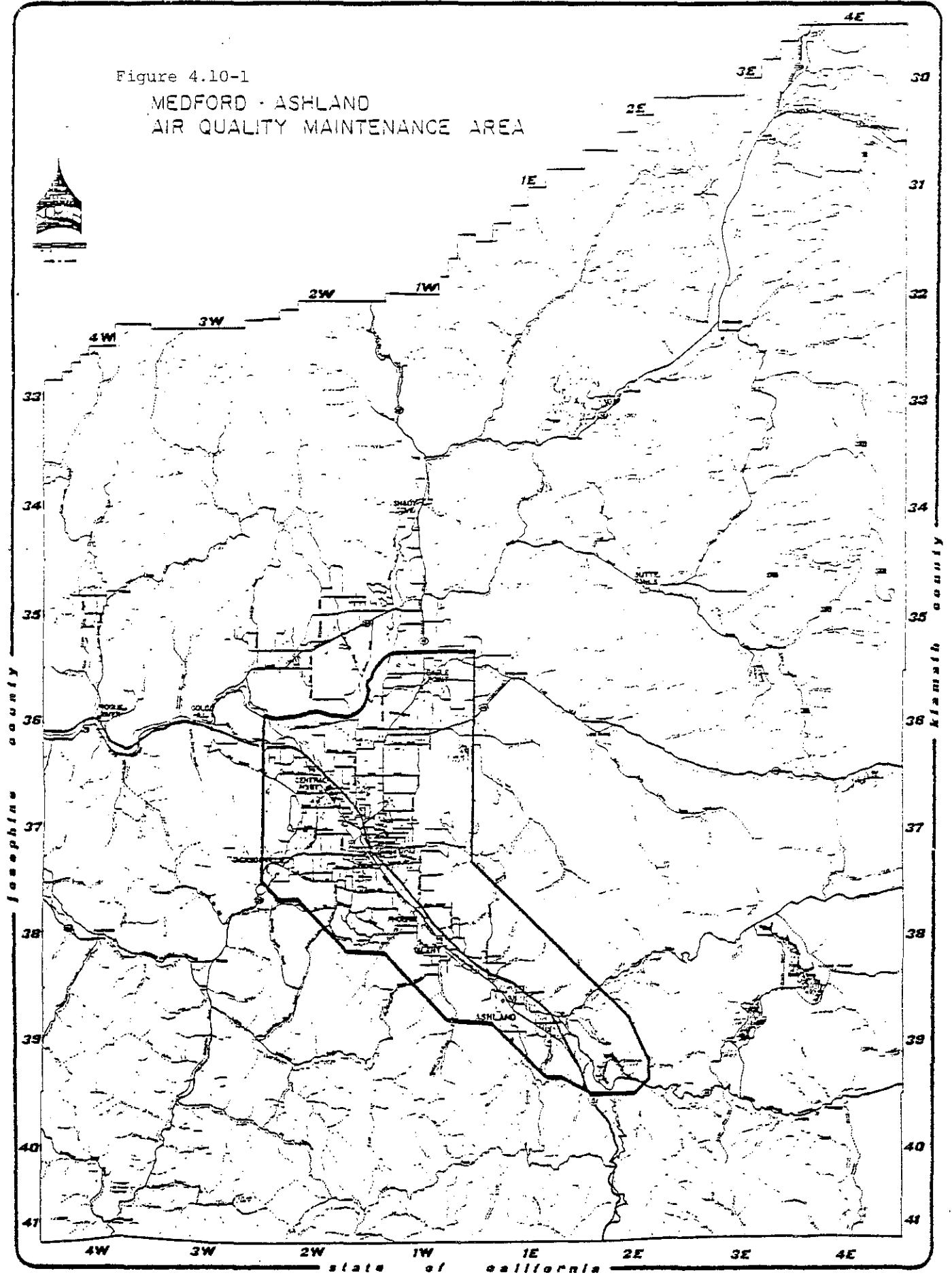
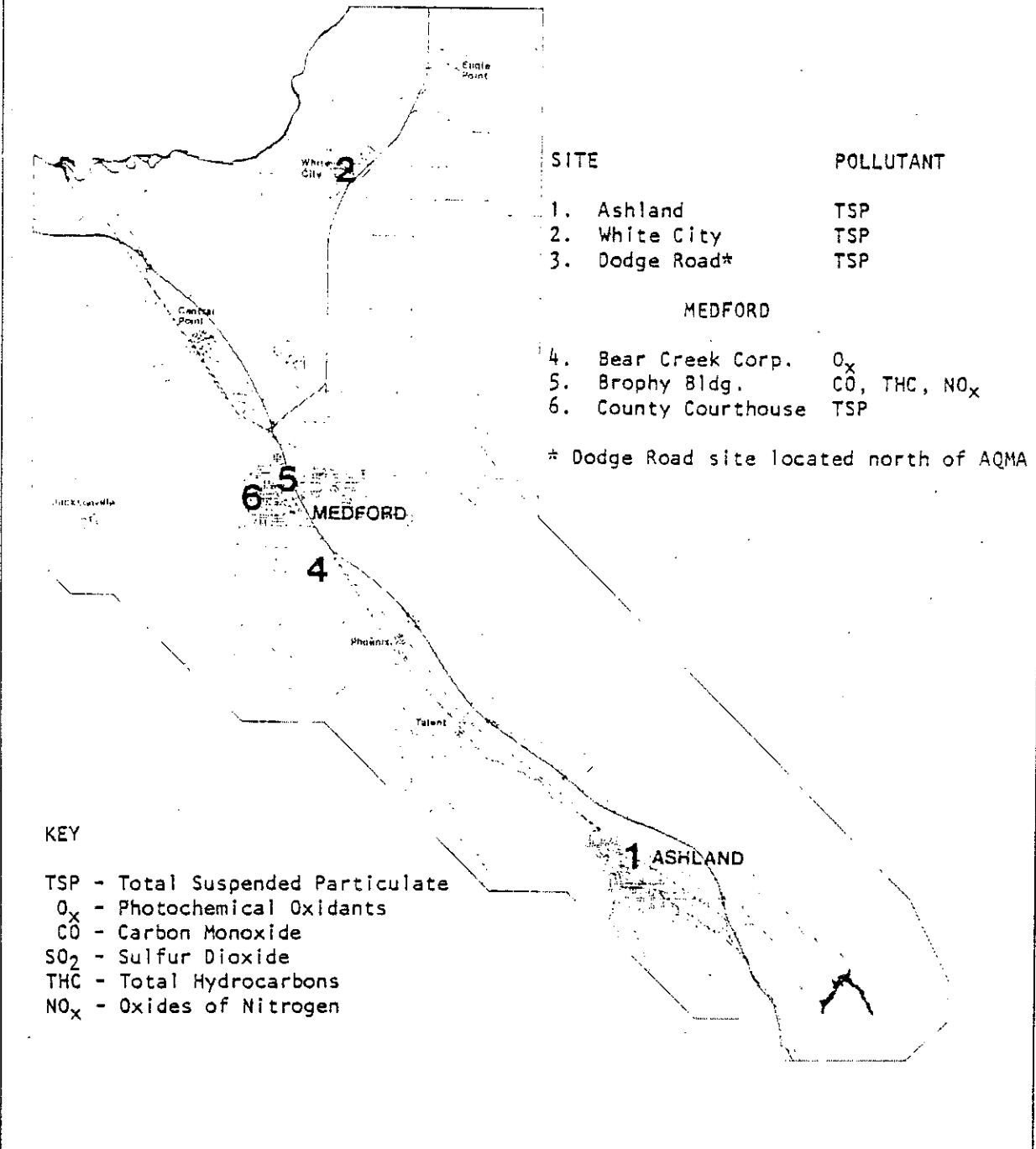


Figure 4.10-2
 MEDFORD-ASHLAND AQMA AIR SURVEILLANCE NETWORK



The Federal primary and secondary standards and the State standard for particulate matter are outlined in the following table. The annual standard is based on the geometric mean of the 24-hour samples collected every sixth day during the year. The daily standard is based on the second highest 24-hour sample collected during the year on the every-sixth-day schedule.

Table 4.10.1-1

PARTICULATE STANDARDS

<u>Time Period</u>	<u>Total Suspended Particulate Standards (ug/m³)</u>		
	<u>Primary</u>	<u>Secondary</u>	<u>Oregon</u>
Annual	75	60	60
Daily	260	150	150

The annual geometric means of particulate levels measured at the four AQMA sites are summarized in the following table. Particulate levels in the Medford and White City areas have significantly exceeded the primary and secondary standards. Particulate levels in Ashland and at Dodge Road were below the secondary standard.

Table 4.10.1-2

ANNUAL AVERAGE PARTICULATE LEVELS

<u>Year</u>	<u>Total Suspended Particulate (ug/m³)</u>			<u>Annual Geometric Mean</u>
	<u>Medford</u>	<u>White City</u>	<u>Ashland</u>	<u>Dodge Road</u>
1979	99	82	49	24
1980	79	85	49	24
1981	68	79	43	19

Particulate levels measured on the second highest day of each year are summarized in the next table. The daily primary and secondary standards were exceeded at the Medford site in 1979 and 1980. The daily secondary standard was exceeded at the Medford site in 1981 and at the White City site in 1979, 1980 and 1981. No violations of the daily particulate standard were recorded at the Ashland or Dodge Road sites during 1979-81.

Table 4.10.1-3

SECOND HIGHEST DAY PARTICULATE LEVELS

Year	Total Suspended Particulate ($\mu\text{g}/\text{m}^3$)			Second Highest Day
	Medford	White City	Ashland	Dodge Road
1979	286	218	90	48
1980	295	224	124	57
1981	216	173	97	50

The long-term trends of particulate levels over the last 10 years in Medford and Ashland are also outlined in Figure 4.10-3. Most of the improvements in 1980-82 are attributed to factors related to the economic recession (high vacancy rate, low traffic volumes, low industrial activity) and better than average meteorology (heavy rain-fall and good ventilation). Thus, most of the improvements noted during 1980-82 are not expected to be permanent.

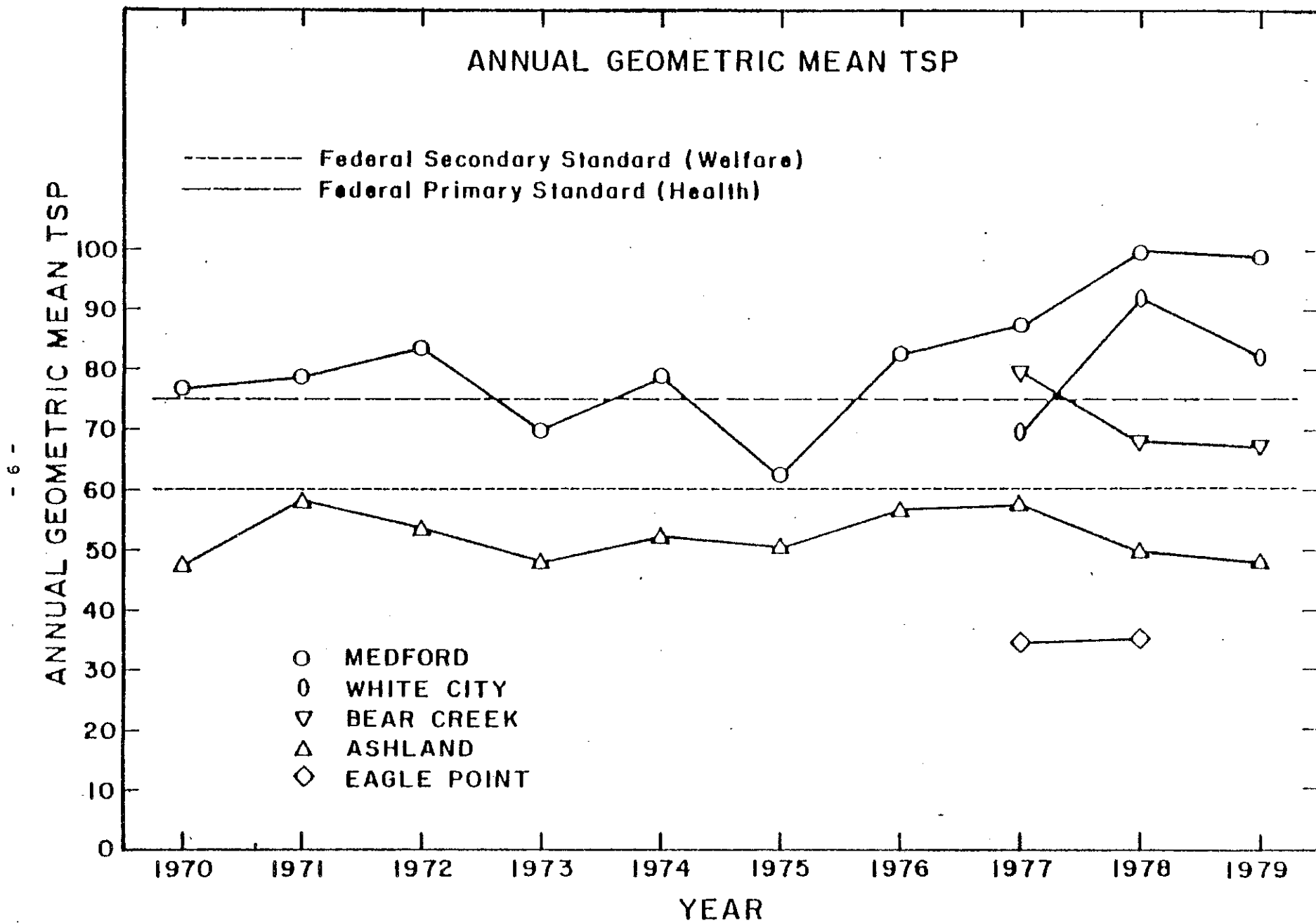
In summary, particulate levels in the Medford and White City areas exceed both the primary and secondary standards. Particulate levels in Ashland are below the secondary standard. Particulate levels at the Dodge Road background site are less than half of the secondary standard.

4.10.1.3 Nonattainment Area Boundaries

A computer model, called the Climatological Dispersion Model (CDM), has been used to simulate particulate concentrations within the Medford-Ashland AQMA. The MACS results were used to calibrate this model. The calibrated model has allowed DEQ to define more precisely the geographical area exceeding the particulate standards.

When the Medford-Ashland area was designated as an AQMA in 1974, the entire AQMA was considered to be the nonattainment area. As part of this SIP revision, the boundaries of the nonattainment area are

Figure 4.10-3



revised to include only those portions of the AQMA expected to exceed particulate standards.

The primary and secondary nonattainment areas within the Medford-Ashland AQMA are outlined in Figure 4.10-4. The projected primary nonattainment area includes about 72 square kilometers or 28 square miles and includes the Medford and White City areas. The secondary nonattainment area includes about 156 square kilometers or 60 square miles. The precise definitions of the nonattainment areas are presented in Appendix 4.10-1. Appendix 4.10-1 will be included in the public hearing and will be adopted as part of this plan.

4.10.2 EMISSION INVENTORY

4.10.2.1 Base Year Emission Inventory

The base year used for analyzing particulate emissions and source impacts was the MACS sampling period (April 1979 to March 1980). The particulate emission inventory for the MACS year is outlined in the following table.

Figure 4.10-4
Particulate Nonattainment Area
Within the Medford-Ashland
Air Quality Maintenance Area

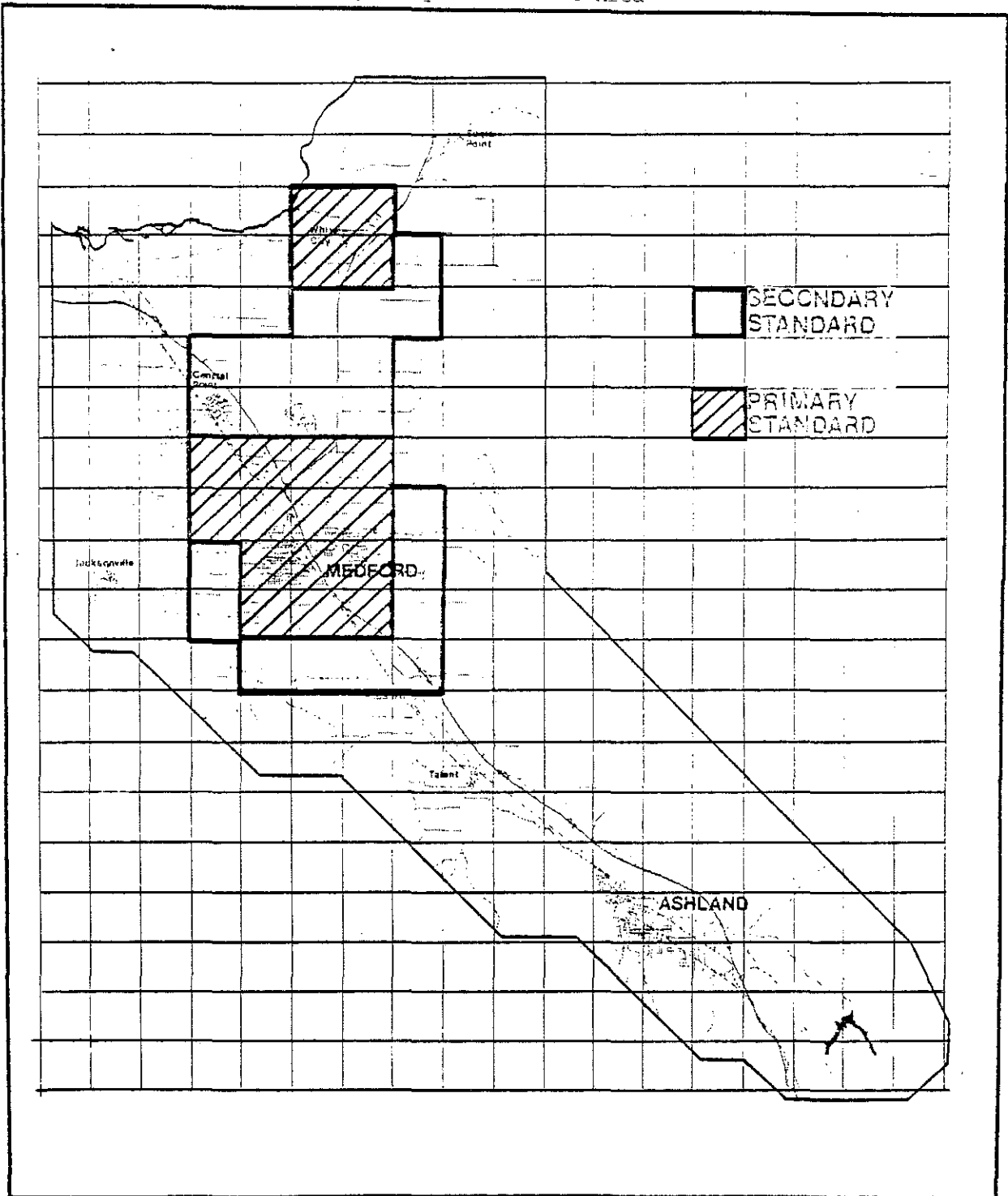


Table 4.10.2-1

MACS BASE YEAR (1979-80) EMISSION INVENTORY

Source Category	Particulate Emissions, Tons Per Year		
	Point	Area	Total
1. Industrial Processes			2856 ^a
a. Wood products	2510	280	
b. Other industry		66	
2. Fuel Combustion			2568
a. Residential		1557	
b. Commercial		7	
c. Industrial	830 ^a	92	
d. Orchard heating		82	
3. Solid Waste Disposal			152
a. Backyard burning		88	
b. Agricultural		64	
4. Fires			98
a. Slash burning		70	
b. Forest wildfires		10	
c. Structural		18	
5. Fugitive Dust			3043
a. Paved roads		1615	
b. Unpaved roads		1355	
c. Agricultural		23	
d. Heavy construction		50	
6. Transportation			177
a. Highway			120
b. Off-highway		50	
c. Other (rail, air, etc.)		7	
7. <u>Other</u>		<u>281</u>	<u>281</u>
Total	3340	5835	9175

^a Total industrial emissions, as discussed in other parts of this plan, include both industrial process and industrial combustion emissions.

4.10.2.2 Projected Emissions in Future Years

Projected particulate emissions for future years, if no new control measures are implemented, are outlined in the following table. The emission projections are based on complete implementation of the industrial control measures adopted in 1978.

Table 4.10.2-2

EMISSION INVENTORIES FOR FUTURE YEARS IF NO NEW CONTROL MEASURES

Source Category	Projected Particulate Emissions, Tons Per Year			
	MACS	1984	1990	2000
1. Industrial Processes				
a. Wood products	2790	1090	1090	1090
b. Other industry	66	72	80	86
2. Fuel Combustion				
a. Residential	1557	2420	2750	3200
b. Commercial	7	8	8	9
c. Industrial	922	510	510	510
d. Orchard heating	82	72	60	50
3. Solid Waste Disposal				
a. Backyard burning	88	90	100	120
b. Agricultural	64	64	64	64
4. Fires				
a. Slash burning	70	70	70	70
b. Forest wildfires	10	10	10	10
c. Structural	18	20	21	23
5. Fugitive Dust				
a. Paved roads	1615	1770	1930	2100
b. Unpaved roads	1355	1355	1355	1355
c. Agricultural	23	23	23	23
d. Heavy construction	50	55	60	65
6. Transportation				
a. Highway	120	132	144	156
b. Off-highway	50	55	60	65
c. Other (rail, air, etc.)	7	8	8	9
7. Other	<u>281</u>	<u>308</u>	<u>335</u>	<u>365</u>
Total	9175	8185	8678	9370

4.10.2.3 Growth Factors

The population projections used to calculate area source emissions which are directly related to population growth are consistent with the Jackson County Comprehensive Plan and the Rogue Valley Council of Governments 208 plan. The traffic projections used to calculate transportation and paved road dust emissions are consistent with the Medford Area Transportation study and the Medford Carbon Monoxide SIP.

The residential woodburning projections are based on wood heating surveys conducted by or for the Oregon Department of Environmental Quality, the Oregon Department of Energy, Pacific Power and Light Company, the U.S. Environmental Protection Agency or the Bonneville Power Administration.

A substantial reduction in industrial emissions is projected by 1984 due to implementation of industrial control measures adopted in 1978. These measures required additional controls on large hogged fuel boilers, veneer dryers, particleboard dryers, charcoal furnace and cyclones in the Medford-White City area. No significant growth in industrial emissions is projected after 1984 based on industry forecasts and the offset requirements of the Oregon new source review rules.

4.10.3 SOURCE IMPACTS

4.10.3.1 Analysis of Impacts by Source Categories

The Medford Aerosol Characterization Study (MACS) identified the major sources of total suspended particulates (TSP) and respirable particulate (RP) in 1979-80 as outlined in the following table. Respirable particulate includes particules less than 2.5 microns in diameter.

Table 4.10.3-1

SOURCE CONTRIBUTIONS DURING BASE YEAR

<u>Source Category</u>	<u>Description</u>	<u>Annual Average Impact (ug/m³)</u>	
		<u>TSP</u>	<u>RP</u>
Vegetative Burning	Primarily residential wood-burning, also slash burning, field burning, backyard open burning.	30	30
Soil & Road Dust	Primarily paved road dust entrained by traffic, also unpaved road dust and wind blown dust.	29	2
Wood Products Industry	Primarily wood-fired boilers, veneer dryers, particle dryers, also air conveying systems.	19	9
Other	Motor vehicle exhaust, tire wear, construction, etc.	11	3
Unexplained		<u>8</u>	<u>2</u>
Total		97	46

The relative contributions of local and background sources to both TSP and RP levels are outlined in Figure 4.10-5.

4.10.3.2 Projected Source Impacts in Future Years

Projected source impacts in 1984 are contrasted with impacts during the MACS year in the following table. Residential wood burning and wood products industry emission trends over the 1970-2000 period are outlined in Figure 4.10-6.

Figure 4.10-5
 ANNUAL AVERAGE SOURCE CONTRIBUTIONS
 FOR THE MACS SAMPLING PERIOD
 Medford Justice Building TSP

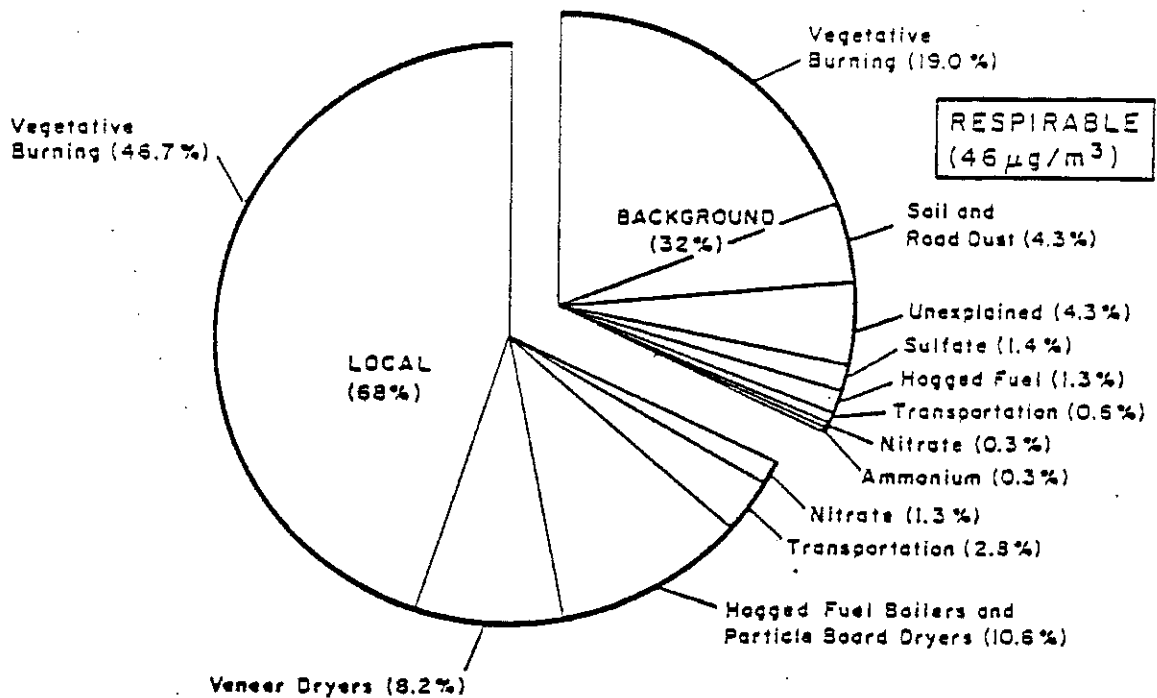
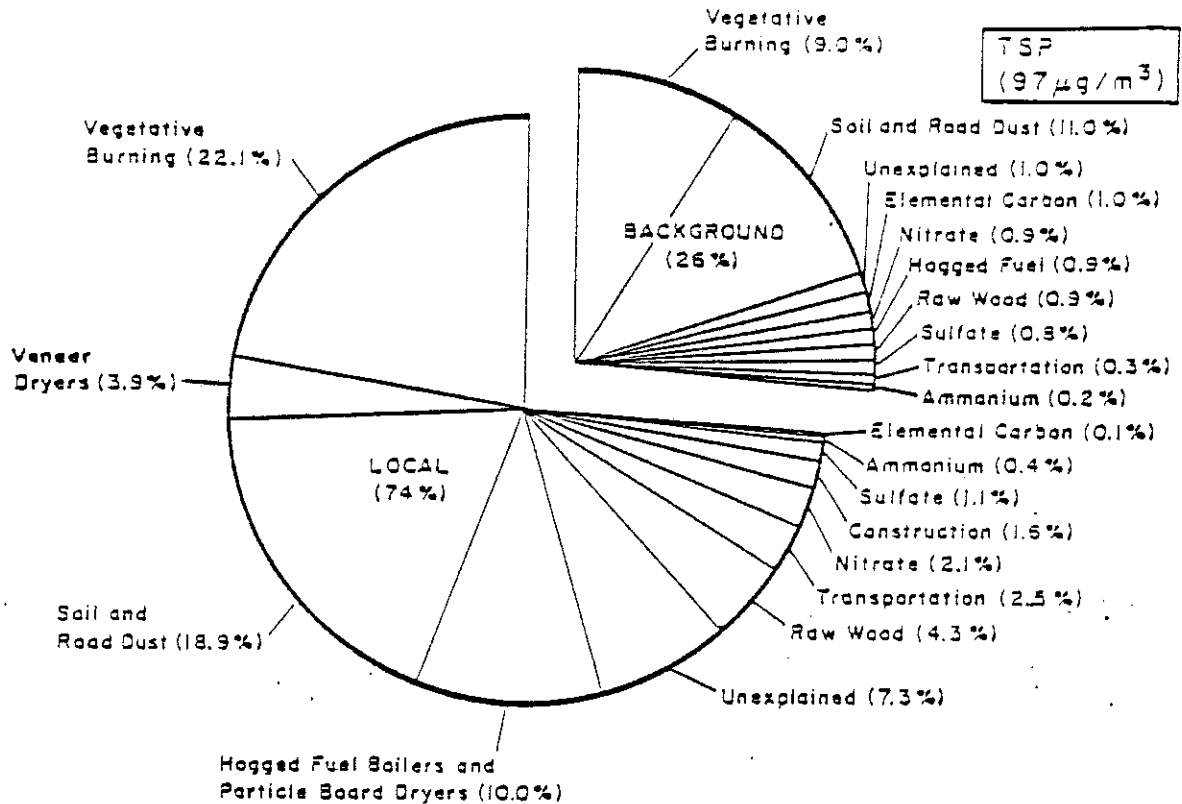


Figure 4.10-6

Residential Wood Burning and Industrial Emission Trends in the Medford AQMA

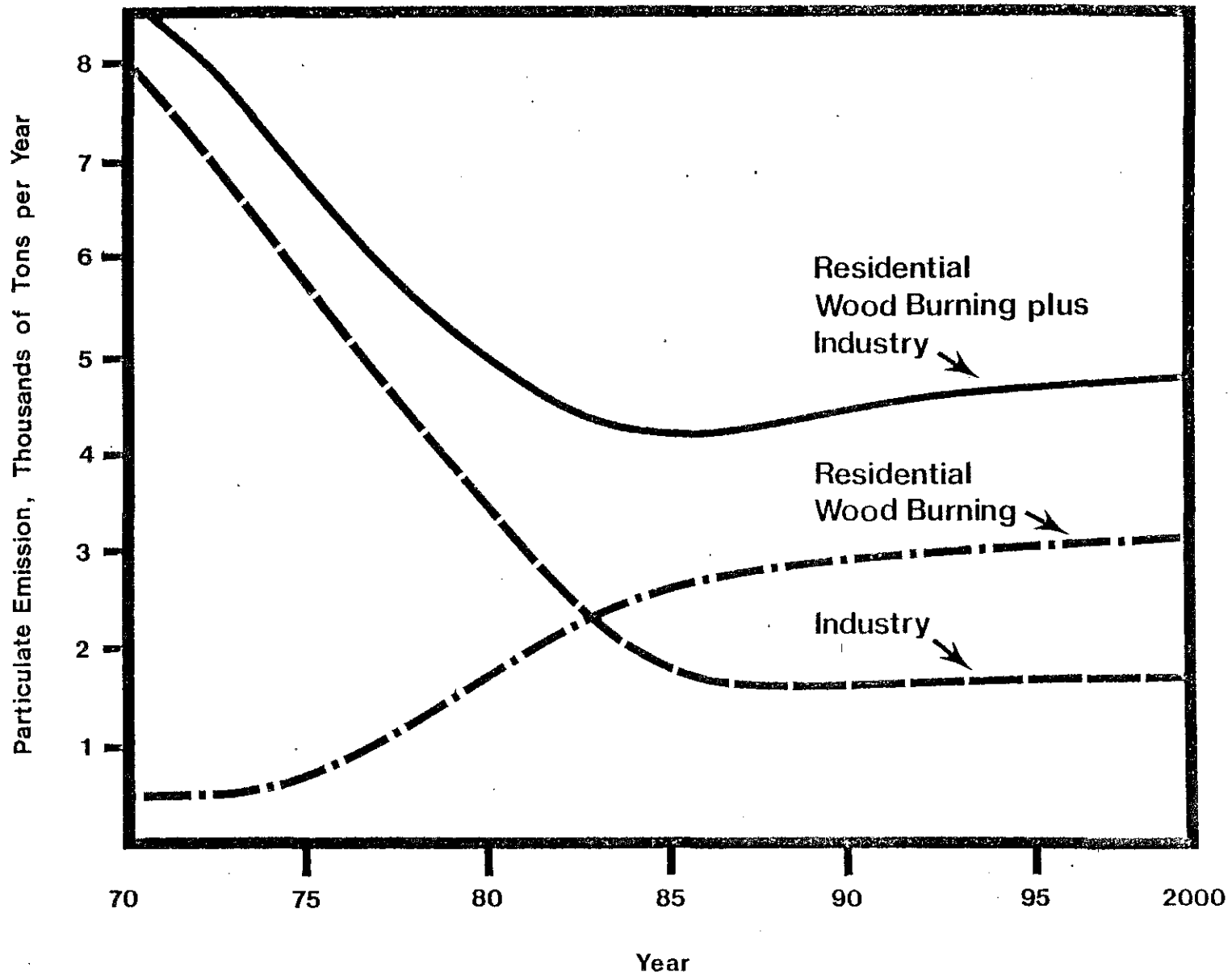


Table 4.10.3-2

Source Category	PROJECTED SOURCE CONTRIBUTIONS IN 1984 Annual Average TSP Impact ($\mu\text{g}/\text{m}^3$)		
	MACS	1984 ^a	1984 ^b
Vegetative Burning	30.1	36	36
Soil & Road Dust	29.0	30	30
Wood Products Industry	19.5	20	8
Other Identified Sources ^c	10.7	11	11
Unexplained	7.8	8	8
Total	97	105	93

^a If no additional industrial controls installed after the MACS year.

^b If 1978-adopted industrial controls implemented on schedule.

^c Motor vehicle exhaust, tire wear, construction, etc.

4.10.4 CONTROL STRATEGY

4.10.4.1 Emission Reduction Necessary for Attainment

Air quality projections, using potential control strategy scenarios, indicate that the annual particulate standards will be more difficult to attain in the Medford area than the corresponding daily standards. The projections indicate that the daily standards will be met if the strategy is adequate to meet the corresponding annual standards.

The ambient TSP concentration during MACS averaged $97 \mu\text{g}/\text{m}^3$ (annual geometric mean). The MACS concentration of $97 \mu\text{g}/\text{m}^3$ was used as the design concentration. This concentration is very similar to the annual average TSP level measured during 1978 and 1979 (99.0 and $98.7 \mu\text{g}/\text{m}^3$, respectively) which are the highest years on record. If no additional control measures were implemented after MACS, particulate concentrations would be expected to increase to $105 \mu\text{g}/\text{m}^3$ by 1984. Thus, a $30 \mu\text{g}/\text{m}^3$ reduction would be needed to meet the primary particulate standard of $75 \mu\text{g}/\text{m}^3$ in 1984 and a $45 \mu\text{g}/\text{m}^3$ reduction would be needed to meet the secondary standard of $60 \mu\text{g}/\text{m}^3$.

However, the industrial control measures adopted in 1978 had not been completely implemented at the time of MACS. These industrial measures were expected to reduce particulate levels by 12 ug/m^3 subsequent to MACS. Thus, an additional reduction of 18 ug/m^3 is needed to meet the primary standard by 1984.

4.10.4.2 Evaluation of Potential Control Measures

The Department of Environmental Quality and the Jackson County Air Quality Advisory Committee considered various control measures to reduce particulate emissions from the three major source categories. The potential control measures considered are outlined by source category in Table 4.10.4-1.

Table 4.10.4-1

POTENTIAL CONTROL MEASURES BY SOURCE CATEGORY

<u>Vegetative Burning</u>	<u>Soil & Road Dust</u>	<u>Industrial Sources</u>
a. Weatherize all homes installing new woodstoves.	a. Quicker clean-up of winter sanding materials.	a. Complete the 1978 industrial control measures.
b. Weatherize all existing wood heated homes.	b. Control of construction trackout.	b. Control industrial fugitive emissions.
c. Weatherize 50% of existing wood heated homes.	c. Control of industrial trackout.	c. Upgrade veneer dryer controls.
d. Provide weatherization assistance to elderly & low income families.	d. Paving of unpaved roads & shoulders.	d. Control small cyclones with baghouses.
e. Subsidize energy cost for elderly.	e. Reduce traffic volumes (VMT).	e. Add wet scrubbers to small wood-fired boilers.
f. Control moisture content of forest land firewood.	f. Improved street sweeping practices.	f. Convert large wood-fired boilers to baghouse controls.
g. Regulate commercial firewood moisture content.		g. Improve operation & maintenance of industrial control equipment.
h. Curtail woodstove use during pollution episodes.		h. Curtail industrial operations during pollution episodes.
i. Require alternate heat source in new homes.		
j. Require proper woodstove sizing.		
k. Require solar access and orientation of new homes.		
l. Require retrofit controls on woodstoves.		
m. Ban installation of new woodstoves.		
n. Ban wood heating.		

4.10.4.3 Primary Standard Attainment Strategy

The MACS source impact analysis, projected emission trends, and an analysis of energy and economic impacts of potential control measures were used by the Department of Environmental Quality, the Jackson County Air Quality Advisory Committee and the Jackson County Board of Commissioners to develop the particulate control strategy for the Medford airshed. In order to meet the primary particulate standard by 1984, annual average particulate levels needed to be reduced by 30 $\mu\text{g}/\text{m}^3$. The new strategy, combined with completion of the industrial control strategy adopted in 1978, is expected to reduce particulate levels by 32 $\mu\text{g}/\text{m}^3$. The relative contributions of the control measure categories are outlined in the following table.

Table 4.10.4-2

PROJECTED ANNUAL TSP REDUCTIONS IN MEDFORD

<u>Control Measure Category</u>	<u>Projected Annual TSP Reduction ($\mu\text{g}/\text{m}^3$) by 1984</u>
Completion of 1978 industrial control measures.	12
New industrial control measures.	2
New residential woodburning control measures.	16
New soil & road dust control measures.	<u>2</u>
Total	32

The industrial control measures adopted in 1978 are outlined in the following table. These measures were projected to reduce annual TSP levels by 15.2 $\mu\text{g}/\text{m}^3$ in the Medford area. About 12 $\mu\text{g}/\text{m}^3$ of this reduction was expected to occur after the MACS period.

Table 4.10.4-3

INDUSTRIAL CONTROL MEASURES ADOPTED IN 1978

<u>Control Measures</u>	<u>Projected Annual TSP Reduction (ug/m³)</u>
Particleboard dryer controls.	5.5
Large hogged fuel boiler controls.	1.4
Wigwam burner elimination.	0.2
Charcoal plant controls.	0.6
Large cyclone controls.	6.4
Veneer dryer controls.	<u>1.1</u>
Total	15.2

The new particulate strategy is outlined in the following table. Some control measures are not assigned a direct benefit but are considered essential to the success of other measures.

Table 4.10.4-4

SUMMARY OF PRIMARY STANDARD ATTAINMENT STRATEGY

<u>Control Measures</u>	<u>Projected Annual TSP Reduction (ug/m³) by 1984</u>	
INDUSTRIAL CONTROL MEASURES	14	
Completion of 1978 control measures		(12.0)
Fugitive emissions control		(0.8)
Operation & maintenance program		(0.9)
VEGETATIVE BURNING CONTROL MEASURES	16	
Woodstove operation education		(a)
Weatherization before new woodstove installation		(3.2)
Weatherization of homes with existing stoves		(5.5)
Weatherization assistance to elderly/low income		(a)
Woodstove sizing requirements		(a)
Firewood moisture control		(3.2)
Commercial firewood control		(0.9)
Woodstove curtailment during pollution episodes		(2.8)
Alternate heat source for new homes		(a)
Solar access & orientation		(0.3)
Open burning control		(0.1)
SOIL & ROAD DUST CONTROL MEASURES	2	
Trackout controls		(0.1)
Street sanding/sweeping		(0.4)
Paving unpaved roads/shoulders		(0.8)
Fugitive emission control		<u>(0.8)</u>
Total	32	

^a These measures are not assigned a direct benefit but are essential to the success of other measures.

The necessary state rules, county ordinances, city ordinances and other commitments for implementation are included in Section 4.10.5. The control measures are described below.

Industrial Control Measures

Rules were adopted in 1978 requiring additional controls on particle-board dryers, large hogged fuel boilers, large cyclones, veneer dryers and the charcoal plant. The particle dryer controls (to 0.40 lb/1,000 ft²) are expected to reduce emissions by 1,070 tons per year in 1983. Boiler controls (to 0.050 gr/scf) were expected to reduce emissions by 561 tons per year by 1981. The cyclone controls (baghouses) were expected to reduce emissions by 1,165 tons per year by 1981. The veneer dryer controls (10% average opacity) were expected to reduce emissions by 143 tons per year by 1981. The charcoal plant controls (10 lb/ton of charcoal) were expected to reduce emissions by 410 tons per year by 1982. In addition to these control requirements, wigwam burners were required to cease operation by 1980, thus reducing emissions by 210 tons per year. All of these control measures have been implemented except for the particle dryer controls which are scheduled for 1983 implementation.

The new particulate strategy for primary standard attainment includes fugitive emissions control and operation and maintenance requirements. Each industrial site is required to develop and implement a plan for minimizing fugitive emissions, including trackout. These plans will be used as a basis for compliance action. Industries are required to develop and implement operation and maintenance programs to maximize the effectiveness of particulate control equipment and minimize particulate emissions. These operation and maintenance programs are expected to reduce industrial point source emissions by 10% or about

160 tons per year after 1983.

Vegetative Burning Control Measures

The vegetative burning control measures focus primarily on increasing the energy efficiency of residential space heating, thus reducing the amount of firewood burned and the amount of particulate emissions. In combination, the vegetative burning control measures are expected to reduce particulate emissions from residential woodburning by about 40% by 1984.

Woodstove operation education has been recognized in Oregon as an important element of air pollution control. Several woodstove publications specific to Oregon have been widely distributed. A series of video public service announcements were produced. Numerous presentations have been made to interested groups. Newspapers, television stations and radio stations have provided extensive coverage. Many state and local agencies, especially the Oregon Departments of Energy and Environmental Quality, the Oregon State University Extension Service, and the U.S. Forest Service have been involved in this woodstove education effort.

The City of Medford and Jackson County have established policies to minimize particulate emissions from home heating devices by improving home weatherization and reducing energy loss. It is the goal of the City of Medford and Jackson County that all residences be weatherized to the cost-effective level within five years (by January 1, 1987).

Local ordinances now require that an energy audit be performed and be made available on all residences as a condition of sale or rental. If satisfactory progress is not being made on voluntary weatherization

and attainment of the primary particulate standard, then weatherization will be required as a condition of sale or rental after January 1984.

Existing homes are required by local ordinances to meet minimum weatherization standards prior to installation of a new woodstove. The minimum weatherization standards are based on the cost-effective recommendations of an energy audit by a utility company. The recommendations normally include R-30 attic insulation and R-19 floor insulation.

The Bonneville Power Administration and utility companies in the Pacific Northwest have initiated one of the nation's most ambitious conservation programs. Free home energy audits, zero-interest or low-interest loans, and rebates are available for home weatherization. In addition, the Oregon Legislature took action in 1981 (HB 2246 and HB 2247) to further insure that free energy audits and low interest financing are available to all homeowners regardless of heat source. Pacific Power & Light Company has reported that the average home participating in its weatherization program in the Medford District reduced its annual space heating demand by 40% and its overall annual energy use by 25% at a total cost of about \$1600. Free home weatherization is available to low-income citizens of Jackson County (with priority to senior citizens) through Project Warm and programs of the Bonneville Power Administration.

Jackson County recognized that a properly sized woodstove is essential for obtaining maximum benefit from the weatherization programs. A properly sized stove avoids low burn rate conditions which result in highest emission rates. An evaluation of proper stove sizing will be

included as a part of the permit process for installation of a new woodstove.

A Medford wood heating survey and firewood cutting records indicate that fall is the major firewood cutting season. Over 40% of the firewood in the Medford area is cut in the fall. According to the Medford survey, most people (52%) season firewood for six months or less. About 25% season firewood for three months or less. This cutting and seasoning pattern indicates that there is significant potential to improve firewood seasoning practices, thus increasing the energy value of the firewood, reducing the amount of firewood burned and reducing the pollutants emitted.

The U.S. Forest Service, Bureau of Land Management and the Oregon Department of Forestry have expanded their public education efforts on proper firewood seasoning. Information on improving firewood seasoning, increasing energy efficiency and reducing pollutant emissions is now attached to all firewood cutting permits issued in the Medford area. In addition, the U.S. Forest Service and Bureau of Land Management are shifting firewood cutting schedules to the spring or early summer months to insure longer seasoning of firewood. Firewood seasoning programs are expected to reduce the amount of firewood burned and particulate emissions by 10% in the Medford area by 1984.

Voluntary curtailment of wood heating is requested during Air Stagnation Advisories (10-40 days per year in the Medford area). Mandatory curtailment of wood heating is required by Jackson County ordinance when ambient levels of suspended particulate are projected to exceed the primary standard (260 ug/m^3 , 24-hour average) unless no alternate heat source is available. After 1984, the curtailment of wood heating would become mandatory during Air

Stagnation Advisories (unless no alternate heat source is available) by City of Medford and Jackson County ordinances if the primary particulate standard is not attained by that date.

New homes with a wood heating system are now required by local ordinances to have an alternate heat source.

The Medford-Ashland area is one of the best areas of the Pacific Northwest for utilization of solar energy. There can be a significant energy contribution from available solar radiation by simply orienting structures properly, even if they not specifically designed to utilize solar energy. The solar energy contribution would reduce fuel use, and in the case of wood, oil or gas heated homes, would reduce particulate emissions. Solar energy can contribute about 15% of a home's yearly space heating needs by simply orienting a new home to the sun and guaranteeing solar access.

Several cities in Jackson County have adopted or are considering solar access or orientation ordinances. Education on passive solar energy options is being expanded.

Open burning of residential waste is now restricted by City of Medford and Jackson County ordinances on days when the maximum ventilation index is less than 400. The ventilation index is the National Weather Service's indicator of the relative degree of air circulation for the Medford area. Open burning of residential waste is prohibited during December and January of each year.

Soil & Road Dust Control Measures

Several roadways are scheduled for upgrading as a result of the

Medford Area Transportation Study. This upgrading would result in the elimination of some unpaved shoulders on portions of Stewart Avenue, McAndrews Road and other streets in the Medford area.

The City of Medford has developed an incentive program to pave existing unpaved streets. The Medford program provides 50% of the cost to pave the unpaved streets. About \$200,000 in federal Housing and Urban Development grant money is available for the subsidy program. About 13 residential streets are planned for improvement.

The City of Medford, City of Ashland and Jackson County have adopted specific trackout ordinances to reduce trackout from construction sites, orchards and industrial operations.

The City of Medford uses relatively large gradation winter sanding material (pea gravel) to minimize dust emissions. Both the City of Medford and the City of Ashland use street sweepers for quick clean-up of the sanding material following icing episodes. The Oregon Department of Transportation and Jackson County have committed to evaluate their sanding and sweeping programs and implement the practicable improvements to minimize dust emissions.

4.10.4.4 Secondary Standard Attainment Strategy

Additional control measures are necessary in order to maintain the primary standard and attain the secondary standard. The key measures of the maintenance and secondary standard attainment strategy are outlined in the following table.

Table 4.10.4-5

SECONDARY STANDARD ATTAINMENT STRATEGY

<u>Control Measure</u>	<u>Schedule</u>
Completion of retrofit weatherization programs.	1984 - 1990
Solar access and orientation.	1982
Woodstove certification program.	1985
Upgraded veneer dryer controls.	1990
Soil & road dust control measures.	1990

The retrofit weatherization programs outlined in the primary standard attainment strategy are expected to be 50% completed by 1984. The remainder of the retrofit weatherization work is expected to be completed from 1984 to 1990.

Recent new woodstove designs appear to have significant potential to reduce woodstove emissions. Jackson County recommended that DEQ develop a woodstove testing methodology, emission standards and certification program.

Woodstove manufacturers have claimed overall efficiency of 70% or more in recent designs. Independent testing has verified some of these claims. A high-efficiency woodstove (70% efficient) is expected to burn about 20% less wood than the average woodstove (50-55% efficient) to produce the same heat output. In addition, the emission rates (lb/ton of wood burned) from some new woodstove designs are 70-80% lower than from the average woodstove. The combined effect of increased efficiency and lower emission rate is a 75-85% reduction in emissions per unit of heat output.

DEQ intends to request the 1983 Oregon Legislature for authority to implement a woodstove certification program. If authorized in 1983, a voluntary testing program could be in place in 1984 and a mandatory certification program in 1985.

Upgraded veneer dryer controls are required by July 1, 1990. The old veneer dryer rule required approximately 45% control of particulate emissions from veneer dryers in order to meet the 10% average opacity limit. The new rule requires approximately 75% control of veneer dryer emissions and includes specific mass emission limits by dryer type. The new rule is expected to reduce veneer dryer emissions by 113 tons per year.

Additional soil and road dust control measures will be evaluated by 1990. The Portland Road Dust Demonstration Project, soon to be completed, is expected to provide useful information on potential control measures. The additional soil and road dust measures would be implemented during 1990-2000. These measures would be expected to reduce soil and road dust emissions by 25% and reduce TSP impacts by about 8 ug/m³(annual average). Implementation of these measures, yet to be specifically identified, will be concentrated in any subareas which continue to exceed the secondary particulate standard.

(Revision of the federal and Oregon particulate standards to a fine particulate standard may make these additional soil and road dust measures unnecessary since these measures would reduce primarily the coarser particulates.)

4.10.4.5 Air Quality Benefits of the Strategies

Particulate emissions are expected to increase substantially in the Medford airshed in future years, primarily due to projected increases

in residential wood burning, unless new control measures are implemented. The strategy outlined above is expected to reduce particulate emissions in future years, more than offsetting the otherwise projected increases. Projected particulate emissions in future years with implementation of the primary and secondary strategies are outlined in the following table.

Table 4.10.4-6

PROJECTED PARTICULATE EMISSIONS WITH IMPLEMENTATION OF STRATEGY

Sources	Projected Particulate Emissions, Tons Per Year			
	MACS	1984	1990	2000
1. Industrial Processes				
a. Wood products	2790	980	867	867
b. Other industry	66	72	80	86
2. Fuel Combustion				
a. Residential	1557	1450	830	640
b. Commercial	7	8	8	9
c. Industrial	922	460	460	460
d. Orchard heating	82	70	60	50
3. Solid Waste Disposal				
a. Backyard burning	88	70	70	70
b. Agricultural	64	64	64	64
4. Fires				
a. Slash burning	70	70	70	70
b. Forest wildfires	10	10	10	10
c. Structural	18	20	21	23
5. Fugitive Dust				
a. Paved roads	1615	1676	1828	1490
b. Unpaved roads	1355	1243	1200	930
c. Agricultural	23	23	23	23
d. Heavy construction	50	55	60	65
6. Transportation				
a. Highway	120	132	144	156
b. Off-highway	50	55	60	65
c. Other (rail, air, etc.)	7	8	8	9
7. Other	281	308	335	365
Total	9175	6774	6198	5452

Projected ambient particulate levels are outlined in the following tables. The two columns under each future year contrast the projected levels if no action is taken with projected levels if the

strategy is implemented. The first following table projects TSP levels in future years.

Table 4.10.4-7

PROJECTED TSP LEVELS IN FUTURE YEARS

Source Category	Projected TSP Impact (ug/m ³)				Annual Geometric Mean	
	1984		1990		2000	
	WS ^a	WO ^b	WS ^a	WO ^b	WS ^a	WO ^b
Vegetative Burning	20	36	16	53	12	62
Soil & Road Dust	28	30	30	32	24	34
Wood Products Industry	7	20	6	20	6	20
Other Identified Sources ^c	10	11	10	11	10	11
Unexplained	8	8	8	8	8	8
Total	73	105	70	124	60	135

a With strategies implemented.

b Without strategies implemented.

c Motor vehicle exhaust, tire wear, construction, etc.

Respirable particulate (RP) levels in future years are outlined in the following table. Respirable particulates are those particulates less than 2.5 microns.

Table 4.10.4-8

PROJECTED RP IMPACTS IN FUTURE YEARS

Source Category	Projected RP Impact (ug/m ³)				Annual Geometric Mean	
	1984		1990		2000	
	WS ^a	WO ^b	WS ^a	WO ^b	WS ^a	WO ^b
Vegetative Burning	22	36	20	53	17	62
Soil & Road Dust	2	2	2	2	2	2
Wood Products Industry	5	10	4	10	4	10
Other Identified Sources ^c	3	3	3	3	3	3
Unexplained	2	2	2	2	2	2
Total	34	53	31	70	28	79

a With strategies implemented.

b Without strategies implemented.

c Motor vehicle exhaust, tire wear, construction, etc.

The projected effectiveness of the control measures categories is outlined in the following table. Reductions in TSP impacts are compared with reductions in RP impacts for each future year.

Table 4.10.4-9

PROJECTED EFFECTIVENESS OF STRATEGIES BY CONTROL MEASURE CATEGORY

<u>Control Measure Category</u>	<u>Projected Annual Particulate Reduction (ug/m³)</u>					
	<u>1984</u>		<u>1990</u>		<u>2000</u>	
	<u>TSP</u>	<u>RP</u>	<u>TSP</u>	<u>RP</u>	<u>TSP</u>	<u>RP</u>
Vegetative Burning	16	14	37	33	50	45
Soil & Road Dust	2	0	2	0	10	0
Wood Products Industry	14	5	15	6	15	6
Total	32	19	54	39	75	51

Projected TSP trends (with and without implementation of the strategy) are outlined in Figure 4.10-7. Projected RP levels (with and without implementation of the strategy) are outlined in Figure 4.10-8.

4.10.4.6 Other Impacts of the Strategies

Growth Management Plan

The Oregon new source review rules (OAR 340-20-220 to 275) require major new or modified point sources locating in a nonattainment area to:

1. Meet lowest achievable emission rates; and
2. Provide emission offsets or demonstrate that the source will comply with the growth increment (if available).

The Department has been unable to identify reasonable control measures adequate to provide a growth increment for particulate emissions.

Thus, particulate emission offsets are required for major new or modified point sources locating in the Medford area. New or modified particulate sources which would emit 5.0 tons per year are considered major sources and are subject to the new source review rules.

Without an adopted strategy to attain and maintain the primary particulate standard, major new or modified point sources are

Figure 4.10-7

AMBIENT TSP PROJECTIONS FOR THE MEDFORD AREA

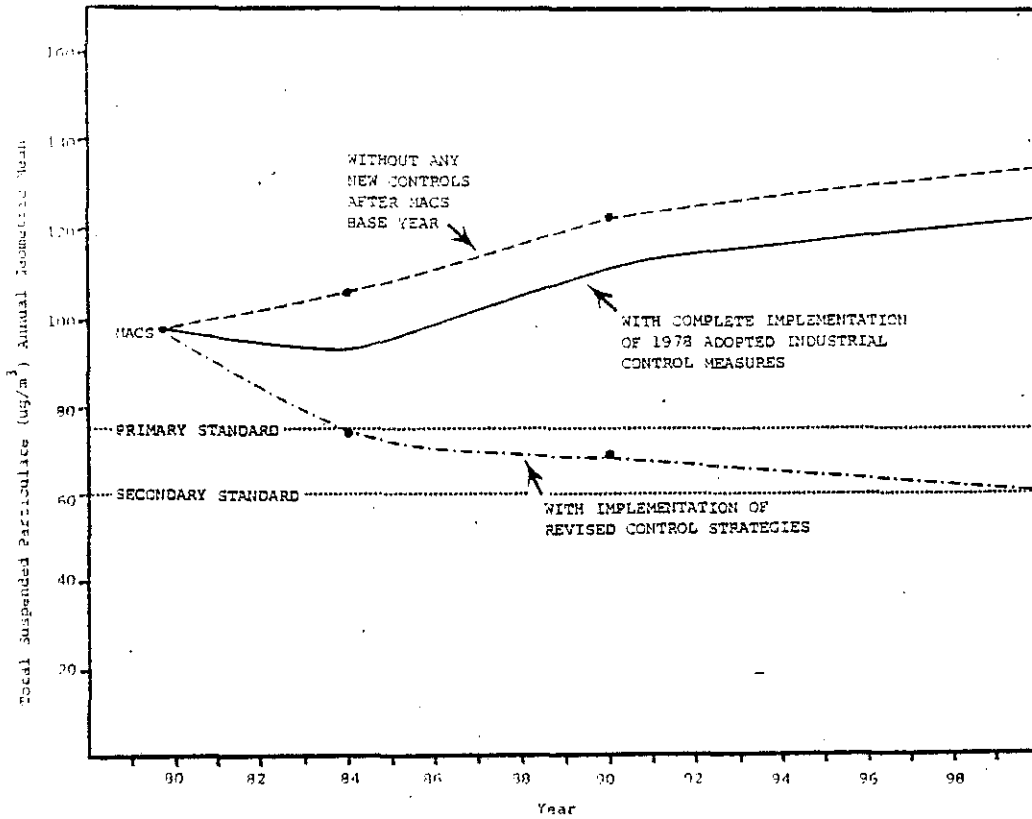
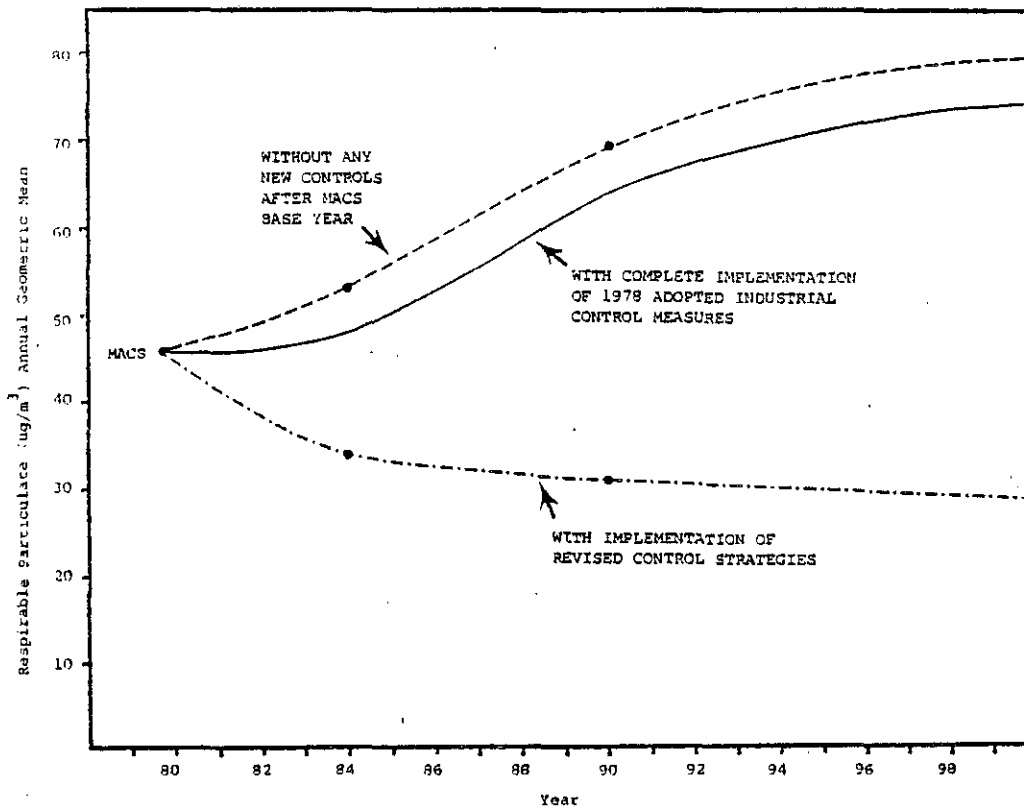


Figure 4.10-8

AMBIENT RP PROJECTIONS FOR THE MEDFORD AREA



prohibited from locating in a nonattainment area. The Medford particulate strategy enables major new or modified point sources to locate in the Medford area if the sources comply with the new source review rules, including the emission offset requirements.

Health Effects

Attainment and maintenance of the primary particulate standard is intended to provide adequate protection to the health of the community. The Medford strategy focuses primarily on the control of respirable particulates which are of greater health concern than coarser particulates.

The Environmental Protection Agency is considering a new primary particulate standard based on the smaller sized particulates. The Medford particulate strategy is consistent with this direction.

Welfare Effects

The Medford particulate strategy is expected to improve visibility and reduce soiling in the Medford-Ashland area. The strategy is also expected to help reduce odors from residential wood burning and open burning. Property values may increase in areas in which substantial air quality improvements are achieved.

Energy and Economic Impacts

The selected control measures, especially the residential wood burning control measures, were generally the most energy efficient and cost-effective of the potential control measures. Energy requirements and economic costs were carefully considered in the selection of the

control measures for the particulate strategy. Estimated costs of the various control measures are outlined in the Appendix.

4.10.5 RULES, REGULATIONS AND COMMITMENTS

The Oregon Revised Statutes (ORS) 468.020, 468.295 and 468.305 authorize the Oregon Environmental Quality Commission to adopt programs necessary to meet and maintain state and federal standards. The mechanisms for implementing these programs are the Oregon Administrative Rules (OAR). Pertinent rules for the Medford particulate strategy are outlined in the following table.

- Table 4.10.5-1

OREGON RULES PERTINENT TO THE MEDFORD PARTICULATE STRATEGY

<u>OAR</u>	<u>Subject</u>
340-30-015	Wood Waste Boilers
340-30-020 (revised)	Veneer Dryer Emission Limitations
340-30-025	Air Conveying Systems
340-30-030	Wood Particle Dryers at Particleboard Plants
340-30-031	Hardboard Manufacturing Plants
340-30-035	Wigwam Waste Burners
340-30-040	Charcoal Producing Plants
340-30-043 (new)	Control of Fugitive Emissions
340-30-044 (new)	Requirement for Operation and Maintenance Plans
340-30-045 (revised)	Compliance Schedules
340-30-050	Continuous Monitoring
340-30-055	Source Testing
340-20-220 to 275	New Source Review
340-20-300 to 320	Plant Site Emission Limits

The specific air pollution rules for the Medford-Ashland AQMA (OAR 340-30-005 to 070) are included in Section 3.1 of the Oregon State Implementation Plan.

Local ordinances have been adopted to control residential wood burning emissions and soil and road dust. Jackson County Ordinance No. 82-6, known as the Particulate Air Pollution Control Ordinance of Jackson County, includes the following sections.

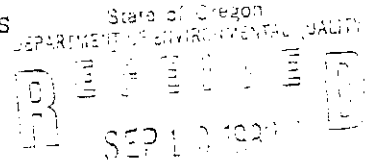
Table 4:10.5-2

PARTICULATE AIR POLLUTION CONTROL ORDINANCE OF JACKSON COUNTY

<u>Section</u>	<u>Subject</u>
5	Weatherization requirements for solid fuel heating device installation
6	Residential weatherization
7	Residential wood burning
8	Trackout
9	Open burning

Similar sections are included in City of Medford Ordinance Nos. 4732 and 4740. Copies of the local ordinances and other city and agency commitments are included in the following pages. The implementation schedules and mechanisms for the primary and secondary strategies are outlined in Table 4.10.5-3 which follows on page 41.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON



ORDINANCE NO. 82-6

AIR QUALITY CONTROL

AN ORDINANCE PROVIDING FOR CLEANER AIR.

WHEREAS Jackson County finds that prevailing weather patterns in certain areas of the county tend to hold pollutants in the air; and,

WHEREAS smoke and dust are particulates which originate from many sources, and which tend to collect in the air shed of Jackson County; and,

WHEREAS Jackson County wishes to protect the general health, safety and welfare of its citizens by controlling the sources of particulate air pollution.

THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY ORDAINS:

SECTION 1. TITLE

1.1 This ordinance shall be known as the "Particulate Air Pollution Control Ordinance of Jackson County" and may be so cited and pleaded, and shall be cited herein as "this ordinance".

SECTION 2. GENERAL DEFINITIONS

2.1 Air stagnation advisory: Forecast made by the National Weather Service for poor ventilation conditions.

2.2 Board: The Board of Commissioners of Jackson County.

2.3 Cost-effective level of weatherization: Minimum, cost-efficient standards of weatherization, including standards for materials and installation, which shall be set by the Director of Planning and Development. These standards shall reflect, but not exceed the levels defined in ORS 469.710 (2).

2.4 Medford-Ashland AQMA: That part of Jackson County, Oregon, specifically identified by the Oregon Department of Environmental Quality as an air quality maintenance area -- one of several areas in the state wherein air quality has deteriorated due to unhealthy levels of pollutants in the air. The map of the Medford-Ashland AQMA is attached to this ordinance as exhibit "A" and incorporated herein by reference.

1-ORDINANCE

Date Typed: 8/19/82

2.5 Open burning: Includes burning in burn barrels, incinerators, open outdoor fires, and any other burning wherein combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

2.6 Particulate: Airborne particles ranging from .01 to 1,000 microns in size. These particles are inhaled during breathing and can be harmful.

2.7 Person: Includes individuals, corporations, associations, firms, partnerships, and joint stock companies.

2.8 Primary particulate standard: An average particulate concentration of 260 micrograms per cubic meter of air during a twenty-four hour period.

2.9 Proof of weatherization: Certification, receipts, contracts, or other such documents specifically listing weatherization steps taken by the homeowners, which may be reviewed by building inspectors at the time of solid fuel heating system installation.

2.10 Regulations: Regulations promulgated by the Board pursuant to this ordinance.

2.11 Residential building: An existing building used for permanent or seasonal habitation by one or more persons, containing four or fewer dwelling units, and constructed prior to January 1, 1979.

2.12 Residential woodburning: Utilization of a wood heating device inside a dwelling unit.

2.13 Spaceheating: Raising the interior temperature of a room or rooms.

2.14 Total suspended particulate level: Amount of particulate in ambient air.

2.15 Trackout: The deposition of mud, dirt and other debris on paved public roadways by motor vehicles; the material being so tracked onto public roadways. Trackout can become pulverized and blown into the air by vehicular traffic, where it becomes a part of the total suspended particulate level.

2.16 Ventilation index: The National Weather Service's indicator of the relative degree of air circulation for a specified area.

2.17 Waste: Discarded or excess material, including:

A) Agricultural waste resulting from farming or agricultural practices and operations.

2-ORDINANCE

B) Nonagricultural waste resulting from practices and operations other than farm operations, including industrial, commercial, construction, demolition and domestic wastes, and yard debris.

2.18 Wood heating devices: A stove, heater, fireplace, or other receptacle wherein wood is heated to the point of combustion.

SECTION 3. GENERAL EXEMPTIONS

3.1 This ordinance shall not apply:

- A) Within incorporated limits of any city.
- B) To federal or state lands.
- C) To prescribed slash burns regulated by the Oregon State Smoke Management Plan.
- D) To cooking fires or ceremonial fires.

SECTION 4. SEVERABILITY

4.1 If any portion of this ordinance is declared to be invalid by a court of competent jurisdiction, such invalidity shall be confined to the section to which such declaration of invalidity relates, and the remainder of this ordinance shall continue to be operative.

SECTION 5. WEATHERIZATION REQUIREMENTS FOR SOLID FUEL HEATING DEVICE INSTALLATION

The purpose of this section is to reduce the amount of particulate pollution resulting from residential woodburning for building heating. Most buildings constructed before 1979 were built to lower weatherization standards than buildings constructed since that date. A highly weatherized and insulated building will require less fuel to attain and hold a given temperature. It will produce less smoke pollution and will also result in a savings of the wood or other fuel resource. Additionally, weatherization prior to or at the time of installation of a solid fuel heating device will generally result in the selection of a device more appropriately sized for the building and will lessen the potential amount of smoke produced. Therefore:

5.1 The installation of a wood stove, fireplace, or any other form of solid fuel, space heating device is allowed if:

- A) The space heating device is installed pursuant to the uniform building code and regulations of the Jackson County Department of Planning and Development.

3-ORDINANCE

B) The structure contains an alternate form of space heating, including natural gas, propane, electric, oil, solar, or kerosene, sufficient to meet necessary space heating requirements, so that during episodes of high pollution levels, the occupant will be able to heat the home with other than a solid fuel burning, smoke producing method.

C) The residence meets or is proposed to meet within 90 days the cost-effective levels of weatherization as defined in Section 2.3 of this ordinance.

SECTION 6. RESIDENTIAL WEATHERIZATION

The purpose of this section is to minimize particulate emissions from home heating devices by improving home weatherization and reducing energy loss. This section is also intended to encourage homeowners to make use of free energy audits and low-interest financing available from local utility companies. Information concerning free energy audit and low-interest financing programs is available from the Jackson County Department of Planning and Development or directly from the utility companies. It is the County's intent to advertise and make known programs which are already available for weatherizing homes and to assist citizens in taking advantage of those programs.

6.1 It is the goal of Jackson County to assist citizens to weatherize all residences to the cost-effective level by January 1, 1987.

6.2 All residences shall have received an energy audit prior to the time of sale or rental, and such information shall be made available to potential purchasers or renters as a condition of such sale or rental. This section shall become effective six months after adoption of this ordinance.

6.3 In January of 1984, if the primary particulate health standards are not being maintained, all homes with a wood heating system shall be weatherized to cost-effective levels at the time of sale or rental.

SECTION 7. RESIDENTIAL WOODBURNING

The purpose of this section is to reduce the amount of particulate pollution during periods of air stagnation or when pollution levels are critical. Periods of air stagnation occur at various times in a year and can create a severe accumulation of pollutants. Residential woodburning can contribute as much as 50 percent of the particulate pollution during these conditions.

7.1 The county shall, through its air quality information program, advise the public when air stagnation conditions exist or when suspended particulate health standards are exceeded or when suspended particulate health standards are projected to be exceeded.

4-ORDINANCE

7.2 The use of residential woodburning devices will be allowed within the air quality maintenance area except on days when it has been determined that the ambient air quality exceeds, or is projected to exceed, the 24-hour total suspended particulate health standard of 250 micrograms per cubic meter.

7.3) The use of residential woodburning devices is prohibited on each day that an air stagnation advisory announcement has been issued by the Department of Environmental Quality. This subsection takes effect on July 1, 1984, if the particulate health standard is not attained in the Medford-Ashland Air Quality Maintenance Area by that date.

7.4 Residences outside of the Medford-Ashland Air Quality Maintenance Area and residences having no other form of space heating are exempt from this section.

SECTION 8. TRACKOUT

The purpose of this section is to lessen the amount of particulate pollution which originates from roads and roadways. Dirt and other debris, which may become deposited upon paved roads, can be ground and pulverized by traffic into minute particles. These particles can then become airborne adding to the particulate pollution problem.

8.1 This section particularly applies to, but is not limited to, construction sites, farm operations, and commercial and industrial operations.

8.2 No person shall trackout mud, dirt or other debris from private or public lands onto paved public roads without taking reasonable precautions to prevent such particulate matter from becoming airborne. These precautions shall include, where appropriate, the prompt removal of such material from the paved road surfaces. This section does not apply to noncommercial uses of public roads.

8.3 No person shall violate the provisions of a stop-work order issued pursuant to subsection 8.4 of this ordinance.

8.4 The county may require the imposition of building permit conditions for the prevention of trackout. Conditions imposed may include, but are not limited to the following:

A) A bond of sufficient amount to be posted by the contractor to assure available funds for roadway cleanup by Jackson County if the contractor is negligent in cleanup of adjacent public roadway.

B) Street sweeping, vacuuming or other means of removing trackout material from public roadways.

5-ORDINANCE

- C) Installation of wheel washers at exits of major construction sites.
- D) Use of temporary or permanent barricades to keep traffic off unpaved areas.
- E) Require graveling of access roads on site.
- F) Limit the use of public roadways by vehicles.
- G) Issue stop work order if trackout occurs and is not promptly corrected.

8.5 Stop work orders issued pursuant to subsection 8.4 of this ordinance shall be posted, where appropriate, at the work site, and mailed by certified mail to alleged violators. Appeals to any such orders shall be conducted pursuant to the provisions of Section 204 of the Jackson County Building Code.

SECTION 9. OPEN BURNING

The purpose of this section is to minimize the accumulation of particulate air pollution resulting from open burning. The public should be aware that open burning may be restricted during the fire season (typically June through October) by the fire districts or other fire regulating authorities. These authorities typically base restrictions of open burning on factors of low humidity, high winds, drought, or other conditions which make outside burning unsafe.

9.1 Open burning of nonagricultural wastes is prohibited in the Medford-Ashland Air Quality Maintenance Area from February 1 to November 30 of each year on days when the ventilation index is less than 400.

9.2 Open burning of nonagricultural wastes is prohibited during December and January of each year due to generally poor smoke dispersion.

9.3 Open burning of agricultural waste is prohibited on all days of the year when the maximum ventilation index is below 200.

SECTION 10. ABATEMENT

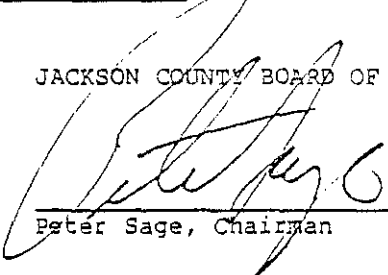
10.1 Persons acting in violation of provisions of this ordinance, or of permits issued, shall be subject to appropriate legal proceedings to enjoin or abate such violation(s).

SECTION 11. PENALTIES

11.1 Persons violating subsections 8.2, 8.3, 9.1, 9.2 and 9.3 shall be subject to civil prosecution pursuant to Jackson County Ordinance 81-81.

ADOPTED this 25th day of August, 1982, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS



Peter Sage, Chairman

ATTEST:

APPROVED AS TO FORM:

Donna Blodik

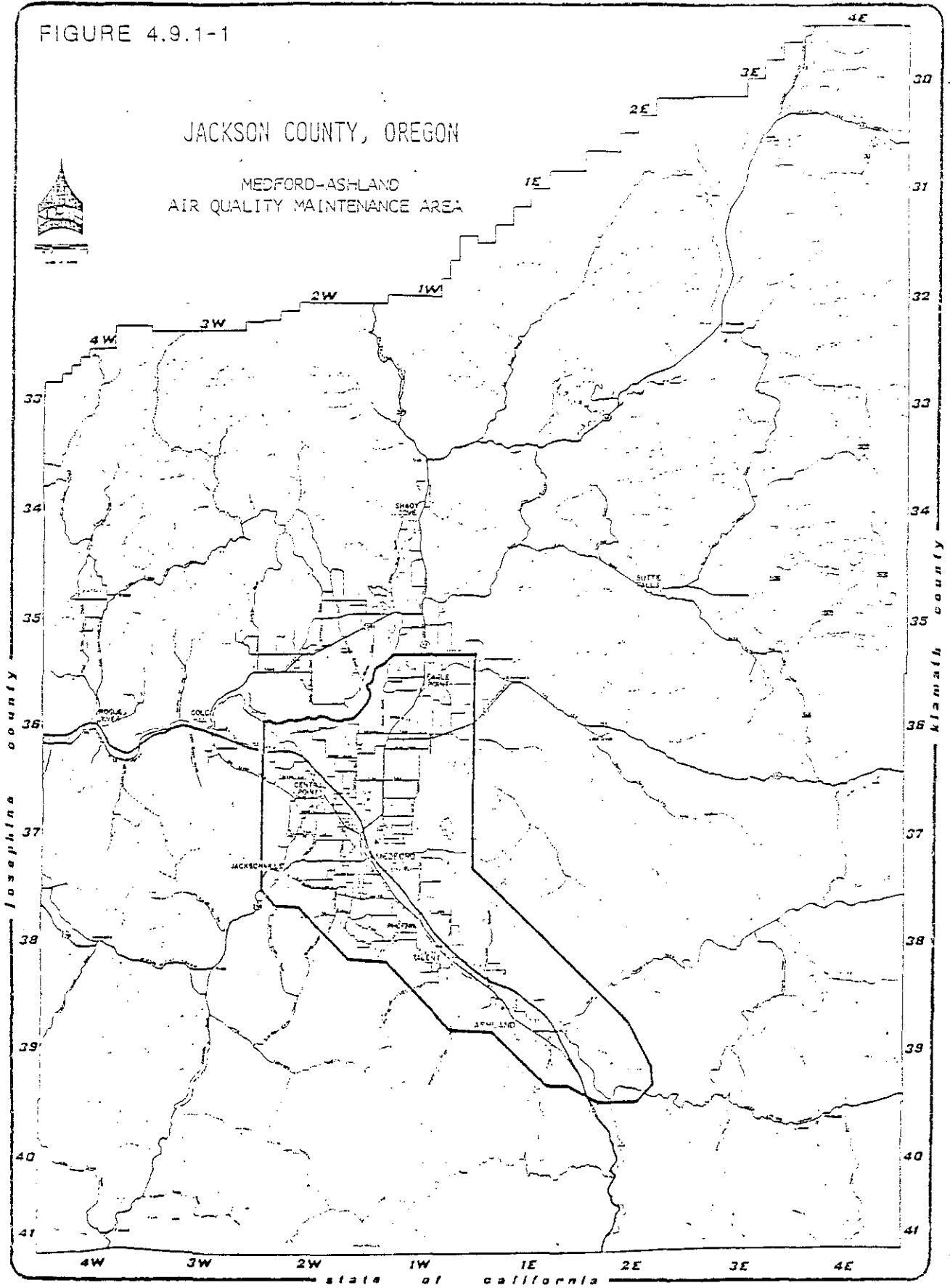
By: Recording Secretary

Neil Cribb

County Counsel

7-ORDINANCE

FIGURE 4.9.1-1





MEDFORD'S SISTER CITY:
ALBA, ITALY

OFFICE OF THE MAYOR

CITY OF MEDFORD
MEDFORD, OREGON 97501

December 17, 1982

Mr. William Young, Director
Department of Environmental Quality
P. O. Box 1760
Portland, OR 97202

SUBJECT: PARTICULATE STRATEGIES

Dear Mr. *Bill* Young:

Enclosed are a variety of documents relating to the City of Medford's regulations and programs for improving particulate air quality.

As you are aware, our City Council recently adopted an ordinance establishing several new control strategies for particulate air pollution. The ordinance, Number 4740, adopted on November 4, 1982, addresses 1) weatherization requirements for solid fuel heating device installation, 2) residential weatherization, 3) pollution episode curtailment, and 4) trackout. On October 21, 1982, the City Council adopted a revised open burning ordinance, making the City's open burning regulations consistent with those of Jackson County. These recent ordinances are included as attachment A.

In addition to the above strategies, the City of Medford is also implementing other measures which should have a positive impact on particulate pollution. These measures include 1) a program for paving unpaved granite streets, 2) a recently adopted arterial streets plan which, when implemented, will provide new curbs and gutters in several key areas which presently have unpaved shoulders, 3) a minimum impact street sweeping program, 4) a program for installation and sizing of wood stoves consistent with the 1981 State Policy Manual (Oregon Department of Commerce), and 5) a land development ordinance emphasizing proper solar orientation for new subdivisions. These measures are discussed by appropriate staff in several memos contained in attachment B.

We anticipate that Medford's particulate strategies will be incorporated into Oregon's State Implementation Plan for submittal to the EPA. Please let me know if I can be of further assistance in this important matter.

Sincerely,

Al Densmore
Mayor

AD:lh
Attachments

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
DEC 21 1982

- 40a -

AIR QUALITY CONTROL

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
DEC 20 1982

OFFICE OF THE DIRECTOR

ORDINANCE NO. 4740

AN ORDINANCE establishing control strategies for particulate air pollution.

WHEREAS the City Council finds that prevailing weather patterns in the city tend to hold pollutants in the air; and,

WHEREAS smoke and dust are particulates which originate from many sources, and which tend to collect in the air shed of Medford; and,

WHEREAS Medford wishes to protect the general health, safety and welfare of its citizens by controlling the sources of particulate air pollution.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. GENERAL DEFINITIONS

1.1 Air stagnation advisory: Forecast made by the National Weather Service for poor ventilation conditions.

1.2 Council: The City Council of the City of Medford.

1.3 Cost-effective level of weatherization: Minimum, cost-efficient standards of weatherization, including standards for materials and installation, which shall be set by the Director of Building Safety. These standards shall reflect, but not exceed the levels defined in ORS 469.710 (2).

1.4 Medford-Ashland AQMA: That part of Jackson County, Oregon, specifically identified by the Oregon Department of Environmental Quality as an air quality maintenance area -- one of several areas in the state wherein air quality has deteriorated due to unhealthful levels of pollutants in the air.

1.5 Particulate: Airborne particles ranging from .01 to 1,000 microns in size. These particles are inhaled during breathing and can be harmful.

1.6 Person: Includes individuals, corporations, associations, firms, partnerships, and joint stock companies.

1.7 Primary particulate standard: An average particulate concentration of 260 micrograms per cubic meter of air during a twenty-four hour period.

1.8 Proof of weatherization: Certification, receipts, contracts, or other such documents specifically listing weatherization steps taken by the homeowners, which may be reviewed by building inspectors at the time of solid fuel heating system installation.

1.9 Regulations: Regulations promulgated by the Council pursuant to this ordinance.

1.10 Residential building: An existing building used for permanent or seasonal habitation by one or more persons, containing four or fewer dwelling units, and constructed prior to January 1, 1979.

1.11 Residential woodburning: Utilization of a wood heating device inside a dwelling unit.

1.12 Spaceheating: Raising the interior temperature of a room or rooms.

1.13 Total suspended particulate level: Amount of particulate in ambient air.

1.14 Trackout: The deposition of mud, dirt and other debris on paved public roadways by motor vehicles; the material being so tracked onto public roadways. Trackout can become pulverized and blown into the air by vehicular traffic, where it becomes a part of the total suspended particulate level.

1.15 Ventilation index: The National Weather Service's indicator of the relative degree of air circulation for a specified area.

1.16 Wood heating devices: A stove, heater, fireplace, or other receptacle wherein wood is heated to the point of combustion.

SECTION 2. SEVERABILITY

2.1 If any portion of this ordinance is declared to be invalid by a court of competent jurisdiction, such invalidity shall be confined to the section to which such declaration of invalidity relates, and the remainder of this ordinance shall continue to be operative.

SECTION 3. WEATHERIZATION REQUIREMENTS FOR SOLID FUEL HEATING DEVICE INSTALLATION

The purpose of this section is to reduce the amount of particulate pollution resulting from residential woodburning for building heating. Most buildings constructed before 1979 were built to lower weatherization standards than buildings constructed since that date. A highly weatherized and insulated building will require less fuel to attain and hold a given temperature. It will produce less smoke pollution and will also result in a savings of the wood or other fuel resource. Additionally, weatherization prior to or at the time of installation of a solid fuel heating device will generally result in the selection of a device more appropriately sized for the building and will lessen the potential amount of smoke produced. Therefore:

3.1 The installation of a wood stove, fireplace, or any other form of solid fuel, space heating device is allowed if:

A) The space heating device is installed pursuant to the uniform building code and regulations of the Medford Department of Building Safety.

B) The structure contains an alternate form of space heating, including natural gas, propane, electric, oil, solar, or kerosene, sufficient to meet necessary space heating requirements, so that during episodes of high pollution levels, the occupant will be able to heat the home with other than a solid fuel burning, smoke producing method.

C) The residence meets or is proposed to meet within 90 days the cost-effective levels of weatherization as defined in Section 1.3 of this ordinance.

SECTION 4. RESIDENTIAL WEATHERIZATION

The purpose of this section is to minimize particulate emissions from home heating devices by improving home weatherization and reducing energy loss. This section is also intended to encourage homeowners to make use of free energy audits and low-interest financing available from local utility

companies. It is the City's intent to advertise and make known programs which are already available for weatherizing homes and to assist citizens in taking advantage of those programs.

4.1 It is the goal of the City of Medford to assist citizens to weatherize all residences to the cost-effective level by January 1, 1987.

4.2 All residential buildings shall have received an energy audit prior to the time of sale or rental, and such information shall be made available to potential purchasers or renters as a condition of such sale or rental. This section shall become effective six months after adoption of this ordinance.

4.3 In January of 1984, if the primary particulate health standards are not being maintained, all homes with a wood heating system shall be weatherized to cost-effective levels at the time of sale or rental.

SECTION 5. POLLUTION EPISODE CURTAILMENT

The purpose of this section is to reduce the amount of particulate pollution during periods of air stagnation or when pollution levels are critical. Periods of air stagnation occur at various times in a year and can create a severe accumulation of pollutants. Residential woodburning can contribute as much as 50 percent of the particulate pollution during these conditions.

5.1 The use of residential woodburning devices is prohibited on each day that an air stagnation advisory announcement for the Medford-Ashland AQMA has been issued by the National Weather Service. This subsection takes effect on July 1, 1984, if the particulate health standard is not attained in the Medford-Ashland Air Quality Maintenance Area by that date.

5.2 Residences having no other form of space heating are exempt from this section.

SECTION 6. TRACKOUT

The purpose of this section is to lessen the amount of particulate pollution which originates from roads and roadways. Dirt and other debris, which may become deposited upon paved roads, can be ground and pulverized by traffic into minute particles. These particles can then become airborne adding to the particulate pollution problem.

6.1 No person shall place or deposit mud, dirt or debris upon any street, alley, sidewalk or other public way.

6.2 Violation of subsection 6.1 is hereby declared to be a public nuisance and subject to summary abatement by the City Manager or his designate. Summary abatement includes but is not limited to suspension of any and all city permits relating to construction on the site which is the source of the mud, dirt or debris.

PASSED by the Council and signed by me in open session in authentication of its passage this 4th day of November, 1982.

ATTEST Emily A. Zakheim
City Recorder

John Haller
Mayor

APPROVED November 11, 1982.

John Debus
Mayor

ORDINANCE NO. 4732

AN ORDINANCE amending Section 5.550 of the Code of Medford pertaining to outside burning.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 5.550 of the Code of Medford is amended to read as follows:

"Outside Burning.

(1) No person shall start or maintain any fire outside a building (except for an outdoor cooking fire) for the purpose of burning any combustible material, or cause or participate therein, nor shall any person in control of any premises cause or knowingly allow any such fire to be started or maintained on any part of said premises unless:

(a) A written permit has been issued by the city Fire Chief or his agent to maintain such fire at that location; and

(b) The fire is started and maintained in accordance with the terms of the permit and the following requirements of this section.

Permits shall be valid only during the months of ~~[March, April and May]~~ February through November of the year in which they are issued. No outside burning whatsoever shall be permitted during ~~[the other nine months of the year]~~ December and January, except for an outdoor cooking fire.

(2) The Fire Chief or his agent shall not issue any permit for outside burning within Fire Zone I as defined by the building code, or for the burning of garbage at any time or place, or for any running fire in uncut grass or brush, or for any fire within 25 feet of a combustible wall, fence, or structure or on any hard-surface public pavement.

(3) Each permit shall contain a written condition in bold-face type to the effect that the permittee shall contact the Fire Chief's office before each fire is started and ascertain that outside burning is approved, under subsections (4) and (5), by the Fire Chief for that day. No permit shall be valid as to any day on which the Fire Chief has ascertained that burning is not permitted under said subsections. In addition, the Fire Chief may condition any permit issued hereunder to exclude the burning of any particular material when he finds that the burning of such material would be unduly obnoxious in the locality of the proposed burning site.

(4) The Fire Chief or his agent shall not approve outside burning on any day if he determines that low humidity, high winds, drought, or other weather or other unusual conditions exist which make outside burning generally, or at the particular time and place proposed, unreasonably hazardous to the safety of persons or property. In no event shall the Fire Chief approve outside burning on a day when one or more of the following conditions exist, or in his determination will exist:

- (a) Temperatures above 90° Fahrenheit;
- (b) Wind above 20 miles per hour; or
- (c) Humidity below ~~[35]~~ 30 percent.

(5) The Fire Chief or his agent may approve outside burning on any day when he determines ~~[there is or will be (1) a temperature inversion when surface air is cooler than upper air, and (2) the air circulation at the surface is insufficient to disperse smoke, gases, and fumes to the extent necessary to protect the public health, safety, and comfort. The determination of a temperature inversion period shall be based upon criteria established by the Fire Chief as applied to current meteorological data. If criteria are established by state law or regulation applicable to the Medford area, the Fire Chief shall be bound thereby and shall apply the same under this subsection]~~ that the ventilation index is or will be greater than 400 during that day. The ventilation index is the National Weather Service's indicator of the relative degree of air circulation for the Medford area.

(6) Fires which are subject to this section [~~shall be maintained during daylight hours only and by a competent adult person, and shall be extinguished prior to darkness unless continued burning is specifically authorized in writing by the Fire Chief~~] are permitted during the hours between sunrise and 12:00 noon. The permittee shall insure that his fire is completely burned out or extinguished prior to 12:00 noon. No burning is allowed at other times unless specifically authorized in writing by the Fire Chief or his agent. The permittee or an adult person designated by him shall be present at all times and maintain control of the fire until it is out.

(7) Violation of this section constitutes an infraction.

(8) Outside burning without a permit is hereby declared to be a public nuisance and may be summarily abated by the Fire Chief or Chief of Police."

PASSED by the Council and signed by me in open session in authentication of its passage this 21st day of October, 1982.

ATTEST: Emily A. Zerkman St. Neusader
City Recorder Mayor

APPROVED: October 21, 1982. St. Neusader
Mayor

CITY OF MEDFORD

INTER-OFFICE MEMORANDUM

RECEIVED
DEC 16 1982
PLANNING DEPARTMENT

To Planning Director via ⁸⁰Public Works Director

From City Engineer *[Signature]*

Subject Particulate Reduction

Date December 14, 1982

I. Improvement of Granite Streets

This year's (FY 82-83) City budget contains \$200,000 of HUD Community Development Block Grant money that is earmarked for assistance on local improvement projects within the low/moderate income areas of the City. City Council approved the City Engineer's proposal that this money be directed toward residential streets with a granite type of riding surface. The City will provide 50% of the estimated costs of improving these streets; therefore, we effectively will have \$400,000 worth of project money to upgrade these streets.

It is anticipated that the above funding level can cause improvement of approximately 5,700 linear feet of roadway. This type of street surfacing program should significantly improve air quality in Medford via the particle reduction avenue.

II. Paving Arterial Street Shoulders

The City currently has three different programs aimed at our arterial street needs. All three are at different levels of funding and different degrees of certainty. A brief description of each follows:

- A. Bond Issue: The City has gone on record for presenting a bond issue question to the public in the March 1983 elections. The bond amount of \$9.4 million would allow for improving approximately 20,000 linear feet of roadway. Of this amount, about 1/6 presently has curb and gutter type of construction, so this program would eliminate approximately 33,000 linear feet of unpaved shoulder area.
- B. Revenue Sharing: The City Manager has directed that \$850,000 of Federal Revenue Sharing money should be budgeted in the FY 82/83 budget for the improvement of certain segments of the identified arterial streets needed in "A" above. This is a safety valve move that would allow the program to go forward even if the bond measure was not approved. The funding level available in this program would allow for 2,500 linear feet of improved shoulder to be paved.
- C. HUD Block Grant

It has been proposed by my office that FY 83-84 HUD funding be directed into a major street project servicing the low/moderate income areas. If this pro-

Planning-Director

Page two
12-15-82

Subject: Particulate Reduction

gram is approved, it would run concurrently with "B" above and would provide paving for an additional 2,500 linear feet of presently unpaved shoulder.

All three of these programs would have positive impacts on particulate removal by the elimination of dust producing unpaved surface areas.

ahf

CITY OF MEDFORD

INTER-OFFICE MEMORANDUM

To Public Works Director

From Public Works Superintendent

Subject Sweeping Report

Date August 16, 1982

1982
PLANNING DEPARTMENT

The street cleaning program is a full-time operation with a total of three light equipment operators and four pieces of equipment. Two sweepers and two flushers (one 1968 flusher as standby only) to be used when other equipment is down for repairs. The daily work shift is from 5:00 a.m. to 1:30 a.m. with 1/2 hour lunch period. The following figures show the details of the operations:

<u>SWEEPING:</u>	19,180	Gutter miles swept
	3,162	Yards of sweeping debris

This is an average of 859 gutter miles cleaned per month. The sweeping debris is hauled by trucks from the Service Center deposit to the Jacksonville dump.

The sweeping crew's hours are from 5:00 a.m. to 1:30 p.m. Monday through Friday. They start at this time to avoid traffic conditions.

The tentative schedule for the downtown area is Monday and Friday, which requires an average of two hours for each machine to complete the area before the early morning traffic begins. This area lies between Oakdale and Riverside - 10th and Jackson.

Tuesdays, the highways throughout the City are cleaned and when this is completed, they return to the arterial streets and residential sections assigned for that day.

On Thursdays, the City's paved alleys require approximately one hour cleaning. When this is completed, the remainder is again spent in the residential areas.

The City is divided by the railroad tracks and each sweeper is assigned - one to the east side and one to the west side. The time remaining after cleaning the above areas is completely spent cleaning arterial and residential streets. It takes an average of four to six weeks to cover the City. This depends on weather conditions, the time of year, and construction in progress.

<u>FLUSHING:</u>	19,180	Gutter miles flushed
	6,683,000	Gallons of water used

This is an average of 859 gutter miles flushed per month using approximately 350 gallons of water per gutter mile.

This one flusher must divide its time between the two sweepers, since it must flush the same streets swept by the sweepers. It covers both the east side area and the west side area, plus cleaning all bridges within the City once each month.

Public Works Director

Page two
12-16-82

Subject: Sweeping Report

The schedule for the flusher is the same as for the sweepers: Monday and Friday the downtown area, Tuesdays the highways, and Thursdays the alleys.

During the fall leaf cleanup period, leaves are dumped at Baby Bear Creek Park area. These leaves are then used by the Parks Department for mulch material.

If more information is needed, please contact the Street Supervisor at the Service Center.

ahf

CITY OF MEDFORD

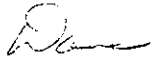
INTER-OFFICE MEMORANDUM

To Jim Eisenhard, Planning Director
From Dave Bassett, Building Safety Director
Subject Particulate Strategies
Date December 14, 1982

As we have discussed, the Building Safety Department is able and willing to implement our portion and assist with the overall particulate curtailment strategy program.

Specifically, we have numerous methods and materials to address weatherization, wood stoves, and trackout requirements all in accord with the ordinance and established standards:

Please advise if we can help.



David A. Bassett, P.E.
Building Safety Director

DAB/mjh

CITY OF MEDFORD

INTER-OFFICE MEMORANDUM

To Merlyn Hough, DEQ
From Jim Eisenhard, Planning Director *JE*
Subject Land Development Code/Solar Orientation
Date December 14, 1982

Medford's Land Development Code contains Section 13.3 - 16. Street Arrangement, which provides for the east-most orientation of new subdivision streets to the greatest extent possible within the limits of topography, existing development, etc. Such street orientation should maximize the potential for the use of solar applications for new homes.

We are also presently working on a possible solar access code provision, which would provide for the protection of individual solar access. I'll forward this to you at such time as it is adopted.

JE:lh
Attachment (p. 21, 22 LDC)

Whenever any new street of the proposed subdivision (as distinguished from an existing street) will lie along and adjacent to any boundary of the subdivision, it shall be offered for dedication and be improved to its full width as provided for that type of street in Table II hereof. In such case, at the developer's request, the city will enter into a reimbursement agreement with the developer whereby future developers of property abutting this required improvement will be required to pay a prorata share of the cost of said full street as a condition of future development or development approval of such abutting property provided that a unit price reimbursement is agreed to by the city prior to final plat approval.

Section 13.3-10. Intersection Angles. All streets of the subdivision shall intersect one another at an angle as near to a right angle as is practicable in each specific case, unless otherwise necessitated by topographical conditions.

Section 13.3-11. Intersection Radii. Intersections of streets with fewer than four moving lanes of traffic for each street shall have a corner radius at the right-of-way line of not less than 15 feet. Intersections of streets which have or are planned to have, four or more moving traffic lanes for each street shall have a corner radius at the property line of not less than forty feet.

Section 13.3-12. Distance Between Intersections. Streets entering upon opposite sides of another street shall be directly opposite each other, or otherwise offset at least 200 feet apart, unless a street offset of less than 200 feet is, in the opinion of the approving agency, the only economical or practical method of developing the property for the use for which it is zoned.

Section 13.3-13. Street Grades. Grades shall not exceed six percent on arterial streets, and fifteen percent on all other types of streets.

Section 13.3-14. Curve Radii. Centerline radii shall not be less than five hundred feet on arterials and collector streets and not less than 100 feet on all other types of streets. Lesser radii may be used where, in the opinion of the city engineer, the same is necessary and safe by reason of the circumstances surrounding each particular case.

Section 13.3-15. Alleys Prohibited in Residential Subdivisions. Alleys shall not be permitted in any residential development and may be prohibited by the approving agency in any other type of development.

Section 13.3-16. Street Arrangement. The approving agency shall have the authority to approve or disapprove street arrangement and design. In determining the suitability of proposed street arrangement, the approving agency shall take into consideration the eventual development of adjoining vacant property and the future provision of adequate and convenient access to said adjoining property as per city requirements. Such arrangement shall discourage through-traffic within the subdivision, except on arterial and collector streets as designated in the comprehensive plan. The street arrangement shall, to the greatest extent possible, provide for the east/west axis orientation of residential

streets with an allowable variation of up to 30 degrees from the east/west axis, thereby providing for the most effective use of passive solar energy. Additionally, all street arrangements shall be harmonious with topography, shall save and preserve natural and ornamental trees where practicable, and be designed to easily and comfortably move such pedestrian and vehicular traffic as may reasonably be expected to make use of the same by reason of the subdivision's intended use.

Section 13.3-17. Street Names and Signs. Each street shown on the final plat shall be named thereon, and the name given it shall be as approved by the planning department, which shall develop and maintain a list of street names for subdivisions, and which names shall in all cases be used for streets of each new subdivision unless specific approval is given by the approving agency for some other name of the developer's choice.

The developer shall pay a street sign fee as required to equip all street intersections with sign posts, street name signs and traffic signs as per the standards and specifications established by the City of Medford and/or the department of motor vehicles of the State of Oregon.

Section 13.3-18. Sidewalks and Pathways. The approving agency may require sidewalks to be installed on all streets of the subdivision, and pedestrian or other pathways as may be reasonable.

Section 13.3-19. Driveway Approaches. There shall be a minimum of one driveway approach for each lot intended to be developed for single family or two family use. The developer may install continuous curbs, and thereafter cut out and install standard driveway aprons after the building plans for the lot are completed. All such approaches shall be subject to the provisions of the improvement agreement and bond except in the case of such approaches for which an encroachment permit has been issued under terms for the encroachment permit procedures for the City of Medford.

Section 13.4. Lots and Blocks.

Section 13.4-1. Lot Areas. Each lot shall have an area, width, frontage and depth equal to or greater than the minimums prescribed by article four for the district in which the subdivision or the portion thereof is situated, except where combined with a planned development district, in which case the standards of such district shall be applicable. In controlling the design of a zoning district combined with a planned development district, the approving agency is empowered to permit and require the lots to be of an area, width, frontage or depth less than such minimums. Additionally, to maximize the potential for solar energy design, each lot shall be oriented to the greatest extent possible along a north/south axis. Building orientation can vary up to 30 degrees from this north/south axis.

Section 13.4-2. Lot Frontage on Public Streets and Access to Public Streets. Except as provided in Section 13.3-7, each lot shall have frontage on an accepted

CITY OF ASHLAND

CITY HALL

ASHLAND, OREGON 97520
Telephone (Code 503) 482-3211

May 26, 1982

Merlyn Hough
Dept. of Environmental Quality
P.O. Box 1760
Portland, OR 97207

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN - 1 1982

Dear Merlyn:

AIR QUALITY CONTROL

We received your letter of May 12 concerning Ashland's efforts to aid in improving air quality conditions in the Medford-Ashland AQMA. Ashland's staff presented a memo to the Ashland City Council upon receipt of Mr. Schofield's letter of December 30, 1981, which requested that Ashland "implement this program" to the extent that we could. That memo was presented to the Council on March 2, 1982, was very well received, and actually adopted as a policy statement by the Council, with direction that staff return in one year with an update on the memo. I've enclosed a copy of that memo and a copy of the minutes of the City Council meeting when the memo was discussed. The City has since passed two ordinances to aid the situation. One was a woodstove curtailment ordinance which can be enacted during extreme periods of air pollution. This ordinance will be put up to a vote of the general population via the initiative procedure. A second track out control ordinance was also adopted by the Council. The following is a breakdown of the ten measures that you requested in your letter:

CATEGORY 1 - Measures already implemented through existing ordinances or programs.

Measure 1 - Trackout Controls. The City has passed a new ordinance for this item. It is attached for your information.

Measure 2 - Street Sanding and Sweeping. The City just purchased a new vacuum street sweeper, which should do an excellent job of ensuring that our streets are kept clean.

Measure 13 - Weatherization (Existing Homes). The City presently is implementing a BPA-sponsored weatherization program for electrically-heated homes. The program provides grant money based on kWh saved for certain weatherization measures. We anticipated that about 40% of Ashland's housing stock is electrically heated and will qualify for the program. There are no programs offered by the City for weatherization of non-electrically-heated homes.

Measure 17 - Pollution Episode Curtailment. The City has passed a new ordinance for this item. However, it will be put up to a vote of the people via initiative on August 10, 1982. A copy of the ordinance is attached.

Merlyn Hough

May 26, 1982

Measure 18 - Open Burning Control. The City has a system which controls open burning in the City on a day-by-day basis. It is based on daily temperature, wind speed and direction, relative humidity, and air quality factors. This authority is derived from the Uniform Fire code which has been adopted locally. Presently a group of local fire officials is attempting to set up a County-wide uniform system and DEQ is assisting in this task.

Measure 22 - Solar Access. The City has protected solar access since September, 1980. Currently an updated version of the code is undergoing public hearings and should be adopted and in effect by August, 1982. Copies of the existing ordinance and updated version are both enclosed.

CATEGORY 2 - Measures intended for City action in the near future.

Measure 15 - Installation Requirements (Stove Sizing). The City Council just authorized a Mock-Up Woodstove Operation Handout which can be mailed to all utility customers in Ashland. Because work has just begun on the project, its final content is unknown at present. Information on stove sizing might be included if space permits. The Council will not decide to proceed with printing and distribution until they see the mock-up, however.

CATEGORY 3 - Measures which are inappropriate for implementation at this time.

Measure 3 - Paving Unpaved Roads/Shoulders. Presently the paving of unpaved roads is done through Local Improvement Districts. These districts are formed when over 50% of the affected street frontage desires the paving of the road. All planning actions which are approved on unpaved streets require, as a condition of approval, that the developer sign an agreement to join in any future LID for the unpaved street. This present policy is necessitated by the financial situation and costs of paving additional streets. This policy has evolved over a long period of time, and changing it could result in more paving of streets. However, the money to do this would have to come from some alternative source before this could be accomplished. The present budgetary situation of the City would tend to be in opposition to an aggressive street paving program, and, therefore, we anticipate no action on this front.

Measure 12 - Weatherization (New Woodstoves). This is an area where the City could pass a mandatory ordinance requiring weatherization before issuance of a woodstove permit. This would, no doubt, be a very controversial move which would probably result in some people ignoring the woodstove permit procedure when installing a new woodstove. Financial programs are available for weatherization assistance for electrically-heated homes in the City through BPA. Homes which use gas for heating can get low-interest financing from CP National, and oil and wood-burning homes can now avail themselves of a State-subsidized, low-interest loan program for weatherization. So, the financial resources for weatherization are now available for all City residences. Since this is the case, the major problem with mandatory weatherization--affordable financing--is available to virtually all homeowners in the City. The City's draft energy element has suggested that voluntary controls, stimulated with financial incentives, are the best routes at present. Voluntary compliance will be pursued until such time as it is proven that it cannot achieve these goals.

Merlyn Hough

May 26, 1982

Measure 16 - Alternative Heat Source. In our experience dealing with the building industry in Ashland, this does not appear to be a significant problem, as the vast majority of homes that have woodstoves also have some type of back-up heating source. This situation would tend to indicate that this is not a problem and requires no City action at this time.

CATEGORY 4 - Any other measure not on the list which you are implementing or plan to implement to reduce particulate pollution.

Performance Standards for Residential Development. The City passed a new development code for residential development which encourages passive solar and energy-efficient new housing. Density bonuses are granted to developers for building energy-efficient housing. This increase in density is meant to encourage cost-effective, energy-efficient building techniques. This method appears to be an effective way to ensure that new housing will be more energy efficient without making mandatory requirements.

I hope this satisfies your requirements for information. If you need further assistance or have any questions about this information, please contact me at 482-3211, ext. 280.

Sincerely,



Dick Wanderscheid
Energy Conservation Coordinator

DW/11

Enc: City Council Minutes, 3/2/82
Trackout Ordinance
Curtailmnt Ordinance
Solar Access Code
Draft Solar Access Code

ORDINANCE NO. 2189

City of Oregon
MAY 19 1982

AN ORDINANCE AMENDING SECTION 9.08.060 OF THE
ASHLAND MUNICIPAL CODE RELATIVE TO NUISANCES
AFFECTING THE PUBLIC HEALTH - DUST AND TRACKOUT CONTROL
CONTROLS.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Section 6 of Ordinance No. 1559 and Section 9.08.060
of the Ashland Municipal Code are hereby amended by adding sub-
section J. which shall read as follows:

"J. Dust and Trackout. No person shall trackout mud, dirt, or
other debris from private or public lands onto paved public
roads without taking reasonable precautions to prevent such
particulate matter from becoming airborne. These precautions
shall include prompt removal of such material from the paved
road surfaces. The City may require the imposition of build-
ing permit conditions for the prevention of trackout. Con-
ditions imposed may include, but are not limited to the following:

1. The posting of a bond sufficient to assure avail-
able funds for roadway cleanup by the City if the
contractor or permittee is negligent in cleanup of
adjacent public roadways.
2. Street sweeping; vacuuming or other means of removing
trackout material from public roadways.
3. Installation of wheel washers at exits of major con-
struction sites.
4. Use of temporary or permanent barricades to keep
traffic off unpaved areas.
5. Require gravelling of access roads on site.
6. Limit the use of public roadways by vehicles.
7. Issue stop work order if trackout occurs and is not
promptly corrected."

The foregoing ordinance was first read by title only in accordance
with Article X, Section 2(C) of the City Charter on the 6th day
of April, 1982, and duly PASSED and ADOPTED this 20th day of
April, 1982.

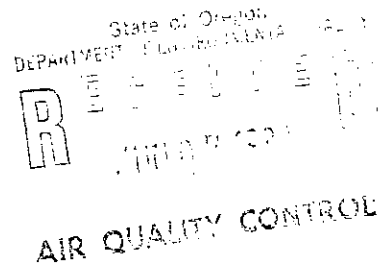
ATTEST:

Nan E. Franklin
Nan E. Franklin
City Recorder - Treasurer

SIGNED and APPROVED this 22nd day of April, 1982.

F. Don Laws
F. Don Laws
- 40r - Acting

4 June 1982



Merlyn Hough
Medford Air Quality Coordinator
Air Quality Division
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Dear Merlyn:

In response to your May 12, 1982 letter, please be advised that the City has gone on record as supporting the Jackson County ordinance.

In addition, the City currently controls trackout at developer's construction sites.

We also have a street cleaning program and very minimal sanding program.

Very few roads in the City are unpaved, and open burning is allowed by permit only.

We hope this information helps you in your efforts.

Sincerely yours,

The City of Central Point

A handwritten signature in cursive script, appearing to read 'Don Jones', written over a horizontal line.

Don Jones
Mayor

DJ:DK:ris
cc: Council reading file
DEQ file
file



Forestry Department

OFFICE OF STATE FORESTER

2600 STATE STREET, SALEM, OREGON 97310 PHONE 378-2560

April 27, 1982

William H. Young, Director
Department of Environmental Quality
522 SW 5th Ave.
Portland, Oregon 97207

Dear Bill:

We have reviewed the proposed Medford particulate control strategies outlined in your letter of March 22.

We support control measures #9 and #10 relating to firewood moisture and commercial firewood controls, but we have several concerns about #19 relating to slash burning. More specifically:

: #9 - Firewood Moisture Control

The Department of Forestry would have little direct impact because there are only a few acres of State land in Jackson County. However, we would endorse efforts by other owners to encourage spring cutting, and could assist in public relations.

#10 - Commercial Firewood Moisture Regulation

Essentially the same comments apply as in #9 above.

#19 - Slash Burning Control

We agree that slash smoke intrusions from areas outside the present Smoke Management Plan area, should be documented as outlined in 19a.

It would be our intent to work with the National Forests and your local DEQ staff to identify sources and to document weather conditions leading to these intrusions.

Regarding 19b and 19c, we do not believe that these particular measures are needed at this time for the following reasons:

1. The Commission's "Findings for a Particulate Control Strategy, Nov. 1981" does not indicate that any reduction in particulate levels would result from adoption of this strategy.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
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OFFICE OF THE DIRECTOR

William H. Young
April 27, 1982
Page Two

2. We believe that incidents of intrusions from Northern California, or the Winema National Forest are not frequent, and we would need to have strong evidence to justify an increase in the regulatory system.

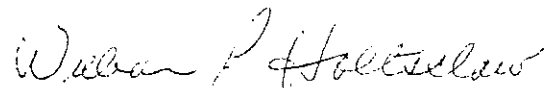
If it can be demonstrated that problems are originating from the indicated areas, it would seem preferable to try voluntary regulation before instituting a mandatory system. Experience has shown that the forest land owners in these kinds of areas will voluntarily refrain from burning when smoke would be transported into designated areas. The need is for a better understanding of the weather conditions that cause air quality problems.

3. Before a formal inter-state agreement or inter-region agreement between U. S. Forest Service Regions 5 and 6 is developed, I would like more evidence that air quality problems in Medford are the result of activities in California. As I stated previously, all slash smoke intrusions should be documented. We could certainly review the idea of an agreement should the information that is collected show any evidence of repeated problems from burning in California.

It is our intent to cooperate with your agency in your efforts to maintain air quality in the Medford area. In commenting on your proposed control strategies, we are hesitant to endorse the indicated increased regulation of the slash burning activity at this time without some clear indication that the restrictions are needed and will help achieve the desired results.

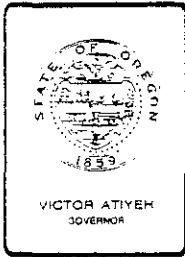
Thank you for the opportunity to comment. I am looking forward to continued discussion of this matter with you and your staff.

Sincerely,



William P. Holtsclaw
Acting State Forester

WPH/NTS:dj
cc: Lee Lafferty
Fred Robinson



Department of Transportation

HIGHWAY DIVISION

TRANSPORTATION BUILDING, SALEM, OREGON 97310

June 1, 1982

In Reply Refer to
File No.

ENV

Mr. William H. Young, Director
Department of Environmental Quality
522 S.W. Fifth Avenue
Portland, OR 97204

Street Sanding and Sweeping
Medford Area

This is in response to your correspondence of May 3 requesting a commitment from the State Highway Division to help implement the trackout and street sanding/sweeping control measures in the Medford area.

The Highway Division will assess the feasibility and cost of revising winter sanding and sweeping operations to reduce air pollution while continuing to meet traffic safety objectives on the state highway system in the Medford area as follows:

1. Sanding materials will be modified to reduce fines available for resuspension by using pea gravel.
2. Minimal use of sanding material will be implemented to protect the traveling public within the adopted policy of the Oregon Transportation Commission; i.e., Chapter 9 (revised August 1978) of the Maintenance Manual, Technical Bulletin No. 26.
3. Attempts will be made to increase the frequency of cleanup of sanding materials, within available funds and equipment, through street sweeping to reduce the material resuspension time period.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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AIR QUALITY CONTROL

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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OFFICE OF THE DIRECTOR

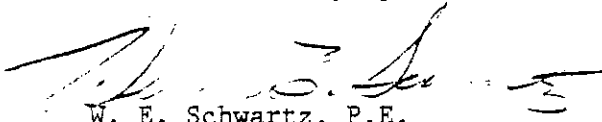
William H. Young

Page 2

June 1, 1982

The Highway Division also agrees to review construction contract Standard Specifications and Project Provisions for the inclusion of appropriate terminology relating to local ordinance concerning the deposition of soil materials from construction sites onto paved roadways. It is understood that enforcement of these local ordinances, or regulations, are the function of other state or local agencies.

The Oregon State Highway Division is interested and concerned both in a healthful environment and the safe and efficient operation of the state highway system. The above commitments are made for those purposes.



W. E. Schwartz, P.E.
Assistant State Highway Engineer
for Operations

(The U.S. Forest Service commitments on firewood seasoning programs will be included here. The written commitments are expected by January 14, 1983)

(The Bureau of Land Management commitments on firewood seasoning programs will be included here. The written commitments are expected by January 14, 1983.)

Table 4.10.5-3

IMPLEMENTATION SCHEDULES AND MECHANISMS

<u>Control Measures</u>	<u>Implementation Schedule</u>	<u>Implementation Mechanism</u>
PRIMARY STRATEGY		
Completion of 1978 industrial control measures.	1980-83	Existing OARs
Industrial fugitive emissions control and compliance schedules.	1983	OAR 340-30-043 (new) 340-30-045 (revised)
Operation and maintenance program for industrial control equipment and compliance schedules.	1983	OAR 340-30-044 (new) 340-30-045 (revised)
Mandatory weatherization before new woodstove installation.	1984	City (#4740) and County (#82-6) ordinances
Mandatory weatherization of homes with existing woodstoves starting in 1984 if primary standard not attained.	1984	City (#4740) and County (#82-6) ordinances
Firewood moisture control including shifting standing timber firewood cutting to spring.	1982	USFS and BLM program commitments
Commercial firewood control including shifting standing timber firewood cutting to spring.	1982	USFS and BLM program commitments
Mandatory woodstove curtailment during pollution episodes, now in County, 1984 in City.	1983	City (#4740) and County (#82-6) ordinances
Alternate heat source required for new homes with woodstoves.	1983	City (#4740) and County (#82-6) ordinances
Solar access and orientation planning requirements.	1982	City land development code (Section 13.3-16)
Open burning controls including tighter ventilation criteria.	1982	City (#4732) and County (#82-6) ordinances
Trackout control programs.	1982	City (#4740) and County (#82-6) ordinances
Street sanding and sweeping improvements.	1982	City, County and ODOT program commitments
Paving unpaved roads (13 roads) and shoulders.	1983	City program commitments

Table 4.10.5-3 (Continued)

IMPLEMENTATION SCHEDULES AND MECHANISMS

<u>Control Measures</u>	<u>Implementation Schedule</u>	<u>Implementation Mechanism</u>
SECONDARY STRATEGY		
Completion of the retrofit weatherization programs.	1984-1990	City/County ordinances
Certification program for sale of new woodstoves.	1985	DEQ program (following legislative authority)
Solar access and orientation program continuation.	Ongoing	City ordinances
Upgraded veneer dryer controls and compliance schedules.	1990	OAR 340-30-020 (revised) 340-30-045 (revised)
Soil and road dust measures.	1990	City/County ODOT programs

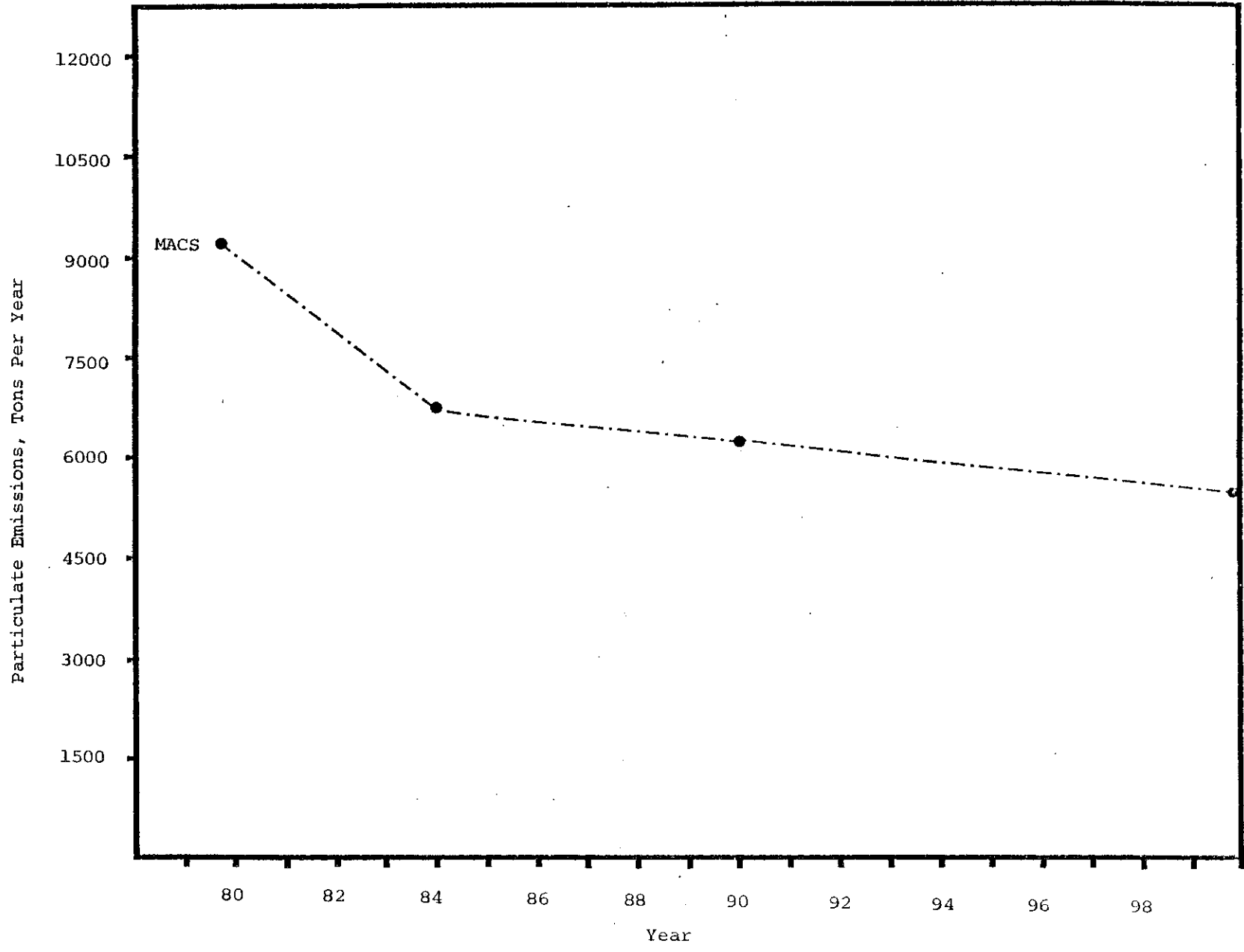
4.10.6 REASONABLE FURTHER PROGRESS

Reasonable Further Progress (RFP) is defined as annual incremental reductions in emissions for each pollutant that are sufficient for compliance by the required date. Projected reductions in particulate emissions are shown in Figure 4.10-9. This figure shows projected emission reductions between 1980 and 1984 based upon the emission inventory outlined in Section 4.10.4.5. The projections indicate that the reduction in particulate emissions will be adequate to meet the primary particulate standard by 1984.

To monitor RFP, the Department of Environmental Quality will submit a report each July 1 for the preceeding calendar year which will comply with the following Environmental Protection Agency requirements:

- o Identification of growth of major new or modified existing sources, minor new sources, and mobile sources;
- o Reduction in emissions for existing sources;
- o Update of the emission inventory; and
- o Comparison of air quality monitoring data with the emission inventory.

PROJECTED PARTICULATE EMISSION REDUCTIONS



If ambient air quality data suggests that RFP is not being maintained, the Department of Environmental Quality will examine the emission inventories, meteorological data, and actual particulate concentrations to determine if a problem exists. If it is determined that RFP is not being maintained, a contingency plan will be implemented.

The contingency plan is outlined in the adopted strategy. The local ordinances indicate that mandatory curtailment of woodstove use would be required during Air Stagnation Advisories if the primary particulate standard is not adopted by 1984. In addition, retrofit weatherization would become mandatory upon sale or rental of the dwelling beginning in 1984 if weatherization activity is not proceeding on schedule and the primary particulate standard is not attained by 1984.

4.10.7 RESOURCE COMMITMENT

The Medford particulate strategy requires the coordinated efforts of the Department of Environmental Quality, Jackson County, the City of Medford and the City of Ashland. Responsibilities for implementation and enforcement of the selected control measures are outlined in Section 4.10.5. The Department of Environmental Quality is the lead agency responsible for the development and implementation of the Medford particulate strategy.

4.10.8 PUBLIC INVOLVEMENT

The Jackson County Board of Commissioners appointed the Jackson Air Quality Advisory Committee in February 1981. This Committee consisted of twenty-five persons representing a broad cross section of the Medford-Ashland area. One of the first responsibilities of the Committee was to advise the Jackson County Commissioners and the Department of

Environmental Quality on the most appropriate strategy for the Medford airshed.

The Committee met monthly, and subcommittees occasionally met weekly, from March 1981 to July 1981. The adopted Medford particulate strategy is essentially the strategy recommended by the Jackson County Air Quality Advisory Committee. Extensive coverage of the Committee meetings was provided by the news media.

Public hearings were held by the local governments regarding the local ordinances. (The Jackson County hearings were held April 27 and August 25, 1982. The City of Medford hearings were held October 21 and November 4, 1982.) A public hearing on the complete Medford particulate control strategy and associated State rules is scheduled before the Environmental Quality Commission on February 25, 1983 in Medford. The public hearing notice will be issued thirty days prior to the hearing.

The public hearing notice will be distributed for local and state agency review by the A-95 State Clearinghouse forty-five days prior to adoption of the Medford particulate control strategy.

PROPOSED REVISED MEDFORD VENEER DRYER RULE

Veneer Dryer Emission Limitations

340-30-020 (1) It is the objective of this section to control air contaminant emissions including, but not limited to, condensible hydrocarbons such that visible emissions from each veneer dryer are limited to a level which does not cause a characteristic "blue haze" to be observable and to reduce particulate emissions to the lowest practicable levels by upgrading control systems.

[(1)] (2) No person shall operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:

- (a) A design opacity of 10%;
- (b) An average operating opacity of 10%;
- (c) A maximum opacity of 20% until July 1, 1990; and
- (d) A maximum opacity of 10% after June 30, 1990.

Where the presence of uncombined water is the only reason for the failure to meet the above requirements, said requirements shall not apply.

[(2)] No person shall operate a veneer dryer unless:

- (a) The owner or operator has submitted a program and time schedule for installing an emission control system which has been approved

in writing by the Department as being capable of complying with subsections (1)(a), (b) and (c).

(b) The veneer dryer is equipped with an emission control system which has been approved in writing by the Department and is capable of complying with subsections (1)(b) and (c), or

(c) The owner or operator has demonstrated and the Department has agreed in writing that the dryer is capable of being operated and is operated in continuous compliance with subsections (1)(b) and (c).]

(3) After June 30, 1990, particulate emissions from veneer dryers shall not exceed:

(a) 0.25 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct natural gas or propane fired veneer dryers:

(b) 0.25 pounds per 1,000 square feet of veneer dried (3/8" basis) for steam heated veneer dryers:

(c) 0.35 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct wood fired veneer dryers using fuel which has a moisture content by weight of 20% or less:

(d) 0.40 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct wood fired veneer dryers using fuel which has a moisture content by weight of greater than 20%:

(e) In addition to paragraphs (3)(c) and (d) of this section, 0.20 pounds per 1,000 pounds of steam generated.

The heat source for direct wood fired veneer dryers is exempted from rule 340-21-030.

(4) After June 30, 1990 no person shall operate a veneer dryer unless the veneer dryer is equipped with an emission control system which has been approved in writing by the Department and is capable of complying with subsections (2)(d) and (3) of this rule.

~~[(3)]~~ (5) Each veneer dryer shall be maintained and operated at all times such that air contaminant generating processes and all contaminant control equipment shall be at full efficiency and effectiveness so that the emission of air contaminants are kept at the lowest practicable levels.

~~[(4)]~~ (6) No person shall willfully cause or permit the installation or use of any means, such as dilution, which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this rule.

~~[(5)]~~ (7) Where effective measures are not taken to minimize fugitive emissions, the Department may require that the equipment or structures in which processing, handling, and storage are done, be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.

~~[(6)]~~ Air pollution control equipment installed to meet the opacity requirements of section (1) of this rule shall be designed such that the

particulate collection efficiency can be practicably upgraded.]

(8) Emission limitations established herein and stated in terms of pounds per 1,000 square feet of production shall be computed on an hourly basis using the maximum 8 hour production capacity of the plant.

[(7)] (9) Compliance with the emission limits in subsection [(1)] (2) shall be determined in accordance with the Department's Method 9 on file with the Department as of November 16, 1979.

(10) Compliance with the emission limits in subsection (3) shall be determined in accordance with the Department's Method 7 on file as of April 30, 1979.

Compliance Schedules

340-30-045 Table 1 is revised as follows:

<u>Division</u>	<u>Submit Plans to the Dept.</u>	<u>Place Purchase Orders</u>	<u>Begin Construction</u>	<u>Complete Construction</u>	<u>Demonstrate Compliance</u>
-020 <u>(2)(e) and (d)</u>					
Veneer Dryers	[1/1/79] <u>7/1/89</u>	[3/1/79] <u>9/1/89</u>	[6/1/79] <u>12/1/89</u>	[11/1/79] <u>5/1/90</u>	[1/1/80] <u>7/1/90</u>

MLH:a
AAD212.1 (1)
12/14/82

PROPOSED NEW MEDFORD FUGITIVE EMISSIONS RULE

Control of Fugitive Emissions

340-30-043 (1) Large sawmills, all plywood mills and veneer manufacturing plants, particleboard and hardboard plants, charcoal manufacturing plants, stationary asphalt plants and stationary rock crushers shall prepare and implement site-specific plans for the control of fugitive emissions. (The air contaminant sources listed above are described in OAR 340-20-155, Table 1, Paragraphs 10a, 14a, 14b, 15, 17, 18, 29, 34a and 42a, respectively.)

(2) Fugitive emission control plans shall identify reasonable measures to prevent particulate matter from becoming airborne. Such reasonable measures shall include, but not be limited to the following:

- (a) Scheduled application of asphalt, oil, water, or other suitable chemicals on unpaved roads, log storage or sorting yards, materials stockpiles, and other surfaces which can create airborne dust;
- (b) Full or partial enclosure of materials stockpiled in cases where application of oil, water, or chemicals are not sufficient to prevent particulate matter from becoming airborne;
- (c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;
- (d) Adequate containment during sandblasting or other similar operations;
- (e) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne; and
- (f) Procedures for the prompt removal from paved streets of earth or other material which does or may become airborne.

(3) Fugitive emission control plans shall be prepared and implemented in accordance with the schedule outlined in OAR 340-30-045.

Compliance Schedules

340-30-045 Table 1 is revised to include:

<u>Division</u>	<u>Submit Plans</u>	<u>Demonstrate</u>
<u>340-30 Rule</u>	<u>to the Dept.</u>	<u>Compliance</u>
<u>-043 Fugitive</u>	<u>4/1/83</u>	<u>10/1/83</u>
<u>Emissions</u>		
<u>Control</u>		

MLH:a
AA2350 (1)
12/9/82

PROPOSED NEW MEDFORD O & M RULE

Requirement For Operation and Maintenance Plans

340-30-044(1) Operation and Maintenance Plans shall be prepared by all holders of Air Contaminant Discharge Permits except minimal source permits and special letter permits. All sources subject to regular permit requirements shall be subject to operation and maintenance requirements.

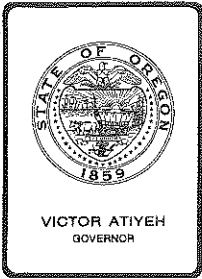
- (2) The purposes of the operation and maintenance plans are to:
- (a) Reduce the number of upsets and breakdowns in particulate control equipment;
 - (b) Reduce the duration of upsets and downtimes; and
 - (c) Improve the efficiency of control equipment during normal operations.
- (3) The operation and maintenance plans should consider, but not be limited to, the following:
- (a) Personnel training in operation and maintenance;
 - (b) Preventative maintenance procedures, schedule and records;
 - (c) Logging of the occurrence and duration of all upsets, breakdowns and malfunctions which result in excessive emissions;
 - (d) Routine follow-up evaluation of upsets to identify the cause of the problem and changes needed to prevent a recurrence;
 - (e) Periodic source testing of pollution control units as required by air contaminant discharge permits;
 - (f) Inspection of internal wear points of pollution control equipment during scheduled shutdowns; and
 - (g) Inventory of key spare parts.
- (4) The operation and maintenance plan shall be prepared and implemented in accordance with the schedule outlined in OAR 340-30-045.

Compliance Schedules

340-30-045 Table 1 is revised to include the following:

<u>Division</u>	<u>Submit Plans</u>	<u>Demonstrate</u>
<u>340-30 Rule</u>	<u>To The Dept.</u>	<u>Compliance</u>
<u>-044 Operation</u> <u>& Maintenance</u>	<u>4/1/83</u>	<u>10/1/83</u>

MLH:a
AA2349 (1)
12/9/82



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, January 14, 1983, EQC Meeting

Request for a Limited Time Variance from OAR 340-22-170(4)(j)(C) Solvent in Paint Limit, for Boeing of Portland

Background

Boeing of Portland, a plant operated by the Boeing Company, at 190th and Sandy Boulevard near Gresham, uses primers and paints to coat parts being manufactured for airplanes being assembled in Washington State. About 3 tons of Volatile Organic Compounds (VOC) were released from these paints and primers in 1981.

In September of 1980, rule 340-22-170(4)(j)(C) was adopted to limit solvent in surface coating in the manufacture of miscellaneous parts to 3.5 lbs of solvent per gallon of coating, when the parts are air dried. The effective date of the rule is January 1, 1983. This rule was part of the EPA required Reasonably Available Control technology VOC rules for the Portland area ozone non-attainment problem. These rules appear to be technology forcing in the specific application at Boeing of Portland. Boeing uses 14 primers and paints, of which the two used most have 5.4 and 4.6 lbs of solvent per gallon of coating.

Problem

The Boeing Company has been treated specially for VOC control in the Seattle area, and other airplane manufacturers in Los Angeles and St. Louis have had similar considerations. The limits set for aerospace coatings are 5.4 lbs/gal for primers and 5.0 lbs/gal for topcoats in those places. In their request for a variance, letter attached, Boeing lists why their coatings were allowed higher solvents by the regulatory agencies in those areas:

1. Resistance to the special kinds of hydraulic oils used on aircraft.
2. Ability to perform in extreme weather and climatic conditions (from +120°F on the ground to -60°F in the air; response to moisture, electrical storms, etc.);
3. Special weight and smoothness requirements in order to enhance fuel efficiency and aircraft payload;
4. Overall resistance to corrosion and weathering; and
5. Ease of application (to flow onto parts easily and uniformly).

While Boeing has been lowering the amount of solvent used in their primers and topcoats, they are targeting on the more lenient rules imposed elsewhere. They are confident of meeting those rules, but claim little likelihood of meeting Oregon's more stringent 3.5 lb/gal rule.

Alternatives and Evaluation

Boeing has requested a variance from the 3.5 lb/gal rule until a rule similar to those in Los Angeles, Seattle, and St. Louis could be adopted for their Oregon plant.

If the variance is denied, Boeing would have to move their parts production elsewhere in whole or in part. A reduction of only 0.9 ton/year is the difference between 5.0 lbs/gal and 3.5 lb/gal. Therefore, granting the variance gives up a VOC reduction of only 0.9 ton/year. This is not a very significant amount, since at airshed compliance there will be about 122,000 tons/yr emitted into the Portland airshed.

In a November 22, 1982 letter, the Department asked Boeing if they could change their methods of cleaning parts with solvents to realize an equivalent or greater reduction than required for surface coating. Boeing used 6 tons of Methyl Ethyl Ketone (MEK) to clean parts in 1981. Under the Department's bubble rule, MEK reductions are accepted in lieu of paint solvent reductions.

The Department could use 12 months to evaluate Boeing's alternatives, before proposing and the EQC possibly adopting a special, more lenient, aerospace coatings rule.

The variance is sought under ORS 468.345(1) which can be satisfied in three ways:

- (a) Conditions are beyond the control of the plant; in this case, the parent firm in Seattle has made agreements with the Puget Sound Air Pollution Control Agency involving hundreds of tons per year of solvent emissions; they do not want their small Portland plant using a small amount of customized coatings, different from other aerospace coatings used nationwide.
- (b) Strict compliance would close down the plant; Boeing of Portland has not opened this subject, but they must use Boeing-Seattle

approved coatings or have the Portland work rejected.

- (c) No alternative method is yet available; while Boeing has lowered the solvent content of their present coatings, they cannot presently meet the 3.5 lb/gal rule.

If the variance is granted, the Portland area VOC reduction strategy would be diminished by only 0.9 tons per year. Therefore, to grant a variance, so that Boeing of Portland could continue to operate with primers and coatings not in compliance with OAR 340-22-170(4)(j)(C) yet in compliance with Puget Sound Air Pollution Control Agency Regulation II Section 3.09 parts (b) through (d), would not require a large compensating reduction from other VOC sources.

Summation

1. Boeing of Portland has requested a variance from OAR 340-22-170(4)(j)(C) for excess solvent emissions from primers and paints, as alternative products meeting the VOC rule requirements are not available. They can meet rules in effect in Los Angeles, Seattle, and St. Louis areas, but not the more stringent Oregon rule.
2. Strict conformance with the DEQ rule would only reduce emissions by about 0.9 tons of VOC per year. This does not have a very significant affect on the airshed, or on the ozone attainment strategy.
3. The Commission, under ORS 468.345, could grant the variance for 12 months to allow Boeing and the Department to investigate some alternatives such as a bubble and/or to adopt special primers and paint rules like Seattle's Regulation II Section 3.09, parts (b) through (d).
4. The Commission should find that complying primers and paints are not available and that strict compliance is inappropriate.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance to Boeing of Portland from OAR 340-22-170(4)(j)(C), VOC limitation in coatings, until January 1, 1984, providing Boeing will continue to investigate alternative ways of complying and submit a feasibility report not later than October 1, 1984 to the Department.



William H. Young

Attachments: (1) Boeing October 22, 1982 Variance Request Letter

John F. Kowalczyk:a
AA2872
229-6459
December 16, 1982

BOEING COMMERCIAL AIRPLANE COMPANY

P.O. Box 20487
Portland, Oregon 97220

A Division of The Boeing Company

October 22, 1982

A-6290-WCC-128

Mr. Peter B. Bosserman
Senior Environmental Engineer
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
NOV 9 3 1982

AIR QUALITY CONTROL

Subject: Air Permit Application - DEQ, ZQ File 26-2204

Dear Mr. Bosserman:

Please find enclosed Boeing of Portland's completed "Application for Air Contaminant Permit" which includes our baseline data for Volatile Organic Compound (VOC) emissions. In addition to submitting this application, Boeing of Portland would like to comment on the classification of our coating operations under Oregon Administrative Rule (OAR) 340-22-170.

The application classifies Boeing of Portland coating operations within the category "Surface Coating in Manufacturing, Miscellaneous Products and Metal Parts" (OAR 340-22-170). As a consequence, the VOC content of our coatings (primers and topcoats) would be limited to 3.5 lbs/gallon (or 420 grams/liter).

While Boeing and other aerospace companies and their coating suppliers have been able to reduce the VOC content of many of our coatings, present technology has been as yet unable to provide coatings meeting rigid performance specifications, while meeting the 3.5 lbs/gallon VOC limits in OAR 340-22-170. This is because the coatings used in aerospace applications must possess special qualities not required of other kinds of coatings. These include:

Resistance to the special kinds of hydraulic oils used on aircraft;

Ability to perform in extreme weather and climatic conditions (from +120°F on the ground to -60°F in the air; response to moisture, electrical storms, etc.);

Special weight and smoothness requirements in order to enhance fuel efficiency and aircraft payload;

Overall resistance to corrosion and weathering; and

Ease of application (to flow onto parts easily and uniformly).

BOEING

We continue, however, to work within the Company and with our coating suppliers to reduce the VOC content in our coatings in order to reduce emissions. We are investigating such options as

High solids coatings;

Water-based coatings;

Use of compliance solvents in coatings; and

Improved methods of coating application.

Aerospace coating operations around the country are classified into a separate category. They are not filed into a generic "manufacturing" coating category as in OAR 340-22-170. This is because of the reasons cited above. As a consequence, the VOC limits are also different. The VOC limits for coatings used by aerospace firms in Southern California, Puget Sound (Washington), Washington state and the State of Missouri are 650 g/l (5.4 lbs/gallon) for primers and 600 g/l (5.0 lbs/gallons) for topcoats. (See enclosed list of VOC rules for the aerospace industry). These VOC limits established for aerospace assembly and component coating operations elsewhere in the country recognize the special performance requirements demanded of our coatings. Yet the enclosed regulations require us to pursue the options listed above. As these coatings and processes become available and effective, these rules require that VOC limits be lowered accordingly. In the meantime, we operate with 650 g/l and 600 g/l VOC limits for primers and topcoats, respectively.

Boeing of Portland would like to initiate a process with the following objectives:

1. In the short run; secure a variance from the provisions of OAR 340-22-170 under authority of ORS 468.345. The foregoing discussion regarding the unique aspects of coating operations in the aerospace industry is, in our view, sufficient to meet each of the four bases for a variance set out in ORS 468.345(1).
2. Negotiate a new section in OAR 340-22 which applies specifically to aerospace/aircraft coating operations. Adopting a set of rules which is mutually acceptable will help promote uniformity within the industry and allow coordination between Boeing, other aircraft manufacturers and our coating suppliers in jointly meeting VOC emission requirements in Oregon and elsewhere.

BOEING

We would appreciate your consideration of our request and will provide more data and information and respond to any questions you might have. We look forward to further discussion on our comments and request.

Sincerely,



W. C. Crowell
Facilities Manager
Boeing of Portland

Enclosures:

- (1) List of VOC Rules for the Aerospace Industry
- (2) Air Permit Application

BOEING

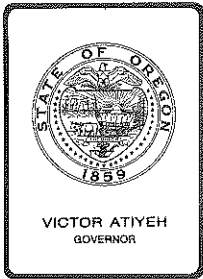
LIST OF VOC RULES FOR AEROSPACE COMPANIES

South Coast Air Quality Management District-----Rule 1124

Puget Sound Air Pollution Control Agency-----Regulation II,
Section 3.09

Washington Administrative Code (WAC) 173-490-208-----"Aerospace
Assembly and Component Coating Operations"

State of Missouri----Title 10 CSR 10-5.330-----"Control of
Emissions from Industrial Surface Coating Operations: Aircraft
Assembly and Components



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, January 14, 1983, EQC Meeting

Request for a Limited-Time Variance from OAR 340-22-170-(4)(j)
Which Limits Solvent in Coating, for Winter Products of
Portland

Background

Winter Products Corporation, 11727 N.E. Marx, Portland, uses clear and pigmented lacquer to give a bright finish to furniture hardware, made from small, brass-plated, zinc die castings. About 17 tons of solvent are emitted (1978 data) from their annual lacquer use.

In September of 1980, OAR 340-22-170(4)(j) was adopted to limit solvent in surface coating in the manufacture of miscellaneous parts to 4.3 lbs of solvent per gallon of coating, when the parts are clear coated. The effective date of the rule is January 1, 1983. This rule was part of the EPA required VOC rules for the Portland area ozone non-attainment problem. Winter Products Corporation uses lacquers that have nearly 6.4 lbs of solvent per gallon of coating.

Problem

After soliciting their supplier, Lilly Industrial Coatings, for a new formulation, Winter Products tried one with lower solvent content and had failures when their products experienced tarnish where the coat had not completely covered. The hardware has to withstand some harsh, salt-spray atmosphere at East Coast furniture manufacturing plants. Both Lilly Industrial Coatings and Rohm and Haas (their supplier) are trying to formulate compliance coatings for Winter Products. They estimate two to six years before such a coating will be available.

Delaying a 5.5 ton/year reduction in solvent will not affect Reasonable Further Progress in attaining the ozone standard as this represents less than 1/100 of a percent of the required airshed reduction. Delaying this reduction will not have a significant effect on Portland's ozone strategy.

Alternatives and Evaluation

Winter Products is in a competitive business; if their pieces do not have bright finish, customers will reject their product and buy from competitors who are allowed to use high solvent lacquers to impart the bright finish in non-ozone problem areas.

A variance could be granted with an effective date of January 1, 1987 (four years from now). This should give Winter Products and their suppliers time to develop lower solvent coatings to comply with the 4.3 lb/gal rule. The variance and rule could require annual progress reports.

A variance sought under ORS 468.345(1) can be satisfied in three ways:

- (a) Conditions are beyond the control of the plant; certainly the case here, where the plant is at the mercy of coating suppliers.
- (b) Strict compliance could close down the plant; this appears to be the case as no acceptable coating appears available at this time.
- (c) No alternative method is yet available; at least in their search, neither the firm, their suppliers, nor the DEQ staff have come up with an alternative method.

The solvent rule was adopted under EPA's Reasonable Available Control technology requirement. In fact, it now turns out that for this type of surface coating, the rule is technology forcing. A four year variance would also give the Department time to evaluate the practicality of and need for attaining compliance with this rule.

Summation

1. Winter Products Corporation has requested a variance from OAR 340-22-170(4)(j) for excess VOC emissions from their lacquers.
2. There is no acceptable coating available to Winter Products Corporation which can meet the Department's rules but one may be developed within 2-6 years.
3. The subject VOC rule was adopted as Reasonably Available Control technology for surfacing coating but in the case of certain applications it appears to be technology forcing.
4. The Commission should find that conditions are beyond the control of the plant; that strict compliance would close down the plant, and that no alternative method is available in order to grant the variance. The Department is of the opinion that all three of these conditions are true.

EQC Agenda Item No. G
January 14, 1983
Page 3

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance to Winter Products Corporation of Portland from OAR 340-22-170(4)(j), VOC Limitation in Coatings, until January 1, 1987, providing that Winter Products provide annual progress reports each January on how they are progressing to reduce their VOC emissions to that required by the OAR.

Bill

William H. Young

Attachment: Winter Products November 9, 1982 Variance Request Letter
AA2874
J.F. Kowalczyk:a
229-5459
December 17, 1982

WINTER PRODUCTS CORP.

FURNITURE AND CABINET HARDWARE

11727 N.E. MARX
PORTLAND, OREGON 97220November 9, 1982
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITYRECEIVED
NOV 10 1982

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

AIR QUALITY CONTROL

Attn: Mr. Peter Bosserman

Dear Mr. Bosserman:

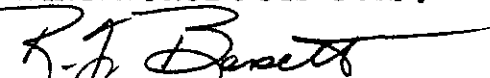
Please find enclosed the ACDP application forms for our facility at
11727 N.E. Marx St.

As you suggested, I have been in contact with our supplier concerning meeting the new regulation of 4.3 lbs. per gallon of VOC emissions from our spray booth. As you can see from the enclosed forms, we are now at 6.52 lbs. per gallon. In discussing this matter with Jerry McKnight at Lilly Industrial Coatings, he has explained that a formulation to meet the standard does not exist at this time which will also meet the requirements of our industry. We, therefore, if faced to meet the standard, would be forced to discontinue operation until such time as an alternative solution could be developed. This, as I am sure you are aware, would not be an acceptable approach.

Mr. Bosserman, I would like to make application for a variance under Revised Oregon Statute #468-345 until such time as a solution and/or process is developed. I have asked my supplier to work on this problem, keeping in mind the 4.3 lbs. per gallon standard which the government has imposed.

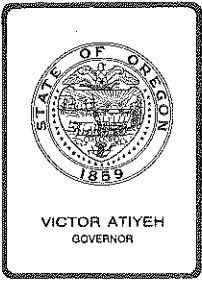
I would appreciate your informing me of the steps necessary, if any, for me to take in order that this matter can be taken care of as soon as possible.

Sincerely yours,
WINTER PRODUCTS CORP.



R. J. Bassett
General Manager

RJB:11
Enclosure



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, January 14, 1983, EQC Meeting

Approval of Lane Regional Air Pollution Authority
New Source Review and Plant Site Emission Limit Rules
and Submission as a Revision to the SIP

Background

Lane Regional Air Pollution Authority (LRAPA) has adopted New Source Review and Plant Site Emission Limit rules nearly identical with OAR 340-20-220 to -320. The Department determined, upon receipt of the LRAPA rules, that they are as stringent as the equivalent state rules.

Problem

While the OAR for New Source Review and Plant Site Emission Limit are in the Oregon State Implementation Plan (SIP), the LRAPA rules on these subjects are not. The Department prefers that LRAPA administer these rules in Lane County as a further step in developing full service capability of LRAPA. With EPA recognition of LRAPA rules, LRAPA may have their permits acknowledged as part of the SIP, thus administrative, burdensome tasks of adopting and submitting individual permits as SIP revisions when necessary can be avoided.

Summary

1. LRAPA has adopted New Source Review and Plant Site Emission Limit Rules, in Title 22 and Title 32, which are at least as stringent as the equivalent state rules, OAR 340-20-220 to -320.
2. EPA recognition of LRAPA New Source Review and PSEL rules in the SIP would simplify administration of the program directed by the rules in Lane County.

EQC Agenda Item No. H
January 14, 1982
Page 2

Director's Recommendation

It is recommended that the Commission approve LRAPA New Source Review, and Plant Site Emission Limits as being at least as stringent as OAR 340-20-220 to -320, and direct the Department to submit them as a SIP revision with a request to EPA to delegate authority to administer such in Lane County to LRAPA.

Bill

William H. Young

Attachment: LRAPA NSR, and PSEL Rules

J.F. Kowalczyk:a
AA2873
(503) 229-6459
December 16, 1982

TITLE 22

SECTION 22-400 TO 22-440

MAJOR NEW AND MODIFIED SOURCE REVIEW

DEFINITIONS

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

The following emissions increases or decreases will be included in the baseline concentration.

- a. Actual emission increases or decreases occurring before January 1, 1978, and
 - b. Actual emission increases from any major source or major modification on which construction commenced before January 6, 1975.
3. "Baseline Period" means either calendar years 1977 or 1978. The Authority shall allow the use of a prior time period upon a determination that it is more representative of normal source operation.
 4. "Best Available Control Technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental,

and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event, shall the application of BACT result in emissions of any air contaminant which would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutants. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.

5. "Commence" means that the owner or operator has obtained all necessary preconstruction approvals required by the Clean Air Act and either has:
 - a. Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time, or
 - b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.
6. "Construction" means any physical change (including fabrication, erection, installation, demolition, or modification of an emissions unit) or change in the method of operation of a source which would result in a change in actual emissions.
7. "Dispersion Technique" means any air contaminant control procedure which depends upon varying emissions with atmospheric conditions including but not limited to supplementary or intermittent control systems and excessive use of enhanced plume rise.
8. "Emission Reduction Credit Banking" means to presently reserve, subject to requirements of these provisions, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.
9. "Emissions Unit" means any part of a stationary source (including specific process equipment) which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.
10. "Fugitive emissions" means emissions of any air contaminant which escapes to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.
11. "Good Engineering Practice Stack Height" means that stack height necessary to insure that emissions from the stack do not result in excessive concentrations of any air contaminant in the immediate vicinity of the source as a result of atmospheric downwash, eddies, and wakes which may be created by the source structure, nearby structures, or nearby terrain obstacles and shall not exceed the following:

- a. 30 meters, for plumes not influenced by structures or terrain;
 - b. $H_G = H + 1.5 L$, for plumes influenced by structures;
 Where H_G = good engineering practice stack height,
 H = height of structure or nearby structure,
 L = lesser dimension (height or width) of the structure or
 nearby structure.
 - c. Such height as an owner or operator demonstrates, after notice and opportunity for public hearing, is necessary to avoid plume downwash.
12. "Growth Increment" means an allocation of some part of an airshed's capacity to accommodate future new major sources and major modifications of sources.
 13. "Lowest Achievable Emission Rate (LAER)" means that rate of emissions which reflects a) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or b) the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. In no event, shall the application of this term permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable new source performance standards or standards for hazardous air pollutants.
 14. "Major Modification" means any physical change or change of operation of a source that would result in a net significant emission rate increase (as defined in definition 22) for any pollutant subject to regulation under the Clean Air Act. This criteria also applies to any pollutants not previously emitted by the source. Calculations of net emission increases must take into account all accumulated increases and decreases in actual emissions occurring at the source since January 1, 1978, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations for that pollutant, whichever time is more recent. If accumulation of emission increases results in a net significant emission rate increase, the modifications causing such increases become subject to the New Source Review requirements including the retrofit of required controls.
 15. "Major Source" means a stationary source which emits, or has the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate (as defined in definition 22).
 16. "Nonattainment Area" means a geographical area of the State which exceeds any State or Federal primary or secondary ambient air quality standard as designated by the Environmental Quality Commission.
 17. "Offset" means an equivalent or greater emission reduction which is required prior to allowing an emission increase from a new major source or major modification of a source.

April 13, 1982

(These Definitions are to be incorporated into Title 11 at a later date.)

18. "Plant Site Emission Limit" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source.
19. "Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a source
20. "Resource Recovery Facility" means any facility at which municipal solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing municipal solid waste for reuse. Energy conversion facilities must utilize municipal solid waste to provide 50% or more of the heat input to be considered a resource recovery facility.
21. "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:
 - a. Emissions from ships and trains coming to or from a facility,
 - b. Emissions from off-site support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a source or modification.
22. "Significant Emission Rate" means emission rates equal to or greater than the following for air pollutants regulated under the Clean Air Act.

Table 1: Significant Emission Rates for Pollutants Regulated under the Clean Air Act

<u>Pollutant</u>	<u>Significant Emission Rate</u>
Carbon Monoxide	100 tons/year
Nitrogen Oxides	40 tons/year
Particulate Matter	25 tons/year
Sulfur Dioxide	40 tons/year
Volatile Organic Compounds	40 tons/year
Lead	0.6 tons/year
Mercury	0.1 tons/year
Beryllium	0.0004 tons/year
Asbestos	0.007 tons/year
Vinyl Chloride	1 ton/year

Table 1 (con't.):

<u>Pollutant</u>	<u>Significant Emission Rate</u>
Flourides	3 tons/year
Sulfuric Acid Mist	7 tons/year
Hydrogen Sulfide	10 tons/year
Total reduced sulfur (including hydrogen sulfide)	10 tons/year
Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year

For pollutants not listed above, the Authority shall determine the rate that constitutes a significant emission rate.

Any emissions increase less than these rates associated with a new source or modification which would construct within ten (10) kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m³ (24 hour average) shall be deemed to be emitting at a significant emission rate.

23. "Significant Air Quality Impact" means an ambient air quality impact which is equal to or greater than:

<u>Pollutant</u>	<u>Pollutant Averaging Time</u>				
	<u>Annual</u>	<u>24-hour</u>	<u>8-hour</u>	<u>3-hour</u>	<u>1-hour</u>
SO ₂	1.0 ug/m ³	5 ug/m ³		25 ug/m ³	
TSP	0.2 ug/m ³	1.0 ug/m ³			
NO ₂	1.0 ug/m ³				
CO			0.5 mg/m ³		2 mg/m ³

For sources of volatile organic compounds (VOC), a major source or major modification will be deemed to have a significant impact if it is located within thirty (30) kilometers of an ozone nonattainment area and is capable of impacting the nonattainment area.

24. "Source" means any building, structure, facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control.

April 13, 1982

(These Definitions are to be incorporated into Title 11 at a later date.)^v

LANE REGIONAL AIR POLLUTION AUTHORITY

TITLE 22

PERMITS

Section 22-001 Permit Required

1. No person shall construct, install, establish, modify, enlarge, develop, or operate any air contaminant source, including those processes and activities directly related or associated thereto which are listed in Table A, appended hereto and incorporated herein by reference, unless a permit to discharge air contaminants is first obtained from the Authority.
2. No person shall modify any source covered by a permit under these rules such that:
 - A. The emissions of any air contaminant exceeds maximum allowable rates or mass emissions established by regulation or permit condition;
 - B. The process equipment is substantially changed, or added to;
 - C. Permit conditions are exceeded, unless a modified permit has been first approved by the Authority.

Section 22-002 Type, Duration and Termination of Permits

1. Permits issued by the Authority will specify those activities, operations, emissions and discharges which are permitted as well as the requirements, limitations and conditions which must be met.
2. The duration of permits may vary, but shall not exceed ten (10) years. The expiration date will be recorded on each permit issued. A new application must be filed with the Authority to obtain renewal or modification of a permit.
3. Permits are issued to the official applicant of record for the activities, operations, emissions or discharges of report and shall be automatically terminated:
 - A. Within 60 days after sale or exchange of the activity or facility which requires a permit.
 - B. Upon change in the nature of activities, operations, emissions or discharges from those of record in the last application.
 - C. Upon issuance of a new, renewal or modified permit for the same operation.
 - D. Upon written request of the permittee.

Section 22-005 Minimal Source

1. The Lane Regional Air Pollution Authority may designate any source as a "minimal source" based upon the following criteria:
 - A. Quantity and quality of emissions;
 - B. Type of operation;
 - C. Compliance with Agency regulations;
 - D. Minimal impact on the air quality of the surrounding region.
2. If a source is designated as a minimal source, the annual compliance determination fee, provided by Section 22-065, will be collected in conjunction with plant site compliance inspections which will occur no less frequently than every five (5) years.

Section 22-015 Multiple Source Permit

1. When a single site includes more than one air contaminant source, a single permit may be issued including all sources located at the site. Such applications shall separately identify by subsection each air contaminant source.
2. When an individual air contaminant source, which is included in a multiple-source permit, is subject to permit modification, revocation, suspension, or denial, such action by the Authority shall only affect that individual source without thereby affecting any other source subject to that permit.

Section 22-025 Procedures for Obtaining Permits

1. Submission and processing of applications for permits and issuance, denial, modification, and revocation of permits shall be in accordance with duly adopted procedures of this Authority. Any person intending to obtain an air contaminant discharge permit to construct, install, or establish a new or modified source of air contaminant emissions as required in these rules shall submit a completed application on forms provided by the Authority and containing the following information:
 - A. Name, address, and nature of business;
 - B. A description of the production processes and a related flow chart;
 - C. A plot plan showing location of all air contaminant sources and the nearest residential or commercial property;
 - D. Type and quantity of fuels used;
 - E. Amount, nature, and duration of emissions;
 - F. Estimated efficiency of air pollution control equipment;
 - G. Other information required by the Authority.

2. Applications which are obviously incomplete, unsigned, or which do not contain the required exhibits (clearly identified), or are not accompanied by applicable fees will not be accepted by the Authority for filing and will be returned to the applicant for completion.
3. Applications which appear complete will be accepted by the Authority for filing.
4. Within fifteen (15) days after filing, the Authority will preliminarily review the application to determine the adequacy of the information submitted:
 - A. If the Authority determines that additional information is needed it will promptly request the needed information from the applicant. The application will not be considered complete for processing until the requested information is received. The application will be considered to be withdrawn if the applicant fails to submit the requested information within ninety (90) days of the request.
 - B. If, in the opinion of the Director, additional measures are necessary to gather facts regarding the application, the Director will notify the applicant of his intent to institute said measures and the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed. When the information in the application is deemed adequate, the applicant will be notified that this application is complete for processing. Processing will be completed within forty-five (45) days after such notification.
5. In the event the Authority is unable to complete action on an application within forty-five (45) days after notification that the application is complete for processing, the applicant shall be deemed to have received a temporary or conditional permit, such permit to expire upon final action by the Authority to grant or deny the original application. Such temporary or conditional permit does not authorize any construction, activity, operation or discharge which will violate any of the laws, rules, or regulations of the State of Oregon or the Lane Regional Air Pollution Authority.
6. If, upon review of an application, the Authority determines that a permit is not required, the Authority shall notify the applicant in writing of this determination. Such notification shall constitute final action by the Authority on the application.

Section 22-026 Issuance of a Permit

1. Following determination that it is complete for processing, each application will be reviewed on its own merits. Recommendations will be developed in accordance with the provisions of all applicable statutes, rules and regulations of the State of Oregon and the Lane Regional Air Pollution Authority.

2. If the Authority proposes to issue a permit, proposed provisions prepared by the Authority will be forwarded to the applicant and other interested persons at the discretion of the Authority for comment. All comments must be submitted in writing within thirty (30) days after the mailing of the proposed provisions if such comments are to receive consideration prior to final action on the application. The Authority shall issue public notice of its intent to issue an air contaminant discharge permit. The public notice shall allow thirty (30) days for written comment from the public and from interested local, state, and federal agencies prior to issuance of the permit.
3. After thirty (30) days have elapsed since the date of mailing of the proposed provisions and the issuance of public notice, the Authority may take final action on the application for a permit. The Authority may adopt or modify the proposed provisions or recommend denial of a permit. In taking such action, the Authority shall consider the comments received regarding the proposed provisions and any other information obtained which may be pertinent to the application being considered.
4. The Authority shall promptly notify the applicant in writing of the final action taken on his application. If the Authority recommends denial, notification shall be in accordance with the provisions of Section 22-050. If the conditions of the permit issued are different from the proposed provisions forwarded to the applicant for review, the notification shall include the reasons for the changes made. A copy of the permit issued shall be attached to the notification.
5. If the applicant is dissatisfied with the conditions or limitations of any permit issued by the Authority, he may request a hearing before the Board of Directors or its authorized representative. Such a request for hearing shall be made in writing to the Director within twenty (20) days of the date of mailing of the notification of issuance of the permit. Any hearing held shall be conducted pursuant to the regulations of the Authority.

Section 22-030 Other Requirements

1. Each permit proposed to be issued or revised by this Authority shall be submitted to the Department of Environmental Quality at least thirty (30) days prior to the proposed issuance date.
2. A copy of each permit issued, modified, or revoked by the Authority pursuant to this section shall be promptly submitted to the Department.

Section 22-035 Exemption from Registration Requirements

Air contaminant sources constructed and operated under a permit issued pursuant to these regulations may be exempted from registration as required by Title 21 of these Rules and Regulations.

Section 22-045 Issuance, Renewal, or Modification of a Permit

1. No permit will be issued to an air contaminant source which is not in compliance with applicable rules unless a compliance schedule is made a condition of the permit.
2. The procedure for issuance of a permit shall apply to renewal of a permit.
3. The Authority may institute modification of a permit due to changing conditions or standards, receipt of additional information, or other reason, by notifying the permittee by registered or certified mail of its intention to modify the permit. Such notification shall include the proposed modification and the reasons for modification. The modifications shall become effective twenty (20) days from the date of mailing of such notice unless, within the time, the permittee requests a hearing. Such a request for hearing shall be made in writing and shall be conducted pursuant to the regulations of the Authority. A copy of the modified permit shall be forwarded to the permittee as soon as the modification becomes effective. The existing permit shall remain in effect until the modified permit is issued.

Section 22-050 Denial of a Permit

If the Authority proposes to deny issuance of a permit, it shall notify the applicant by registered or certified mail of the intent to deny and the reasons for denial. The denial shall become effective twenty (20) days from the date of mailing of such notice unless, within that time, the applicant requests a hearing. Such a request for a hearing shall be made in writing and shall state the grounds for the request. Any hearing held shall be conducted pursuant to the Rules of the Authority.

Section 22-055 Suspension or Revocation of a Permit

1. In the event that it becomes necessary to suspend or revoke a permit due to noncompliance with the terms of the permit, unapproved changes in operation, false information submitted in the application, or any other cause, the Authority shall notify the permittee by registered or certified mail of its intent to suspend or revoke the permit. Such notification shall include the reasons for the suspension or revocation. The suspension or revocation shall become effective twenty (20) days from the date of mailing of such notice unless, within that time, the permittee requests a hearing. Such a request for hearing shall be made in writing and shall state the grounds for the request.
2. If the Authority finds that there is a serious danger to the public health or safety or that irreparable damage to a resource will occur, it may suspend or revoke a permit effective immediately. Notice of such suspension or revocation must state the reasons for action and advise the permittee that he may request a hearing. Such a request for hearing shall be made in writing within ninety (90) days of the date of suspension and shall state the grounds for the request.
3. Any hearing requested under this chapter shall be conducted pursuant to the Rules of the Authority.

Section 22-060 Letter Permit

Any source listed in Table A with no, or insignificant, air contaminant discharges may apply to the Authority for a letter permit. The determination of applicability of this letter permit shall be made solely by the Authority. If issued a letter permit, the application processing fee and/or annual compliance determination fee, provided by Section 22-065 may be waived by the Regional Authority.

Section 22-061 Special Permit

The Authority may waive the procedures prescribed in rule 22-026 and issue special permits of duration not to exceed sixty (60) days from the date of issuance for unexpected or emergency activities, operations, emission or discharges. Said permits shall be properly conditioned to insure adequate protection of property and preservation of public health, welfare and resources, and shall include provisions for compliance with applicable emission standards of the Authority. Application for such permits shall be in writing and may be in the form of a letter which fully describes the emergency and the proposed activities, operations, emissions or discharges, as described in Section 22-025.

Section 22-065 Fees

1. All persons applying for a permit shall at the time of application pay the following fees:

- A. A filing fee of \$50
- B. An application processing fee, and
- C. An annual compliance determination fee.

The compliance determination fee may be waived when applying for an existing permit modification. The application processing fee may be waived on permit renewals.

- 2. The fee schedule contained in the listing of air contaminant sources listed in Table A hereof, shall be applied to determine the permit fees on a standard industrial classification (SIC) plant site basis.
- 3. Applications for multiple-source permits received pursuant to Section 22-015 shall be subject to a single \$50 filing fee. The application processing fee and annual compliance determination fee for multiple-source permits shall be equal to the total amounts required by the individual source involved, as listed in Table A.
- 4. Modifications of existing, unexpired permits which are instituted by the Authority due to changing conditions or standards, receipts of additional information or any other reason pursuant to applicable statutes and which do not require refileing or review of an application or plans and specifications shall not require submission of the filing fee or the application processing fee.

5. The annual compliance determination fee shall be paid at least thirty (30) days prior to the start of each subsequent permit year. Failure to remit the annual compliance determination fee on time shall be considered grounds for not issuing a permit or for revoking an existing permit.
6. If a permit is issued for a period less than one year, the applicable annual compliance determination fee shall be equal to the full annual fee. If a permit is issued for a period greater than 12 months, the applicable annual compliance determination fee shall be prorated by multiplying the annual compliance fee by the number of months covered by the permit and dividing by 12.
7. The filing fee is nonrefundable.
8. If a temporary or conditional permit is issued in accordance with adopted procedures, fees submitted with the application shall be applied to the regular permit when it is granted or denied.
9. All fees shall be made payable to the Authority.

Section 22-400 Major Sources - Applicability

1. No owner or operator shall begin construction of a major source or a major modification of an air contaminant source without having received an air contaminant discharge permit from the Authority and having satisfied Section 22-400 - 22-435 of these Rules.
2. Owners or operators of proposed non-major sources or non-major modifications are not subject to these new source review rules. Such owners or operators are subject to other Authority rules including highest and best practicable treatment and control required (Section 32-005), notice of construction and approval of plans (Section 22-001), air contaminant discharge permits (Section 22-001 - 22-065), emissions standards for hazardous air contaminants (Section 35-005), and standards of performance for new stationary sources (Section 37-005).

Section 22-405 Procedural Requirements

1. Information Required:

The owner or operator of a proposed major source or major modification shall submit all information necessary to perform any analysis or make any determination necessary to perform any analysis or make any determination required under these Rules. Such information shall include, but not be limited to:

- A. A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;
- B. An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, seasonal, and yearly rates, showing the calculation procedure;

- C. A detailed schedule for construction of the source or modification;
 - D. A detailed description of the system of continuous emission reduction which is planned for the source or modification, and any other information necessary to determine that best available control technology or lowest achievable emission rate technology, whichever is applicable, would be applied;
 - E. To the extent required by these rules, an analysis of the air quality impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and
 - F. To the extent required by these rules, an analysis of the air quality impacts, and the nature and extent of all commercial, residential, industrial, and other growth which has occurred since January 1, 1978, in the area the source or modification would affect.
- 2. Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to these Rules or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the effective date of these regulations without applying for and receiving an air contaminant discharge permit, shall be subject to appropriate enforcement action.
 - 3. Approval to construct shall become invalid if construction is not commenced within eighteen (18) months after receipt of such approval, if construction is discontinued for a period of eighteen (18) months or more, or if construction is not completed within eighteen (18) months of the scheduled time. The Authority may extend the eighteen (18) month period upon satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen (18) months of the projected and approved commencement date.
 - 4. Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, State, or Federal law.
 - 5. Public Participation:
 - A. Within thirty (30) days after receipt of an application to construct, or any addition to such application, the Authority shall advise the applicant of any deficiency in the application or in the information submitted. The date of the receipt of a complete application shall be, for the purpose of this section, the date on which the Authority received all required information.

- B. Notwithstanding the requirements of OAR 340-14-020, but as expeditiously as possible and at least within six months after receipt of a complete application, the Authority shall make a final determination on the application. This involves performing the following actions in a timely manner:
- 1) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.
 - 2) Make available for a 30-day period in at least one location a copy of the permit application, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.
 - 3) Notify the public, by advertisement in a newspaper of general circulation in the area in which the proposed source or modification would be constructed, of the application, the preliminary determination, the extent of increment consumption that is expected from the source or modification, and the opportunity for a public hearing and for written public comment.
 - 4) Send a copy of the notice of opportunity for public comment to the applicant and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: The chief executives of the city and county where the source or modification would be located, any comprehensive regional land use planning agency, any state, federal land manager, or Indian governing body whose lands may be affected by emissions from the source or modification, and the Environmental Protection Agency.
 - 5) Upon determination that significant interest exists, provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source or modification, alternatives to the source or modification, the control technology required, and other appropriate considerations. For energy facilities, the hearing may be consolidated with the hearing requirements for site certification contained in OAR 345, Division 15.
 - 6) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than ten (10) working days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Authority shall consider the applicant's response in making a final decision. The Authority shall make all comments available for public inspection in the same location where the Authority made available preconstruction information relating to the proposed source or modification.
 - 7) Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this section.

- 8) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Authority made available preconstruction information and public comments relating to the source or modification.

Section 22-410 Review of New Sources and Modifications for Compliance With Regulations

The owner or operator of a proposed major source or major modification must demonstrate that the proposed source or modification can comply with all applicable requirements of the Authority or the Department of Environmental Quality, including new source performance standards and national emission standards for hazardous air pollutants. The owner or operator shall obtain an air contaminant discharge permit.

Section 22-415 Requirements for Sources in Nonattainment Areas

New major sources and major modifications which are located in designated nonattainment areas shall meet the following requirements:

- A. The owner or operator of the proposed major source or major modification must demonstrate that the source or modification will comply with the lowest achievable emission rate (LAER) for each nonattainment pollutant. In the case of a major modification, the requirement for LAER shall apply only to each new or modified emission unit which increases emissions. For phased construction projects, the determination of LAER shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.
- B. The owner or operator of the proposed major source or major modification must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control of such person) in the State are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Clean Air Act.
- C. The owner or operator of the proposed major source or major modification must demonstrate that the source or modification will provide emission reductions ("offsets") as specified by these rules.
- D. For cases in which emission reductions or offsets are required, the applicant must demonstrate that a net air quality benefit will be achieved in the affected area as described in Section 22-435 (Requirements for Net Air Quality Benefit) and that the reductions are consistent with reasonable further progress toward attainment of the air quality standards.
- E. The alternative analysis must be conducted for new major sources or major modifications of sources emitting volatile organic compounds or carbon monoxide locating in nonattainment areas.

This analysis must include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed source or modification which demonstrates that benefits of the proposed source or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

Section 22-420 Requirements for Sources in Attainment or Unclassified Areas
(Prevention of Significant Deterioration)

1. New major sources or major modifications locating in areas designated attainment or unclassifiable shall meet the following requirements:
 - A. The owner or operator of the proposed major source or major modification shall apply best available control technology (BACT) for each pollutant which is emitted at a significant emission rate. In the case of a major modification, the requirement for BACT shall apply only to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.
 - B. The owner or operator of the proposed major source or major modification shall demonstrate that the potential to emit any pollutant at a significant emission rate in conjunction with all other applicable emissions increases and decreases, (including secondary emissions), would not cause or contribute to air quality levels in excess of:
 - 1) Any state or national ambient air quality standard, or
 - 2) Any applicable increment established by the prevention of significant deterioration requirements (OAR 340-31-110), or
 - 3) An impact on a designated nonattainment area greater than the significant air quality impact levels.
2. Sources or modifications with the potential to emit at rates greater than the significant emission rate but less than 100 tons/year, and are greater than 50 kilometers from a nonattainment area are not required to assess their impact on the nonattainment area.
3. If the owner or operator of a proposed major source or major modification wishes to provide emission offsets such that a net air quality benefit as defined in Section 22-435 is provided, the Authority may consider the requirements of Section 22-420,1,B to have been met.
4. A proposed major source is exempt from Section 22-400 to 22-440 if:
 - A. The proposed source does not have a significant air quality impact on a designated nonattainment area, and
 - B. The potential emissions of the source are less than 100 tons/year for sources in the categories listed in Table 3 or less than 250 tons/year for sources not in the categories listed in Table 3 following:

Table 3: Source Categories

1. Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input
2. Coal cleaning plants (with thermal dryers)
3. Kraft pulp mills
4. Portland cement plants
5. Primary zinc smelters
6. Iron and steel mill plants
7. Primary aluminum ore reduction plants
8. Primary copper smelters
9. Municipal Incinerators capable of charging more than 250 tons of refuse per day
10. Hydrofluoric acid plants
11. Sulfuric acid plants
12. Nitric acid plants
13. Petroleum refineries
14. Lime plants
15. Phosphate rock processing plants
16. Coke oven batteries
17. Sulfur recovery plants
18. Carbon black plants (furnace process)
19. Primary lead smelters
20. Fuel conversion plants
21. Sintering plants
22. Secondary metal production plants
23. Chemical process plants
24. Fossil fuel fired boilers (or combinations thereof) totaling more than 250 million BTU/hour heat input
25. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
26. Taconite ore processing plants
27. Glass fiber processing plants
28. Charcoal production plants

5. Major modifications are not exempted under this section unless the source, including the modifications meets the requirements of 4, A and B above. Owners or operators of proposed sources which are exempted by this provision should refer to Section 22-001 to 22-065 for possible applicable requirements.
6. All estimates of ambient concentrations required under these Rules shall be based on the applicable air quality models, data bases, and other requirements specified in the "Guideline on Air Quality Models" (OAQPS 1.2-080, U. S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, April 1978). Where an air quality impact model specified in the "Guideline on Air Quality Models" is inappropriate, the model may be modified or another model substituted. Such a change must be subject to notice and opportunity for public comment and must receive approval of the Authority. Methods like those outlined in the "Workbook for the Comparison of Air Quality Models" (U. S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, May, 1978) should be used to determine the comparability of air quality models.
7.
 - A. The owner or operator of a proposed major source or major modification shall submit with the application, subject to approval of the Authority, an analysis of ambient air quality in the area of the proposed project. This analysis shall be conducted for each pollutant potentially emitted at a significant emission rate by the proposed source or modification. As necessary to establish ambient air quality levels, the analysis shall include continuous air quality monitoring data for any pollutant potentially emitted by the source or modification except for non-methane hydrocarbons. Such data shall relate to, and shall have been gathered over the year preceding receipt of the complete application, unless the owner or operator demonstrates that such data gathered over a portion or portions of that year or another representative year would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable increment.
 - B. Air quality monitoring which is conducted pursuant to this requirement shall be conducted in accordance with 40 CFR 58 Appendix B., "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring" and with other methods on file with the Authority.
 - C. The Authority may exempt a proposed major source or major modification from monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below or that the concentrations of the pollutant in the area that the source or modification would impact are less than these amounts:
 - Carbon monoxide - 575 ug/m^3 , 8 hour average
 - Nitrogen dioxide - 14 ug/m^3 , annual average
 - Total suspended particulate - 10 ug/m^3 , 24 hour average

Sulfur dioxide - 13 ug/m^3 , 24 hour average

Ozone - any net increase of 100 tons/year or more of volatile organic compounds from a source or modification subject to PSD is required to perform an ambient impact analysis, including the gathering of ambient air quality data.

Lead - 0.1 ug/m^3 , 24 hour average

Mercury - 0.25 ug/m^3 , 24 hour average

Beryllium - 0.0005 ug/m^3 , 24 hour average

Fluorides - 0.25 ug/m^3 , 24 hour average

Vinyl chloride - 15 ug/m^3 , 24 hour average

Total reduced sulfur - 10 ug/m^3 , 1 hour average

Hydrogen sulfide - 0.04 ug/m^3 , 1 hour average

Reduced sulfur compounds - 10 ug/m^3 , 1 hour average

- D. The owner or operator of a proposed major source or major modification shall, after construction has been completed, conduct such ambient air quality monitoring as the Authority may require as a permit condition to establish the effect which emissions of a pollutant (other than nonmethane hydrocarbons) may have, or is having, on air quality in any area which such emissions would affect.
8. A. The owner or operator of a proposed major source or major modification shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator may be exempted from providing an analysis of the impact on vegetation having no significant commercial or recreational value.
- B. The owner or operator shall provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the major source or modification.
9. Where a proposed major source or major modification impacts or may impact a Class I area, the Authority shall provide notice to the Environmental Protection Agency and to the appropriate Federal Land Manager of the receipt of such permit application and of any preliminary and final actions taken with regard to such application. The Federal Land Manager shall be provided an opportunity in accordance with Section 22-405, 5 to present a demonstration that the emissions from the proposed source or modification would have an adverse impact on the air quality related values (including visibility) of any Federal mandatory

Class I lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increment for a Class I area. If the Authority concurs with such demonstration the permit shall not be issued.

Section 22-425 Exemptions

1. Resource recovery facilities burning municipal refuse and sources subject to federally mandated fuel switches may be exempted by the Authority from requirements of Section 22-415, 3 and 4, provided that:
 - A. No growth increment is available for allocation to such source or modification, and
 - B. The owner or operator of such source or modification demonstrates that every effort was made to obtain sufficient offsets and that every available offset was secured.

(Such an exemption may result in a need to revise the State Implementation Plan to require additional control of existing sources.)

2. Temporary emission sources, which would be in operation at a site for less than two years, such as pilot plants and portable facilities, and emissions resulting from the construction phase of a new source or modification must comply with Section 22-415, 1 and 2, or Section 22-420, 1, A, whichever is applicable, but are exempt from the remaining requirements of Section 22-415 and Section 22-420 provided that the source or modification would impact no Class I area or no area where an applicable increment is known to be violated.
3. Proposed increases in hours of operation or production rates which would cause emission increases above the levels allowed in an air contaminant discharge permit and would not involve a physical change in the source may be exempted from the requirement of Section 22-420, 1, A (Best Available Control Technology) provided that the increases cause no exceedances of an increment or standard and that the net impact on a nonattainment area is less than the significant air quality impact levels. This exemption shall not be allowed for new sources or modifications that received permits to construct after January 1, 1978.
4. Also refer to Section 22-420, 4 for exemptions pertaining to sources smaller than the Federal Size-cutoff Criteria.

Section 22-430 Baseline for Determining Credit for Offsets

The baseline for determining credit for emission offsets shall be the Plant Site Emission Limit established pursuant to Section 32-100 to 120 or, in the absence of a Plant Site Emission Limit, the actual emission rate for the source providing the offsets. Sources in violation of air quality emission limitations may not supply offsets from those emissions which are or were in excess of permitted emission rates. Offsets, including offsets from mobile

and area source categories, must be quantifiable and enforceable before the Air Contaminant Discharge Permit is issued and must be demonstrated to remain in effect throughout the life of the proposed source or modification.

Section 22-435 Requirements for Net Air Quality Benefit

1. A demonstration must be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the new source or modification. This demonstration may require that air quality modeling be conducted according to the procedures specified in the "Guideline on Air Quality Models." Offsets for volatile organic compounds or nitrogen oxides shall be within the same general air basin as the proposed source. Offsets for total suspended particulate, sulfur dioxide, carbon monoxide and other pollutants shall be within the area of significant air quality impact.
2. For new sources or modifications having a significant air quality impact within a designated nonattainment area, the emission offsets must provide reductions which are equivalent or greater than the proposed increases. The offsets must be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions. For new sources of modifications locating outside of a designated nonattainment area which have a significant air quality impact on the nonattainment areas, the emission offsets must be sufficient to reduce impacts to levels below the significant air quality impact level within the nonattainment area. Proposed major sources or major modifications which emit volatile organic compounds and are located in or within thirty (30) kilometers of an ozone nonattainment area shall provide reductions which are equivalent or greater than the proposed emission increases unless the applicant demonstrates that the proposed emissions will not impact the nonattainment area.
3. The emission reductions must be of the same type of pollutant as the emissions from the new source or modification. Sources of respirable particulate (less than three microns) must be offset with particulate in the same size range. In areas where atmospheric reactions contribute to pollutant levels, offsets may be provided from precursor pollutants if a net air quality benefit can be shown.
4. The emission reductions must be contemporaneous, that is, the reductions must take effect prior to the time of startup but not more than one year prior to the submittal of a complete permit application for the new source or modification. This time limitation may be extended as provided for in Section 22-440 (Emission Reduction Credit Banking). In the case of replacement facilities, the Authority may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that net emissions are not increased during that time period.

Section 22-440 Emission Reduction Credit Banking

1. The owner or operator of a source of air pollution who wishes to reduce emissions by implementing more stringent controls than required by a permit or by an applicable regulation may bank such emission reductions (except any such emission reduction attributable to facilities for which tax credit has been received on or after January 1, 1981, may be banked or used for

contemporaneous offsets but may not be sold without reimbursement of the tax credits). Cities, counties or other local jurisdictions may participate in the emissions bank in the same manner as a private firm.

2. Emission reduction credit banking shall be subject to the following conditions:
 - A. To be eligible for banking, emission reduction credits must be in terms of actual emission decreases resulting from permanent continuous control of existing sources. The baseline for determining emission reduction credits shall be the actual emissions of the source of the Plant Site Emission Limit established pursuant to Section 32-100 to 32-120.
 - B. Emission reductions may be banked for a specified period not to exceed ten (10) years unless extended by the Authority, after which time such reductions will revert to the Authority for use in attainment and maintenance of air quality standards or to be allocated as a growth margin.
 - C. Emission reductions which are required pursuant to an adopted rule shall not be banked.
 - D. Permanent source shutdowns or curtailments other than those used within one year for contemporaneous offsets as provided in Section 22-435, 4 are not eligible for banking by the owner or operator but will be banked by the Authority for use in attaining and maintaining standards. The Authority may allocate these emission reductions as a growth increment. The one year limitation for contemporaneous offsets shall not be applicable to those shutdowns or curtailments which are to be used as internal offsets within a plant as part of a specific plan. Such a plan for use of internal offsets shall be submitted to the Authority and receive written approval within one year of the permanent shutdown or curtailment. A permanent source shutdown or curtailment shall be considered to have occurred when a permit is modified, revoked or expires without renewal pursuant to the criteria established in Section 22-001 through 22-065.
 - E. The amount of banked emission reduction credits shall be discounted without compensation to the holder for a particular source category when new regulations requiring emission reductions are adopted by the Authority. The amount of discounting of banked emission reduction credits shall be calculated on the same basis as the reductions required for existing sources which are subject to the new regulation. Banked emission reduction credits shall be subject to the same rules, procedures, and limitations as permitted emissions.
3. Emission reductions must be in the amount of five tons per year or more to be creditable for banking.

4. Requests for emission reduction credit banking must be submitted to the Authority and must contain the following documentation:
 - A. A detailed description of the processes controlled,
 - B. Emission calculations showing the types and amounts of actual emissions reduced,
 - C. The date or dates of such reductions,
 - D. Identification of the probable uses to which the banked reductions are to be applied,
 - E. Procedure by which such emission reductions can be rendered permanent and enforceable.
5. Requests for emission reduction credit banking shall be submitted to the Authority prior to or within the year following the actual emissions reduction. The Authority shall approve or deny requests for emission reduction credit banking and, in the case of approvals, shall issue a letter to the owner or operator defining the terms of such banking. The Authority shall take steps to insure the permanence and enforceability of the banked emission reductions by including appropriate conditions in air contaminant discharge permits and by appropriate revision of the State Implementation Plan.
6. The Authority shall provide for the allocation of the banked emission reduction credits in accordance with the uses specified by the holder of the emission reduction credits. When emission reduction credits are transferred, the Authority must be notified in writing. Any use of emission reduction credits must be compatible with local comprehensive plans, statewide planning goals, and State laws and these rules.

TABLE A

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
1. Seed cleaning located in special control areas, commercial operations only (not elsewhere included)	0723	50	100	175	325	225	150
2. Smoke houses with 5 or more employees	2013	50	100	125	275	175	150
3. Flour and other grain mill products in special control areas	2041						
a) 10,000 or more t/y		50	325	350	725	400	375
b) Less than 10,000 t/y		50	250	150	450	200	300
4. Cereal preparations in special control areas	2043	50	325	250	625	300	375
5. Blended and prepared flour in special control areas	2045						
a) 10,000 or more t/y		50	325	250	625	300	375
b) Less than 10,000 t/y		50	250	125	425	175	300
6. Prepared feeds for animals and fowl in special control areas	2048						
a) 10,000 or more t/y		50	325	350	725	400	375
b) Less than 10,000 t/y		50	200	275	525	325	250
7. Beet sugar manufacturing	2063	50	425	1725	2200	1775	475

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
8. Rendering plants	2077						
a) 10,000 or more t/y		50	250	425	725	475	300
b) Less than 10,000 t/y		50	250	250	550	300	300
9. Coffee roasting	2095	50	200	225	475	275	250
10. Sawmill and/or planing	2421						
a) 25,000 or more bd.ft./shift		50	200	350	600	400	250
b) Less than 25,000 bd.ft./shift		50	75	250	375	300	125
11. Hardwood mills	2426	50	75	225	350	275	125
12. Shake and shingle mills	2429	50	75	275	400	325	125
13. Mill work with 10 employees or more	2431	50	150	275	475	325	200
14. Plywood manufacturing	2435 & 2436						
a) Greater than 25,000 sq.ft./hr., 3/8" basis		50	625	700	1375	750	675
b) Less than 25,000 sq.ft./hr., 3/8" basis		50	450	475	975	525	500
15. Veneer manufacturing only (not elsewhere included)	2435 & 2436	50	100	250	400	300	150
16. Wood preserving	2491	50	150	250	450	300	200
17. Particleboard manufacturing	2492	50	625	825	1500	875	675

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
18. Hardboard manufacturing	2499	50	625	675	1350	725	675
19. Battery separator mfg.	2499	50	100	500	650	550	150
20. Furniture and fixtures	2511						
a) 100 or more employees		50	200	350	600	400	250
b) 10 employees or more but less than 100 employees		50	125	225	400	275	175
21. Pulp mills, paper mills, and paperboard mills	2611 2621 2631	50	1250	3000	4300	3050	1300
22. Building paper and buildingboard mills	2661	50	200	225	475	275	250
23. Alkalies and chlorine mfg.	2812	50	350	600	1000	650	400
24. Calcium carbide manufacturing	2819	50	375	600	1025	650	425
25. Nitric acid manufacturing	2819	50	250	300	600	350	300
26. Ammonia manufacturing	2819	50	250	350	650	400	300
27. Industrial inorganic and organic chemicals manufacturing (not elsewhere included)	2819	50	325	425	800	475	375
28. Synthetic resin manufacturing	2819	50	250	350	650	400	300
29. Charcoal manufacturing	2861	50	350	725	1125	775	400
30. Herbicide manufacturing	2879	50	625	3000	3675	3050	675

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
31. Petroleum refining	2911	50	1250	3000	4300	3050	1300
32. Asphalt production by distillation	2951	50	250	350	650	400	300
33. Asphalt blowing plants	2951	50	250	450	750	500	300
34. Asphaltic concrete paving plants	2951						
a) Stationary		50	250	275	575	325	300
b) Portable		50	250	350	650	400	300
35. Asphalt felts and coating	2952	50	250	525	825	575	300
36. Blending, compounding, or refining of lubricating oils and greases	2992	50	225	325	600	375	275
37. Glass container manufacturing	3221	50	250	425	725	475	300
38. Cement manufacturing	3241	50	800	2200	3050	2250	850
39. Redimix concrete	3273	50	100	150	300	200	150
40. Lime manufacturing	3274	50	375	225	650	275	425
41. Gypsum products	3275	50	200	250	500	300	250
42. Rock crusher	3295						
a) Stationary		50	225	275	550	325	275
b) Portable		50	225	350	625	400	275

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
43. Steel works; rolling and finishing mills, electro-metallurgical products	3312 & 3313	50	625	600	1275	650	675
44. Incinerators							
a) 1000 lbs/hr and greater capacity		50	375	225	650	275	425
b) 40 lbs/hr to 1000 lbs/hr capacity		50	125	175	350	225	175
45. Gray iron and steel foundries	3321						
Malleable iron foundries	3322						
Steel investment foundries	3324						
Steel foundries (not elsewhere classified)	3325						
a) 3,500 or more t/y production		50	625	525	1200	575	675
b) Less than 3,500 t/y production		50	150	275	475	325	200
46. Primary aluminum production	3334	50	1250	3000	4300	3050	1300
47. Primary smelting of zirconium or hafnium	3339	50	6250	3000	9300	3050	6300
48. Primary smelting and refining of ferrous and nonferrous metals (not elsewhere classified)	3339						
a) 2,000 or more t/y production		50	625	1300	1975	1350	675
b) Less than 2,000 t/y production		50	125	500	675	550	175
49. Secondary smelting and refining of nonferrous metals	3341	50	300	350	700	400	350

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
50. Nonferrous metals foundries	3361 3362	50	150	300	500	350	200
51. Electroplating, polishing, and anodizing with 5 or more employees	3471	50	125	225	400	275	175
52. Galvanizing and pipe coating--exclude all other activities	3479	50	125	225	400	275	175
53. Battery manufacturing	3691	50	150	300	500	350	200
54. Grain elevators--intermediate storage only, located in special control areas	4221						
a) 20,000 or more t/y		50	225	475	750	525	275
b) Less than 20,000 t/y		50	125	225	400	275	175
55. Electric power generation	4911						
a) Wood or coal fired--Greater than 25MW		50	5000	3000	8050	3050	5050
b) Wood or Coal Fired--Less than 25MW		50	3000	1500	4550	1550	3050
c) Oil Fired		50	450	725	1225	775	500
56. Gas production and/or mfg.	4925	50	475	350	875	400	525
57. Grain elevators--terminal elevators primarily engaged in buying and/or marketing grain--in special control areas	5153						
a) 20,000 or more t/y		50	625	600	1275	650	675
b) less than 20,000 t/y		50	175	225	450	275	225

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
58. Fuel Burning equipment within the boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area***	4961**	(Fees will be based on the total aggregate heat input of all boilers at the site)					
a) Residual or distillate oil fired, 250 million or more btu/hr (heat input)		50	200	225	475	275	250
b) Residual or distillate oil fired, 5 or more but less than 250 million btu/hr (heat input)		50	125	125	300	175	175
c) Residual oil fired, less than 5 million btu/hr (heat input)		50	50	100	200	150	100
59. Fuel burning equipment within the boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area***	4961**						

* Excluding hydroelectric and nuclear generating projects, and limited to utilities.

** Including fuel burning equipment generating steam for process or for sale but excluding power generation (SIC 4911)

*** Maps of these areas are attached. Legal descriptions are on file in the Department.

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND ASSOCIATED FEE SCHEDULE

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
a) Wood or coal fired, 35 million or more btu/hr (heat input)		50	200	225	475	275	250
b) Wood or coal fired, less than 35 million btu/hr (heat input)		50	50	125	225	175	100
60. Fuel burning equipment outside the boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area.	4961**				(Fees will be based on the total aggregate heat input of all boilers at the site.)		
All wood, coal and oil fired greater than 30×10^6 btu/hr (heat input)		50	125	125	300	175	175
61. New sources not listed herein which would emit 10 or more tons per year of any air contaminants including but not limited to particulates, SO _x , or NO _x or hydrocarbons, if the source were to operate uncontrolled.		****	****	****	****	****	****
62. New sources not listed herein which would emit significant malodorous emissions, as determined by Departmental or Regional Authority review of sources which are known to similar air contaminant emissions.		****	****	****	****	****	****

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
63. Existing sources not listed herein for which an air quality problem is identified by the Department or Regional Authority		****	****	****	****	****	****
64. Bulk Gasoline Plants	5100	50	55	150	255	200	105
65. Bulk Gasoline Terminals	5171	50	1000	500	1550	550	1050
66. Liquid Storage Tanks, 39,000 gallons or more capacity, not elsewhere included	4200	50	50/tank	100/tank			
67. Can Coating	3411	50	1500	900	2450	950	1550
68. Paper Coating	2641 or 3861	50	500	300	850	350	550
69. Coating Flat Wood	2400	50	500	300	850	350	550
70. Surface Coating, Manufacturing	3300, 3400						
a) 1-20 tons VOC/yr	3500, 3600	50	25	85	160	135	75
b) 20-100 tons VOC/yr	3700, 3800	50	100	200	350	250	150
c) over 100 tons VOC/yr	3900, 2500	50	500	400	950	450	550
71. Flexographic or Roto-gravure Printing over 60 tons VOC/yr per plant	2751, 2754	50	50/press	150/press			

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
72. New source of VOC not listed herein which have the capacity or are allowed to emit 10 or more tons per year VOC		50	****	****	****	****	****

****Sources required to obtain a permit under items 61, 62, 63 and 72 will be subject to the following fee schedule to be applied by the Department based upon the anticipated cost of processing and compliance determination.

Estimated Permit Cost	Application Processing Fee	Annual Compliance Determination Fee
Low Cost	\$ 100.00 - \$ 250.00	\$ 100.00 - \$ 250.00
Medium Cost	\$ 250.00 - \$1500.00	\$ 250.00 - \$1000.00
High Cost	\$1500.00 - \$3000.00	\$1000.00 - \$3000.00

As nearly as possible, applicable fees shall be consistent with sources of similar complexity as listed in Table A.

TITLE 32

PLANT SITE EMISSION LIMIT RULES

DEFINITIONS

1. "Actual Emissions" means the mass rate of emissions of a pollutant from an emissions source.
 - a. In general, actual emissions as of the baseline period shall equal the average rate at which the source actually emitted the pollutant during a baseline period and which is representative of normal source operation. Actual emissions shall be calculated using the source's actual operating hours, production rates and types of materials processed, stored, or combusted during the selected time period.
 - b. The Authority may presume that existing source-specific permitted mass emissions for the source are equivalent to the actual emissions of the source if they are within 10% of the calculated actual emissions.
 - c. For any newly permitted emission source which had not yet begun normal operation in the baseline period, actual emissions shall equal the potential to emit of the source.
2. "Baseline Emission Rate" means the average actual emission rate during the baseline period. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.
3. "Baseline Period" means either calendar years 1977 or 1978. The Authority shall allow the use of a prior time period upon a determination that it is more representative of normal source operation.
4. "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.
5. "Plant Site Emission Limit (PSEL)" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source.

April 13, 1982

(These Definitions are to be incorporated into Title 11 at a later Date.)

LANE REGIONAL AIR POLLUTION AUTHORITY
1244 WALNUT STREET, EUGENE, OREGON 97403

TITLE 32
EMISSION STANDARDS

Section 32-005 General

- A. Notwithstanding emission standards of these rules and regulations, no person shall cause or permit emissions from any air contaminant source whatsoever which cause or are likely to cause injury or detriment or nuisance to the public or which have a natural tendency to cause injury or damage to business or property whatsoever.
- B. Notwithstanding the general and specific emission standards and regulations contained in these rules, the highest and best practicable treatment and control of air contaminant emissions shall in every case be provided so as to maintain overall air quality at the purest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels.

In the case of new sources of air contamination, particularly those located in areas of existing high air quality, the degree of treatment and control provided shall be such the degradation of existing air quality is minimized to the greatest extent possible.

- C. Compliance with a specific emission standard in these rules does not preclude the required compliance with any other applicable emission standard.

Section 32-010 Restriction on Emission of Visible Air Contaminants;
including Veneer Dryers

1. All sources other than existing fuel-burning equipment utilizing wood wastes and veneer dryers. Except as provided in Subsections 2 and 3, no person maintaining, owning or operating any source of emission shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour, except for incinerators which shall not be more than one minute in any one hour, which is:

- a. As dark or darker in shade than that designated as No. 1 on the Ringelmann Chart; or
 - b. Equal to or greater than 20 percent opacity.
2. Existing Fuel Burning Equipment Utilizing Wood Wastes. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:
 - a. As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart; or
 - b. Equal to or greater than 40 percent opacity.
3. Veneer Dryers
 - a. Consistent with Section 33-060 A, it is the objective of this section to control air contaminant emissions, including, but not limited to, condensible hydrocarbons such that visible emissions from each veneer dryer are limited to a level which does not cause a characteristic "blue haze" to be observable.
 - b. After Dec. 31, 1980 no person shall operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:
 1. a design opacity of 10%,
 2. an average operating opacity of 10%, and
 3. a maximum opacity of 20%.Where the presence of uncombined water is the only reason for the failure to meet the above requirement, this requirement shall not apply.
 - c. After 90 days following adoption of this regulation by the Board of Directors, no person shall operate a veneer dryer unless:
 1. The owner or operator has submitted a program and time schedule for installing an approved emission control system which has been approved in writing by the Authority as being capable of complying with Section 32-010 3b, (2) or (3) as applicable,
 2. The veneer dryer is equipped with an emission control system which has been approved in writing by the Authority and is capable of complying with the opacity requirements of Section 32-010 3b(2), or (3) as applicable, or

3. The owner or operator has demonstrated and the Authority has agreed in writing that the design is capable of being operated in continuous compliance with the opacity requirements of Section 32-010 3b, (2) or (3) as applicable.
- d. Each veneer dryer shall be maintained and operated at all times such that air contaminant generating processes and all contaminant control equipment shall be at full efficiency and effectiveness so that the emissions of air contaminants are kept at the lowest practicable levels.
- e. No person shall willfully cause or permit the installation or use of any means, such as dilution, which without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this regulation.
- f. Where effective measures are not taken to minimize fugitive emissions, the Authority may require that the equipment or structures in which processing, handling and storage are done be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.
- g. The Authority may require more restrictive emission limits than provided in Section 32-010 3a or b for an individual plant upon finding by the Board of Directors that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emission expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.
- h. The Authority may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program shall be subject to review and approval by the Authority and shall consist of the following:
 1. A specified minimum frequency for performing visual opacity determinations on each dryer emission point;
 2. All data obtained shall be recorded on copies of a "Veneer Dryer Visual Emission Monitoring Form" which shall be provided by the Authority or on an alternate form which is approved by the Authority; and
 3. A specified period during which all records shall be maintained at the plant site for inspection by authorized representatives of the Authority.

Section 32-025 Exception - Visible Air Contaminant Standards

Uncombined Water. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of Section 32-010 1, 2, or 3, such section shall not apply.

Section 32-030 Particulate Matter Weight Standards

Notwithstanding emission limits of Section 32-045, 32-035, 32-040 particulate emission from any existing source shall not exceed 0.2 grain per cubic foot or 0.1 grain per cubic foot for new sources, corrected to standard conditions of temperature and pressure.

Section 32-035 Particulate Matter Weight Standards - Existing Sources

The maximum allowable emission of particulate matter from any existing combustion source shall not exceed 0.2 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

Section 32-040 Particulate Matter Weight Standards - New Sources

The maximum allowable emission of particulate matter from any new combustion source shall not exceed 0.1 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

Section 32-045 Process Weight Emission Limitations

- A. The maximum allowable emissions of particulate matter for specific processes shall be a function of process weight and shall be determined from Table 1.
- B. The maximum allowable emissions of particulate matter from hot mix asphalt plants shall be determined from Table 1 except that the maximum allowable particulate emissions from processes greater than 60,000 pounds per hour shall be limited to 40 pounds per hour.

Section 32-055 Particulate Matter Size Standard

No person shall cause or permit the emissions of any particulate matter which is greater than 250 microns in size provided such particulate matter does or will deposit upon the real property of another person.

Section 32-060 Airborne Particulate Matter

- A. No person shall cause or permit particulate matter to be handled, transported, or stored without taking necessary precautions to prevent particulate matter from becoming airborne to the outdoor atmosphere.

- B. No person shall cause or permit a building or its appurtenances or a road to be constructed, altered, repaired or demolished without taking necessary precautions to prevent particulate matter from becoming airborne to the outdoor atmosphere if such release becomes a public nuisance.
- C. No person shall cause or permit particulate matter from becoming airborne, from open areas located within a private lot or private roadway if such release becomes a public nuisance.

Section 32-065 Sulfur Dioxide Emission Limitations

- A. Fuel Burning Equipment: The following emissions standards are applicable to new sources only:
 - 1. For fuel burning equipment having more than 150 million BTU per hour heat input, but not more than 250 million BTU per hour input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:
 - a. 1.4 lb. per million BTU heat input, maximum 2-hour average, when liquid fuel is burned.
 - b. 1.6 lb. per million BTU heat input, maximum 2-hour average, when solid fuel is burned.
 - 2. For fuel burning equipment having more than 250 million BTU per hour heat input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:
 - a. 0.8 lb. per million BTU heat input, maximum 2-hour average, when liquid fuel is burned.
 - b. 1.2 lb. per million BTU heat input, maximum 2-hour average, when solid fuel is burned.
- B. No person shall cause or permit emission of sulfur dioxide in excess of 1000 ppm from any air contamination source.

Section 32-100 Plant Site Emission Limits Policy

- A. The Authority recognizes the need to establish a more definitive method for regulating increases and decreases in air emissions of air quality permit holders as contained in Section 32-101 through Section 32-104. However, by the adoption of these rules, the Authority does not intend to:
 - 1. Limit the use of existing production capacity of any air quality permittee;

2. Cause any undue hardship or expense to any permittee due to the utilization of existing unused productive capacity; or,
 3. Create inequity within any class of permittees subject to specific industrial standards which are based on emissions related to production.
- B. Plant site emission limits (PSEL) can be established at levels higher than baseline if a demonstrated need exists to emit at a higher level, PSD increments and air quality standards would not be violated, and reasonable further progress in implementing control strategies would not be impeded.

Section 32-101 Requirement for Plant Site Emission Limits

- A. Plant site emission limits (PSEL) shall be incorporated in all air contaminant discharge permits except minimal source permits and special letter permits as a means of managing airshed capacity. All sources subject to regular permit requirements shall be subject to PSELs for all regulated pollutants. PSELs will be incorporated in permits when permits are renewed, modified, or newly issued.
- B. The emissions limits established by PSELs shall provide the basis for:
1. Assuring reasonable further progress toward attaining compliance with ambient air standards.
 2. Assuring that compliance with ambient air standards and prevention of significant deterioration increments are being maintained.
 3. Administering offset, banking and bubble programs.
 4. Establishing the baseline for tracking consumption of prevention of significant deterioration increments.

Section 32-102 Criteria for Establishing Plant Site Emission Limits

- A. For existing sources, PSELs shall be based on the baseline emission rate for a particular pollutant at a source and shall be adjusted upward or downward pursuant to Authority rules.
- B. If an applicant requests that the plant site emission limit be established at a rate higher than the baseline emission rate, the applicant shall:
1. Demonstrate that the requested increase is less than the significant emission rate increase defined in OAR 340-22-225(22) (See definition of "significant emission rate," included in Definitions Section) or,

2. Provide an assessment of the air quality impact pursuant to procedures specified in Section 22-415 to Section 22-420. A demonstration that no air quality standards or PSD increment will be violated in an attainment area or that a growth increment or offset is available in a non-attainment area shall be sufficient to allow an increase in the plant site emission limit to an amount not greater than the plant's demonstrated need to emit as long as no physical modification of an emissions unit is involved.
- C. Increases above baseline emission rates shall be subject to public notice and opportunity for public hearing pursuant to the Authority's permit requirements.
 - D. PSELS shall be established on at least an annual emission basis and a short term period emission basis that is compatible with source operation and air quality standards.
 - E. Mass emission limits may be established separately within a particular source for process emissions, combustion emissions, and fugitive emissions.
 - F. Documentation of PSEL calculations shall be available to the permittee.
 - G. For new sources, PSELS shall be based on application of applicable control equipment requirements and projected operating condition.
 - H. PSELS shall not allow emissions in excess of those allowed by any applicable Federal or State regulation or by any specific permit condition unless specific provisions of Section 20-103 are met.
 - I. PSELS may be changed pursuant to Authority rules when:
 1. Errors are found or better data is available for calculating PSELS,
 2. More stringent control is required by a rule adopted by the Environmental Quality Commission or the Authority,
 3. An application is made for a permit modification pursuant to the air contaminant discharge permit requirements and the new source review requirements. Approval may be granted based on growth increments, offsets, or available prevention of significant deterioration increments.
 4. The Authority finds it necessary to initiate modifications of a permit pursuant to Section 22-045.

Section 32-103 Alternative Emission Controls (Bubble)

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

1. Such alternatives are not specifically prohibited by a permit condition.
2. Net emissions for each pollutant are not increased above the plant site emission limit.
3. The net air quality impact is not increased as demonstrated by procedures required by Section 22-435 (Requirements for Net Air Quality Benefit).
4. No other pollutants including malodorous, toxic or hazardous pollutants are substituted.
5. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) where required by a previously issued permit and New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) where required, are not relaxed.
6. Specific mass emission limits are established for each emission unit involved such that compliance with the PSEL can be readily determined.
7. Application is made for a permit modification and such modification is approved by the Authority.

Section 32-104 Temporary PSD Increment Allocation

- A. On demonstration to the Authority, PSEL's may include a temporary or time-limited allocation against an otherwise unused PSD increment in order to accommodate voluntary fuel switching or other cost or energy saving proposals if:
 1. No ambient air quality standard is exceeded.
 2. No applicable PSD increment is exceeded.
 3. No nuisance condition is created.
 4. The applicant's proposed and approved objective continues to be realized.
- B. Such temporary allocation of a PSD increment must be set forth in a specific permit condition issued pursuant to the Authority's notice and permit issuance or modification procedures.
- C. Such temporary allocations are for a specific time period and may be recalled with proper notice.

Section 32-800 Air Conveying Systems

Affected Sources

- A. Dry material air conveying systems located within the Eugene/Springfield Air Quality Maintenance Area (AQMA) which use a cyclone or other mechanical separating device and which have a baseline year emission rate of three (3) Metric Tons or more of particulate matter are affected sources.

Emission Limits for Affected Sources

- B. Notwithstanding the general and specific emission standards and regulations contained in these rules, affected sources shall not emit particulate matter to the atmosphere in excess of the following amounts:

One (1) Metric Ton/year (1.10 Tons/year)

0.12 kg/hour (0.26 lbs./hour)

Compliance Schedules

- C. Dry material air conveying systems having baseline year emission rates of three (3) Tons/year, as determined by the Director, shall comply with this rule as soon as practicable, but no later than January 1, 1984.
- D. Applicability of Part C to affected sources shall be based on calculated actual emissions.
- E. Upon the effective date of this rule, the Director shall compile a list of permitted air conveying systems and their respective emission rates, and shall issue a notice of determination of applicability; the Director may require source tests prior to final determination.
- F. Affected sources shall submit compliance schedules to the Director for approval within ninety (90) days after a notice of determination of applicability is issued by the Director. Compliance schedules shall contain reasonable periodic increments of progress dates for:
 - 1. Submittal of source's final control plan;
 - 2. Award of emission control system of process modification contract; or issuance of orders for purchase of component parts to accomplish emission control or process modification;
 - 3. Initiation of on-site construction or installation of emission control equipment or process change;
 - 4. Completion of on-site construction or installation of emission control equipment or process change;
 - 5. Final Compliance demonstration.

- G. Consistent with Sections 21-010 and 22-010, sources with a baseline year emission rate of less than three (3) Metric Ton/year shall notify the Authority when emission rates change such that this rule applies.

Section 32-990 Other Emissions

- A. No person shall discharge from any source whatsoever such quantities of air contaminants which cause injury, detriment, public nuisance or annoyance to any persons or to the public or which cause injury or damage to business or property; such determination to be made by the Authority.
- B. No person shall cause or permit emission of water vapor if the water vapor causes or tends to cause detriment to the health, safety or welfare of any person or causes, or tends to cause damage to property or business.

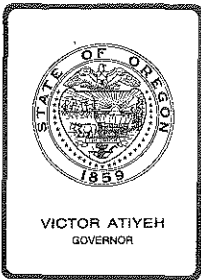
TABLE 1

Table of Allowable Rate of Particulate Emissions - Based on Process Weight

<u>Process Lbs/Hr.</u>	<u>Emission Lbs/Hr.</u>	<u>Process Lbs/Hr.</u>	<u>Emission Lbs/Hr.</u>	<u>Process Lbs/Hr.</u>	<u>Emission Lbs/Hr.</u>
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10000	10.00
350	1.35	2900	5.02	11000	10.63
400	1.50	3000	5.10	12000	11.28
450	1.63	3100	5.18	13000	11.89
500	1.77	3200	5.27	14000	12.50
550	1.85	3300	5.36	15000	13.13
600	2.01	3400	5.44	16000	13.74
650	2.12	3500	5.52	17000	14.36
700	2.24	3600	5.61	18000	14.97
750	2.34	3700	5.69	19000	15.58
800	2.43	3800	5.77	20000	16.19
850	2.53	3900	5.85	30000	22.22
900	2.62	4000	5.93	40000	28.30
950	2.72	4100	6.01	50000	34.30
1000	2.80	4200	6.08	60000	40.00
1100	2.97	4300	6.15	70000	41.30
1200	3.12	4400	6.22	80000	42.50
1300	3.26	4500	6.30	90000	43.60
1400	3.40	4600	6.37	100000	44.60
1500	3.54	4700	6.45	120000	47.30
1600	3.66	4800	6.52	140000	47.80
1700	3.79	4900	6.60	160000	49.00
1800	3.91	5000	6.67	200000	51.20
1900	4.03	5500	7.03	1000000	69.00
2000	4.14	6000	7.37	2000000	77.60
2100	4.24	6500	7.71	6000000	92.70
2200	4.34	7000	8.05		

Interpolation and extrapolation of emissions above a process weight of 60,000 pounds per hour shall be accomplished by use of this equation:

$E = (55.0 \times P^{0.11}) - 40$, where P = process weight in tons per hour and E = emission rate in pounds per hour.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Amendment No. 1, Agenda Item I , EQC Meeting January 14, 1983

Public Hearing and Consideration of Amending the Ambient Air Quality Standard for Lead OAR 340-31-055, and Adopting a Proposed Lead Control Strategy for the State, as Revisions to the Oregon State Implementation Plan.

Purpose of Amendment

Written comments have been received since the publication of the staff report. These comments are included in Attachment 1. Favorable comments were received from the Oregon State Health Officer, Oregon Department of Transportation, and Deschutes County. The Environmental Protection Agency (EPA) also submitted comments and recommended that the proposed Statewide Control Strategy for Lead be revised to include:

1. A discussion of the Gould lead problem; and
2. Clarification of the review procedures for proposed new lead sources.

Evaluation

The changes recommended by EPA appear to be reasonable and are now included on pages 13 to 18 of the proposed Statewide Control Strategy for Lead (Attachment 2). The discussion of the Gould lead problem is included on page 13. The clarification of the review procedures for new lead sources are included on pages 15 to 18. Additions are underlined; deletions are enclosed in brackets.

These changes are considered informational and do not change the conclusions or direction of the proposed Statewide Control Strategy for Lead.

Director's Recommendation

It is recommended that the Statewide Control Strategy for Lead proposed with the subject staff report be modified as follows:

EQC Agenda Item No.
January 14, 1983
Page 2

1. The discussion of the Gould lead problem should be included on page 13 as indicated in Attachment 2; and
2. Clarification of the review procedures for proposed new lead sources should be included on pages 15 to 18 as indicated in Attachment 2.
3. The revised pages 13 to 18 of Attachment 2 should replace pages 13 to 17 of the earlier draft.

Bill

William H. Young

Attachments: 1. Written Comments.
2. Revised pages 13 to 18 of the proposed Statewide Control Strategy for Lead.

J.F. Kowalczyk:a
229-6459
January 12, 1983

VICTOR ATIYEH
GOVERNOR



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JAN 05 1983

December 29, 1982

AIR QUALITY CONTROL

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

Subject: State Air Quality Standard Amendment
PNRS #OR821124-023-6

Thank you for the opportunity to review the subject state plan amendment.

This plan has been circulated for review among the appropriate state agencies. Comments made by the Oregon State Health Officer are enclosed for your information.

I am pleased to add my endorsement as required by OMB Circular A-95, Part III.

Sincerely,

Victor Atiyeh
Governor

VA:mh
Enclosure



STATE OF OREGON

INTEROFFICE MEMO

TO: Intergovernmental Relations Division

FROM: Max Bader, M.D., M.P.H.
Oregon State Health Officer *Max Bader MD*
Health Division

SUBJECT: DEQ Proposal To Adopt A Lead Control Strategy

DATE: November 30, 1982

LITCHSON

DEC 07 1982

I find no fault with the DEQ proposal to bring the lead ambient air quality standard into line with the Federal standard adopted by E.P.A. at 1.5 ug/m³ average per calendar quarter. Lead in the environment is not desirable and this standard will pose no hardship on the citizenry.

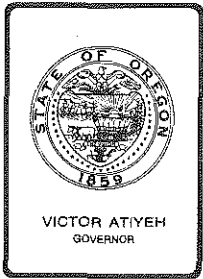
It is worth noting that the Pacific Northwest does not have the same problem of lead poisoning among young children that is found along the Eastern seaboard. In fact, lead poisoning in children here is extremely rare. Since we do not now have a problem, this measure will help to assure that we do not develop one.

MB:cb



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Department of Transportation

HIGHWAY DIVISION

TRANSPORTATION BUILDING, SALEM, OREGON 97310

December 23, 1982

In Reply Refer to
File No.:

PLA

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

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
DEC 29 1982

SUBJECT: Statewide Control Strategy
for Lead

AIR QUALITY CONTROL

Dear Mr. Vilendre:

Your proposed regulations and amendments are acceptable as stated. The revised ambient lead standard should have no effect on highways since we already comply with federal standard.

Thank you for the opportunity to comment.

Sincerely,

Robert E. Royer
Planning Engineer

cc: R. N. Bothman
H. S. Coulter
Ed Hardt
Fred Miller
Gary Potter
Ted Spence


December 29, 1987
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JAN 03 1988

MEMORANDUM

AIR QUALITY CONTROL

TO: DEQ, Air Quality Division

FROM: Lin Bernhardt, Assistant Planner 
for Deschutes County

RE: Public Comment on Proposed Statewide Control
Strategy of Lead and Proposed Revised State
Air Quality Standard for Lead.

It appears that the revised rules are intended to upgrade the Implementation Plan and to bring regulations into compliance with federal standards. It appears to be a necessary revision and it is also consistent with public desire to support strict air quality standards. I urge adoption of the revisions.

LB/gw
cc/file

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



Draft

ATTN: M/S 532

State of Oregon
Department of Environmental Quality
Post Office Box 1760
Portland, Oregon

EPA has reviewed the draft Oregon State Implementation Plan (SIP) for lead. It meets EPA's requirements for lead SIP's except for new source review and demonstration of attainment. Section 5.1.5.2 describes review of major sources and major modifications in terms of the new source review rules OAR 340-20-220 to 280. EPA guidance requires review of much smaller sources (5 tons or more per year). The SIP should describe the review conducted under the air contaminant discharge rules OAR 340-20-140 to 185-, which cover new sources of 0.6 tons or more per year. We understand this correction will be made.

The demonstration of attainment, to be complete, must cover those air quality problems associated with the Gould, Inc. site (formerly National Lead Industries). Monitoring information and associated control strategies (interim and/or long term) leading to attainment of the lead standard must be described. We understand that a discussion of the Gould Inc. lead problem will be presented in the adopted SIP.

Our separate review of the SIP associated lead monitoring network raises questions related to the spatial distribution of the monitors for measurement of maximum levels. EPA is working with the DEQ staff to correct these problems in conjunction with negotiation of the designated sites for the state and local air monitoring (SLAMs) network. EPA has already approved the designated sites for the National Air Monitoring Network (NANs).

Craft

In summary, EPA finds the lead SIP approvable with the changes to the new source review and attainment demonstration portions of the lead SIP along with the correction of the state ambient air quality standard for lead to 1.5 $\mu\text{g}/\text{m}^3$ quarterly mean. EPA will take separate action on lead monitoring at a later date.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Alexandra B. Smith, Director
Air and Waste Management Division

cc: Jack Weathersbee
Jim Herlihy

available control technology (BACT). EPA also determined that the Bergsoe proposal would not cause violations of any PSD air quality increments or National Ambient Air Quality Standards (NAAQS).

EPA delegated New Source Review (NSR) responsibility to DEQ in August 1982. [New lead sources which emit 0.6 tons or more of lead per year are subject to NSR requirements.] NSR requirements are outlined in Section 5.1.5.2.

Elevated ambient lead levels were measured by DEQ in special sampling near the Gould battery reclamation facility in the northwest industrial area of Portland during the summer of 1981. The maximum lead levels measured at three sites around the facility were 4.2 ug/m³, 1.9 ug/m³ and 1.6 ug/m³, respectively (quarterly averages). The facility has since been shut down. Subsequent lead measurements during the summer of 1982 were below the ambient lead standard. The company has implemented an interim dust control program to reduce lead emissions until the site cleanup is completed. Ambient monitoring will be conducted following cleanup to document the extent of cleanup accomplished. Final cleanup is expected by 1985. No violations of the ambient lead standard are expected now or in future years at this site.

5.1.4 CONTROL STRATEGY

5.1.4.1 Strategies Already Implemented

Most of the decrease in Portland area lead emissions will be due to the federally mandated phase-down of lead content in leaded gasoline and an increase in catalyst-equipped vehicles which use unleaded gasoline. These measures are expected to reduce areawide lead emissions by 46% from 1980 to 1983.

5.1.4.2 Strategies Scheduled for Implementation

The I-205 freeway is scheduled for completion in mid-1983 and is expected to divert a portion of the I-5 traffic. Traffic volumes on I-5 are expected to decrease by 5% during 1980-83.

5.1.4.3 Air Quality Improvement

Lead concentrations at all but one monitoring site within the Portland area are in compliance with the lead standard.

Lead emissions, and lead concentrations, are expected to decrease by almost 50% from 1980 to 1985.

Mobile source lead emissions near the I-5 Roadway Site are expected to decrease by 43% during 1980-83. Using a modified rollback analysis, lead concentrations at the I-5 site are

expected to decrease from 2.04 ug/m in 1980 to 1.16 ug/m³ in 1983. Lead concentrations at the I-5 site are expected to be in compliance with the lead standard (1.5 ug/m³) by the end of 1983.

EPA adopted a more restrictive lead-in-gasoline standard in October 1982. As a result, lead emissions and ambient lead concentrations may be even lower in 1983 than projected above.

5.1.5 RULES AND REGULATIONS

The Oregon Revised Statutes (ORS) 468.275 through 468.620 authorize the Oregon Environmental Quality Commission to adopt programs necessary to meet and maintain state and federal standards. The mechanisms for implementing these programs are the Oregon Administrative Rules (OAR). Pertinent rules are outlined in Table 5.1.5-1.

Table 5.1.5-1

OREGON RULES PERTINENT TO THE LEAD CONTROL STRATEGY

<u>OAR</u>	<u>Subject</u>
<u>340-31-010</u>	<u>Purpose and Scope of Ambient Air Quality Standards</u>
<u>340-31-055</u>	<u>Ambient Air Quality Standard for Lead</u>
<u>340-20-220 to 275</u>	<u>New Source Review Rules</u>
<u>340-20-020 to 032</u>	<u>Notice of Construction and Approval of Plans</u>
<u>340-20-140 to 185</u>	<u>Air Contaminant Discharge Permits</u>
<u>340-20-001</u>	<u>Highest and Best Practicable Treatment and Control Required</u>

5.1.5.1 Ambient Lead Standard

The Oregon Environmental Quality Commission adopted a statewide lead standard in January 1975. This standard was set at 3.0 ug/m³, monthly average. No violations of the statewide lead standard have been recorded by DEQ.

The federal lead standard (1.5 ug/m³, quarterly average) became effective in October 1978. The federal 1.5 ug/m³ quarterly average standard is more restrictive than the state 3.0 ug/m³ monthly average standard. The Oregon ambient lead standard is revised to be identical with the federal standard (1.5 ug/m³, quarterly average) as part of this statewide lead control strategy.

5.1.5.2 New Source Review

The new source review rules require owners of major new or modified point sources locating in a nonattainment area to:

1. [Meet] Provide lowest achievable emission rate technology;
2. Provide emission offsets or demonstrate that the source will comply with the available growth increment; and
3. [Provide an analysis of alternative sites, sizes, production processes and control techniques.]

Demonstrate that all major sources owned by such persons in the state are in compliance with applicable air quality rules.

The new source review rules require major new or modified point sources locating in an attainment area to:

1. Provide best available control technology;
2. Demonstrate that the source would not cause violations of any PSD air quality increments or any state or federal ambient air quality standards; and
3. Demonstrate that the source would not impact a designated nonattainment area greater than the significant air quality impact levels.

There are no designated lead nonattainment areas in Oregon. Growth increments and PSD air quality increments are not required for lead.

[New lead sources which would emit 0.6 tons per year of lead are considered major sources and are subject to the new source review rules.]

Minor sources are not subject to the new source review rules but must notify the Department of proposed construction and obtain plan approval, obtain an air contaminant discharge permit, meet

all applicable state and federal emission limits, provide the highest and best practicable treatment and control of air contaminant emissions, and not cause violations of any ambient air quality standards.

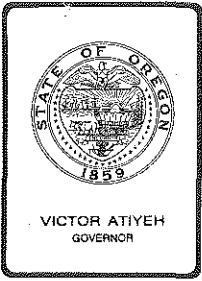
5.1.6 REASONABLE FURTHER PROGRESS

Compliance with the ambient lead standard is projected by the end of 1983. Ambient lead data will be reviewed by DEQ quarterly to insure that reasonable further progress is being made toward attainment of the standard.

5.1.7 PUBLIC NOTICE AND HEARING

A public hearing on the lead control strategy is scheduled before the Environmental Quality Commission on January 14, 1983. The public hearing notice will be issued 30 days prior to the hearing.

The public hearing notice will be distributed for local and state agency review by the A-95 State Clearinghouse 45 days prior to adoption of the lead control strategy.



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 I , EQC Meeting, January 14, 1983

Public Hearing and Consideration of Amending the Ambient Air Quality Standard for Lead OAR 340-31-055, and Adopting a Proposed Lead Control Strategy for the State, as Revisions to the Oregon State Implementation Plan.

Background

The current state ambient lead standard, OAR 340-31-055, is 3.0 ug/m³ average during a calendar month which is slightly less stringent than the EPA national ambient lead standard of 1.5 ug/m³ average for a calendar quarter. The state lead standard, which is made part of the SIP must be at least as stringent as the federal standard. Therefore, a revision of the state standard is necessary.

Attainment of the ambient air standard for lead is projected by the end of 1983 due to federally mandated reductions of gasoline lead levels and some traffic flow improvements in the Portland area.

EPA has requested expeditious action on the lead SIP Control Strategy as a result of a recent court case action.

Summary

Authorization to conduct a public hearing at the January 14, 1983, EQC meeting on the lead ambient air standard revision and lead control strategy were granted by the EQC at the December 3, 1982 meeting (Attachment 1). The public notice was issued by the Department December 14, 1983 (Attachment 2); A-95 Intergovernmental Review was initiated on November 22, 1982. The Department, to date, has had few requests for the document and has received no adverse public comments. Attachment 3 contains the proposed statewide control strategy for lead and Attachment 4 contains the proposed revision to OAR 340-31-055 dealing with the ambient air standards.



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EQC Agenda Item No. I
January 14, 1983
Page 2

Director's Recommendation

Based on the summation of the December 3, 1982 staff report and the above summary, the Director recommends that, barring any unforeseen major adverse comments at the hearing, the EQC adopt the revision of the state lead standard (Attachment 4) and the proposed lead control strategy (Attachment 3) as revisions of the State Implementation Plan.

Bill

William H. Young

Jim Vilendre:h
229-6411
December 21, 1982

Attachments: 1) December 3, 1982 staff report on lead strategy and ambient air standards.
2) Public notice and rulemaking statements.
3) Proposed statewide control strategy for lead.
4) Proposed OAR 340-31-055, ambient air standard for lead.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. H, December 3, 1982, EQC Meeting

Request for Authorization to Hold a Public Hearing to Adopt a Lead Control Strategy for the State, and to Amend the Ambient Air Quality Standard for Lead, OAR 340-31-055, as Revisions to the Oregon State Implementation Plan.

Background

In October, 1978, the Environmental Protection Agency (EPA) adopted an ambient air standard for lead of 1.5 ug/m³, average for one calendar quarter. Section 110 of the Clean Air Act requires that each state adopt and submit to EPA within nine months of ambient air standards adoption, a plan to demonstrate attainment and maintenance of the standard. The purpose of the plan for areas not in attainment with the standard is to provide control strategies for attainment within three years of adoption of the plan and demonstrate continued compliance in future years.

Since all lead monitoring in the state up to 1979 indicated that no non-compliance areas existed, the EPA, Region X, placed a low priority on a lead State Implementation Plan (SIP) for Oregon. In January, 1980, the DEQ established a new monitoring site for lead in the Portland area in conformance with new EPA monitoring network design criteria. The site was established at a point that was expected to experience the highest exposure to lead in the state (I-5 near Going Street). During 1980, it became evident that the site was in violation of the lead standard when two quarters of data were 1.66 and 2.04 ug/m³. The Department began working on a SIP revision and control strategy in 1981 on a low-priority basis.

Recently, the Natural Resources Defense Council (NRDC) filed suit in U.S. District Court to require EPA to promulgate lead SIP's for those states that have not yet submitted them. In a recent letter to Governor Atiyeh, EPA asked that Oregon adopt and submit its lead SIP as expeditiously as practicable in order to retain options on control strategies.

The primary lead sources in the Portland area are related to the operation of gasoline powered motor vehicles. Lead emissions from this source are decreasing and are expected to continue decreasing due to the federally mandated phase-down of the lead content of leaded gasoline and an increase in catalyst equipped vehicles. A 46% reduction in lead emissions is expected from 1980 to 1983. This reduction coupled with an anticipated 5% decrease in traffic near the non-complying site with the completion of the I-205 freeway leads to a projected attainment of the standard in 1983, thereby fulfilling the Clean Air Act requirements for demonstrated compliance.

In a related matter, the current Oregon ambient air lead standard, OAR 340-31-055, is 3.0 ug/m³ average during a calendar month which is considered less stringent than the federal standard of 1.5 ug/m³ average for a calendar quarter. Revision of the lead standard would bring the Department's standard in line with the federal standard.

Problem

In order to submit an adopted SIP revision to EPA as expeditiously as possible, the hearings process must be authorized by the EQC. Holding the public hearing and considering adoption at the January 14, 1983 Environmental Quality Commission meeting would be the most expeditious schedule that could be met. Little or no testimony would be anticipated at the public hearing.

Alternatives and Evaluation

If the request for authorization for public hearing before the Environmental Quality Commission is not granted, adoption of the required SIP revisions will be delayed. Failure to obtain adoption of the proposed SIP revisions could result in possible EPA sanctions or promulgation as a result of the NRDC court decision.

Authority for the Commission to Act

Chapter 468, Section 020, gives the Commission authority to adopt necessary rules and standards, Section 295 authorizes the Commission to establish air quality rules and standards for the state. Attachment 1 contains the Statement of Need for Rulemaking and the Fiscal and Land Use Consistency Statement.

Summation

- 1) The Clean Air Act requires that each state submit a control strategy for each area in violation of federal air quality standards including the lead standard adopted in 1978.

- 2) Only one monitoring site in the Portland area, I-5 at Going Street, is in violation of the federal lead standard. A maximum concentration of 2.04 ug/m³ was measured in the fourth quarter of 1980 compared to the Federal Standard of 1.5 ug/m³.
- 3) Lead air quality is expected to continue to improve based on the federally mandated phase-down in leaded gasoline and the increase of catalyst equipped gasoline powered vehicles which use unleaded fuel. A 46% reduction in lead emissions is projected between 1980 and 1983.
- 4) Traffic at the I-5 Going Street monitoring site is expected to drop by 5% with the opening of the I-205 Bridge in 1983. This action coupled with expected reduction in lead emissions will bring the I-5 site into compliance with the lead standard by the end of 1983.
- 5) There are no expected lead air quality problems near major point sources of lead in the state and the Department's new source review rules are adequate to insure new sources of lead will not cause ambient air quality problems.
- 6) The state ambient air standard for lead is 3.0 ug/m³ monthly average which is considerably less stringent than the national standard, therefore, the state standard must be revised to be at least as stringent as the federal standard.

Director's Recommendation

Based on the Summation, the Director recommends that the EQC authorize a public hearing to be held at the January 14, 1983 EQC meeting to consider adoption of the proposed lead control strategy and revision of the state lead standard as revisions of the State Implementation Plan.

Bill

William H. Young

- Attachments:
- 1) Public Hearing Notice, Statement of Need for Rulemaking, and Fiscal and Land Use Consistency Statements.
 - 2) Proposed SIP Revision Control Strategy for Lead.
 - 3) Revision to State Ambient Air Standard for Lead - OAR 340-31-055

S. Erickson:a
229-6458
November 10, 1982
AA2763

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Oregon State Implementation Plan - Proposed Statewide
Control Strategy for Lead and Proposed Revised State Air Quality Standard
for Lead

Notice of Public Hearing
To Be Held January 14, 1983

WHO IS AFFECTED:

The residents of the Portland metropolitan area and potential new industrial sources of lead statewide.

WHAT IS PROPOSED:

The Department of Environmental Quality is proposing to amend OAR 340-20-047, the Oregon State Implementation Plan, by adopting a control strategy for lead pollution in the air. The Department is also proposing to revise OAR 340-31-055, the lead ambient air quality standard, to 1.5 ug/m³ average per calendar quarter to bring the standard into conformance with stricter federal standards. The proposed lead control strategy would bring the Portland area into compliance with federal standards by December 31, 1983. The DEQ will submit the strategy adopted by the EQC to the Environmental Protection Agency for approval and incorporation into the Oregon State Implementation Plan. A hearing on this matter will be held in Portland on January 14, 1983.

WHAT ARE THE HIGHLIGHTS:

Major elements of the control strategy include:

- * Reduction of leaded gasoline usage.
- * Reduction of lead content in leaded gasoline.
- * Opening of I-205 freeway, which will reduce traffic congestion on I-5 through Portland.

In addition, any new source emitting greater than 0.6 tons per year of lead will be subject to the Department's New Source Review rules.



P.O. Box 1760
Portland, OR 97207

8/10/82

FOR FURTHER INFORMATION:

Contact the person or division identified in the public notice by calling 229-5696 in the Portland area. To avoid long distance charges from other parts of the state, call 1-800-452-7813, and ask for the Department of Environmental Quality.

PUBN.AH (9/82)
AA2770

HOW TO COMMENT:

Copies of the complete proposed rule package may be obtained from the Air Quality Division in Portland or the regional office nearest you.

A public hearing will be held before the Environmental Quality Commission at:

10:00 a.m.
January 14, 1983
522 S.W. 5th Ave., Room 1400
Portland, Oregon

Oral and written comments will be accepted at the public hearing. Written comments may be sent to DEQ, Air Quality Division, Box 1760, Portland, OR 97207, but must be received by no later than January 13, 1983.

WHAT IS THE NEXT STEP:

After public hearing the Environmental Quality Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted rules will be submitted to the U. S. Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation should come at their January 14, 1983 meeting following the hearing.

A Statement of Need, Fiscal and Economic Impact Statement, and Land Use Consistency Statement are attached to this notice.

PUBN.AH (9/82)
AA2770

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

This proposal amends OAR 340-20-047 and 340-31-055. It is proposed under authority of ORS Chapter 468, including Section 295 which authorizes the Commission to establish air quality standards and Section 305 which authorizes the Commission to adopt a general comprehensive plan for air pollution control.

Need for the Rule

The Portland area currently exceeds the federal lead standard. The Clean Air Act requires that control strategies be submitted to bring the area into compliance. This control strategy must be submitted as a revision to the Oregon State Implementation Plan. Also, the current state lead ambient air standard is less stringent than the federal lead standard. In order to demonstrate a commitment to enforce the federally mandated lead standard, the State must adopt a lead standard as strict as the federal standard.

Principal Documents Relied Upon

- 1) Clean Air Act Amendments of 1977, PL97-95, 8/7/77.
- 2) Guidelines for Lead Implementation Plans, EPA, 450/2-78-038, August, 1978.
- 3) DEQ Emission Inventory.
- 4) Supplementary Guidelines for Lead Implementation Plans, Revised Section 4.3 (Projecting Automotive Lead Emissions) EPA 450/2-78-038a, July, 1979.
- 5) 40 CFR 50.12, National Primary and Secondary Ambient Air Quality Standard for Lead, October 5, 1978.

Fiscal Impact Statement

Implementation of the proposed Lead Control Strategy would not have any new economic effect as it does not contain any new emission control requirements.

Land Use Consistency Statement

The proposed rule appears to affect land use and appears to be consistent with the Statewide Planning Goals.

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

With regard to Goal 12 (transportation), the plan recognizes the benefits of the new I-205 freeway in improving traffic flow through the Portland metropolitan area.

Goal 11 (public facilities and services) is deemed unaffected by the rule. The rule does not appear to conflict with other goals.

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

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

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

AA2762

SIP.A (12/79)

Section 5.1

OREGON STATE IMPLEMENTATION PLAN
STATEWIDE CONTROL STRATEGY FOR LEAD

Draft
November, 1982

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

Table of Contents

<u>Section</u>		<u>Page</u>
5.1.0	STATEWIDE CONTROL STRATEGY FOR LEAD	1
	5.1.0.1 Introduction	1
	5.1.0.2 Summary of Plan	1
5.1.1	GEOGRAPHIC DESCRIPTION OF PORTLAND AREA	3
5.1.2	AMBIENT AIR QUALITY	4
	5.1.2.1 Monitoring Network	4
	5.1.2.2 Monitoring Data	5
	5.1.2.3 Design Concentration	8
	5.1.2.4 Background Concentration	9
5.1.3	EMISSION INVENTORY	10
	5.1.3.1 Regional Emission Inventory	10
	5.1.3.2 Roadway Site Emission Inventory	11
	5.1.3.3 Point Source Review	12
5.1.4	CONTROL STRATEGY	13
	5.1.4.1 Strategies Already Implemented	13
	5.1.4.2 Strategies Scheduled for Implementation	13
	5.1.4.3 Air Quality Improvement	14
5.1.5	RULES AND REGULATIONS	15
	5.1.5.1 Ambient Lead Standard	15
	5.1.5.2 New Source Review	16
5.1.6	REASONABLE FURTHER PROGRESS	17
5.1.7	PUBLIC NOTICE AND HEARING	17

5.1.0 STATEWIDE CONTROL STRATEGY FOR LEAD

5.1.0.1 Introduction

The Clean Air Act Amendments of 1977 require states to submit plans to demonstrate how they will attain and maintain compliance with national ambient air standards. In 1978, the Environmental Protection Agency (EPA) promulgated a national ambient air standard for lead of 1.5 micrograms per cubic meter (ug/m^3) as a quarterly average. A plan is required for any area which has exceeded the lead standard since 1974.

The Portland area is the only portion of Oregon which has exceeded the 1.5 ug/m^3 lead standard since 1974. This document is a plan for attaining and maintaining compliance with the lead standard in the Portland area. It is submitted to EPA to fulfill the requirements of 40 CFR Part 51 (regarding the preparation, adoption and submittal of State Implementation Plans) pursuant to Section 110 of the Clean Air Act. The appendices contain more detailed data, calculations and documentation related to the statements and conclusions contained in this document.

5.1.0.2 Summary of Plan

1. Ambient lead concentrations have been monitored at various sites in Oregon since 1973. The only violations of the 1.5 ug/m^3 lead standard occurred in the Portland

metropolitan area. Thus, the Portland area is the only portion of Oregon addressed by this revision to the State Implementation Plan.

2. Only one site in the Portland area, the I-5 Roadway Site (near Going St.), has violated the lead standard since 1976 with a maximum quarterly average of 2.04 ug/m^3 in 1980.
3. The major sources of lead emissions in the Portland area are associated with the operation of gasoline-powered motor vehicles. Vehicle exhaust emissions and reentrained road dust account for about 90% of the total lead emissions in the Portland area.
4. Lead emissions from mobile sources have decreased since 1975 and are expected to dramatically decrease in future years. The expected decrease is due to the federally mandated phase-down of lead content in leaded gasoline and an increase in catalyst-equipped vehicles which use unleaded gasoline. These two factors are expected to reduce lead emissions by about 50% from 1980 to 1983.
5. Traffic volumes near the I-5 Roadway Site are expected to decrease by 5% from 1980 to 1983 due to the completion of the I-205 freeway which will divert some of the I-5

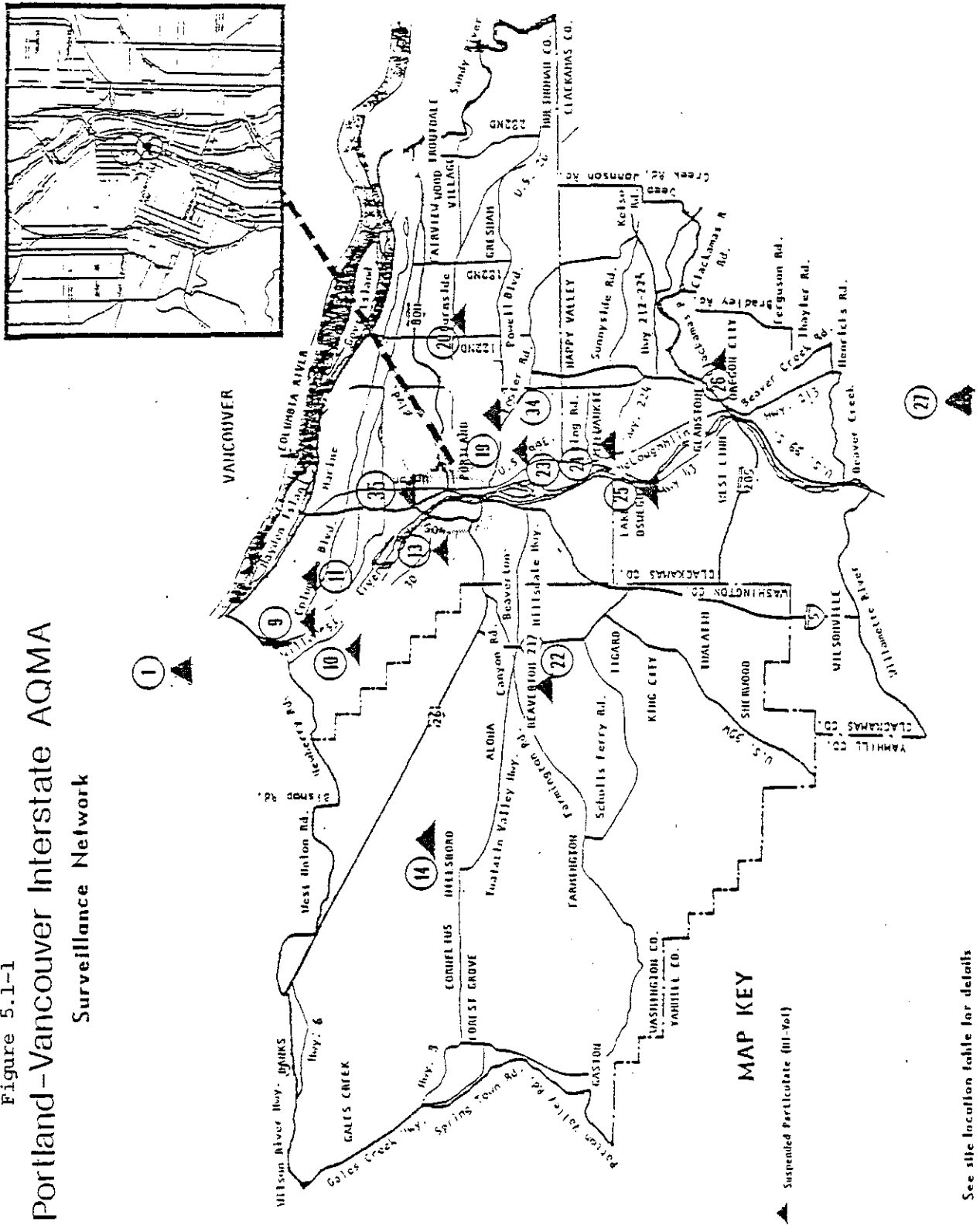
traffic. Ambient lead concentrations at the I-5 site are expected to be in compliance by 1983 due to the areawide decrease in mobile source emissions and the localized decrease in traffic volumes.

6. No site in Oregon is projected to exceed the lead standard after 1983.

5.1.1 GEOGRAPHIC DESCRIPTION OF PORTLAND AREA

The Oregon portion of the Portland-Vancouver Air Quality Maintenance Area contains the urbanized portions of three counties (Clackamas, Multnomah and Washington). This area had an estimated 1980 population of 962,000 persons covering 1,800 km² (695 mi²) of land. Geographically, this area lies at the north end of the Willamette Valley and is almost completely surrounded by mountains and hills. Temperature inversions frequently occur, trapping emissions in the valley and resulting in elevated levels of air pollutants. Portions of the area are designated nonattainment for particulate matter, ozone, and carbon monoxide. A portion of the Portland area also exceeds the lead standard.

Figure 5.1-1
 Portland-Vancouver Interstate AQMA
 Surveillance Network



See site location table for details

Figure 5.1-1 (continued)
 PORTLAND-VANCOUVER AQMA LEAD SURVEILLANCE NETWORK

Map No.	Site Name	Composite Filter Lead Analysis	Single Filter Lead Analysis
1	Sauvie Island	X	
9	Rivergate Waterways Term.	X	
10	Linnton Fire Station	X	
11	Roosevelt High School	X	
13	Liquid Air Products	X	
14	Hillsboro Airport	X	
19	Moffat, Nichol & Bonnie	X	
20	Multnomah County Health Department	X	
22	Beaverton First State Bk	X	
23	Pacific Motor Trucking	X	
24	Milwaukie High School	X	
25	Lakewood Gr.Sch., Lk.Os.	X	
26	Clackamas Co. Cthse., OC	X	
27	Carus	X	
31	Central Fire Station	X	
34	SE Lafayette		X
35	Interstate-5 (I-5)		X

5.1.2 AMBIENT AIR QUALITY

5.1.2.1 Monitoring Network

Most of the lead monitoring in Oregon has utilized the state-wide network established to monitor total suspended particulate (TSP). The TSP sites are located in commercial, industrial, residential and rural areas. TSP samples have been routinely analyzed for lead content.

EPA established new lead monitoring site criteria in connection with promulgation of the federal ambient lead standard. Two new types of lead monitoring sites were required by the EPA October 1978 criteria, as follows:

1. Roadway Site -located within 15 meters of a roadway with highest traffic volumes, in order to measure the maximum lead concentrations likely to occur in an area.
2. Neighborhood Site -located in a residential area of high traffic and population density, preferably near a school or playground.

DEQ established a roadway lead site at Interstate 5 (I-5) near Going Street in 1980. A residential lead site was established at S.E. Lafayette near 58th Avenue in 1981.

High-volume particulate samplers are used in both the TSP network and at the special lead sites. Samples (24-hour) are collected on a regular schedule every 6th day. The EPA reference method (single filter analysis by atomic absorption spectroscopy) is used to analyze the samples from the roadway and residential lead sites. A composite filter method is used on the samples from the TSP network. Comparison studies of the single and composite filter methods are described in the Appendix.

The Portland TSP network and special lead sites are illustrated in Figure 5.1-1.

5.1.2.2 Monitoring Data

Violations of the lead standard have been recorded at nine sites in the Portland area since January 1974. The magnitude of the violations is outlined in Table 5.1.2-1. Violations normally occurred during the 4th quarter of the year.

Table 5.1.2-1

YEAR AND MAGNITUDE OF LEAD STANDARD VIOLATIONS IN OREGON SINCE 1973

Monitoring Site	Maximum Lead Concentration (ug/m ³ , Quarterly Average)									
	1973	1974	1975	1976	1977	1978	1979	1980	1981	
CAM Station ^a	2.19	1.74	C ^d	1.63	C	C	C	C		
Beaverton	C	1.62	C	1.86	C	C	C	C	C	
Mult. Co. Health Bldg.	1.51	1.63	1.63	C	C	C	C	C	C	
Pacific Motor Trucking	C	C	C	1.64	C	C	C	C	C	
Central Fire Station	C	1.62	C	1.57	C	C	C	C	C	
N.E. Couch (Moffat)	C	C	C	1.57	C	C	C	C	C	
Oregon City	C	C	C	1.56	C	C	C	C	C	
Lake Oswego	C	C	C	1.56	C	C	C	C	C	
S.E. Lafayette ^b										C
Interstate 5 (I-5) ^c								2.04	1.73	

^a CAMS lead sampling was discontinued in January 1981 because it did not meet site criteria.

^b S.E. Lafayette site (residential site) was established in February 1981.

^c Interstate 5 site (roadway site) was established in January 1980.

^d C indicates site compliance with the lead standard.

Only one site in the Portland area, the I-5 Roadway Site, has violated the lead standard since 1976. The maximum lead concentration at the I-5 site, since monitoring began in January 1980, occurred during the 4th quarter of 1980.

5.1.2.3 Design Concentration

The maximum I-5 lead concentration (2.04 ug/m³ during the 4th quarter of 1980) was selected as the design concentration and 1980 was used as the base year for the emission inventory. The lead concentration data at various sites during the base year are outlined in Table 5.1.2-2.

Table 5.1.2-2

BASE YEAR (1980) LEAD CONCENTRATION DATA

<u>Monitoring Site</u>	<u>Lead Concentrations (ug/m³, Quarterly Average)</u>			
	<u>Jan-Mar</u>	<u>Apr-Jun</u>	<u>Jul-Sep</u>	<u>Oct-Dec</u>
CAM Station	0.51	0.30	0.31	0.67
Beaverton	0.42	0.22	0.22	0.36
Mult. Co. Health Bldg.	0.49	0.30	0.45	0.59
Pacific Motor Trucking	0.40	0.35	0.32	0.78
Central Fire Station	0.50	0.36	0.36	0.83
N.E. Couch (Moffat)	0.36	0.29	0.26	0.63
Oregon City	0.40	0.27	0.27	0.64
Lake Oswego	0.44	0.23	0.27	0.48
Interstate 5 (I-5)	1.66	NA ^a	NA ^a	2.04

^a NA indicates data not available for these quarters.

5.1.2.4 Background Concentration

Background lead data is collected at the Carus and Sauvie Island sites. Lead concentrations at these sites during 1980 are outlined in Table 5.1.2-3. Since peak lead concentrations in the Portland area typically occur during the 4th quarter, the 4th quarter background concentration (0.14 ug/m³) was used in calculating future lead concentrations.

Table 5.1.2-3

BACKGROUND LEAD CONCENTRATION DATA (1980)

<u>Monitoring Site</u>	<u>Lead Concentrations (ug/m³, Quarterly Average)</u>			
	<u>Jan-Mar</u>	<u>Apr-Jun</u>	<u>Jul-Sep</u>	<u>Oct-Dec</u>
Carus	0.07	0.05	0.09	0.12
Sauvie Island	0.12	0.05	0.05	0.15
<u>Combined Average</u>	<u>0.10</u>	<u>0.05</u>	<u>0.07</u>	<u>0.14</u>

5.1.3 EMISSION INVENTORY

5.1.3.1 Regional Emission Inventory

Lead emission inventories for the Portland area in 1980, 1983 and 1985 are summarized in Table 5.1.3-1. Future year projections were based on regional population, employment and traffic growth projections. The growth projections used in this plan are consistent with the comprehensive land-use and transportation plans in the region and the State Implementation Plans for ozone and carbon monoxide. More detailed inventories are included in the Appendix.

Table 5.1.3-1

SUMMARY OF PORTLAND AREA LEAD EMISSIONS

<u>Source Category</u>	<u>Lead Emissions (ton/yr)</u>		
	<u>1980</u>	<u>1983</u>	<u>1985</u>
Motor Vehicle Exhaust			
Light duty (LDV)	168	79	67
Heavy duty (HDG)	35	38	59
Reentrained Road Dust	72	40	27
Solid Waste Disposal	12	12	13
Industrial Processes	5	5	6
Fuel Combustion	2	2	2
<hr/>			
TOTAL	294	176	174

The major sources of lead emissions in the Portland area are mobile sources associated with the operation of gasoline-powered motor vehicles. Vehicle exhaust emissions and reentrained road dust account for about 90% of the Portland lead emissions in 1980 and about 85% of the Portland lead emissions in 1985.

Lead emissions from mobile sources are expected to dramatically decrease in future years. The expected decrease is due to the federally mandated phase-down of lead content in leaded gasoline and an increase in catalyst-equipped vehicles which use unleaded gasoline.

5.1.3.2 Roadway Site Emission Inventory

Lead emission impacts in the vicinity of the I-5 Roadway Site in 1980, 1983 and 1985 are outlined in Table 5.1.3-2. Lead emissions were estimated by DEQ from ODOT traffic projections, EPA motor vehicle emission factors and DEQ road dust emission factors. Calculation details are included in the Appendix.

Table 5.1.3-2

SUMMARY OF LEAD IMPACTS NEAR I-5 ROADWAY SITE

<u>Source Category</u>	<u>Lead Impacts (ug/m³, Maximum Quarterly Average)</u>		
	<u>1980</u>	<u>1983^a</u>	<u>1985^a</u>
Motor Vehicle Exhaust			
Light duty (LDV)	0.82	0.36	0.29
Heavy duty (HDG)	0.36	0.32	0.48
Reentrained Road Dust	0.72	0.34	0.22
Background	0.14	0.14	0.14
<hr/>			
TOTAL	2.04	1.16	1.13

a Projected impacts.

The primary reason for the projected decrease in lead emissions at the I-5 Roadway Site is the expected area-wide decrease in mobile source emissions. In addition, traffic volumes near the I-5 Roadway Site are expected to

decrease by 5% during 1980-83 due to the completion of the I-205 freeway.

5.1.3.3 Point Source Review

Bergsoe Metals Corporation, a secondary lead smelter, is the only existing point source in Oregon which emits more than five (5) tons of lead per year. Bergsoe Metals Company is allowed by permit to emit up to 19.0 tons of lead per year. This plant is located outside the Portland-Vancouver AQMA about 20 miles northwest of the City of Portland.

Lead emissions from the Bergsoe plant were modeled to determine if the plant would contribute to a violation of the ambient lead standard. The modeling results are summarized in Table 5.1.3-3.

Table 5.1.3-3

BERGSOE MODELING RESULTS

<u>Averaging Time Period (Months)</u>	<u>Maximum Lead Emission Rate (g/sec)</u>	<u>Maximum Ambient Lead Concentration (ug/m³)</u>
1	0.74	1.21
3	0.56	0.69

EPA evaluated the Bergsoe proposal in 1979 under Prevention of Significant Deterioration (PSD) review. In an August 20, 1979 letter, EPA approved the construction of the Bergsoe plant and recognized that the proposal would employ best

available control technology (BACT). EPA also determined that the Bergsoe proposal would not cause violations of any PSD air quality increments or National Ambient Air Quality Standards (NAAQS).

EPA delegated New Source Review (NSR) responsibility to DEQ in August 1982. New lead sources which emit 0.6 tons or more of lead per year are subject to NSR requirements. NSR requirements are outlined in Section 5.1.5.2.

5.1.4 CONTROL STRATEGY

5.1.4.1 Strategies Already Implemented

Most of the decrease in Portland area lead emissions will be due to the federally mandated phase-down of lead content in leaded gasoline and an increase in catalyst-equipped vehicles which use unleaded gasoline. These measures are expected to reduce areawide lead emissions by 46% from 1980 to 1983.

5.1.4.2 Strategies Scheduled for Implementation

The I-205 freeway is scheduled for completion in mid-1983 and is expected to divert a portion of the I-5 traffic. Traffic volumes on I-5 are expected to decrease by 5% during 1980-83.

5.1.4.3 Air Quality Improvement

Lead concentrations at all but one monitoring site within the Portland area are in compliance with the lead standard.

Lead emissions, and lead concentrations, are expected to decrease by almost 50% from 1980 to 1985.

Mobile source lead emissions near the I-5 Roadway Site are expected to decrease by 43% during 1980-83. Using a modified rollback analysis, lead concentrations at the I-5 site are expected to decrease from 2.04 ug/m in 1980 to 1.16 ug/m³ in 1983. Lead concentrations at the I-5 site are expected to be in compliance with the lead standard (1.5 ug/m³) by the end of 1983.

EPA adopted a more restrictive lead-in-gasoline standard in October 1982. As a result, lead emissions and ambient lead concentrations may be even lower in 1983 than projected above.

5.1.5 RULES AND REGULATIONS

The Oregon Revised Statutes (ORS) 468.275 through 468.620 authorize the Oregon Environmental Quality Commission to adopt programs necessary to meet and maintain state and federal standards. The mechanisms for implementing these programs are the Oregon Administrative Rules (OAR). Pertinent rules are outlined in Table 5.1.5-1.

Table 5.1.5-1

OREGON RULES PERTINENT TO THE LEAD CONTROL STRATEGY

<u>OAR</u>	<u>Subject</u>
340-31-055	Ambient Air Quality Standard for Lead
340-20-220 to 275	New Source Review Rules

5.1.5.1 Ambient Lead Standard

The Oregon Environmental Quality Commission adopted a statewide lead standard in January 1975. This standard was set at 3.0 ug/m³, monthly average. No violations of the statewide lead standard have been recorded by DEQ.

The federal lead standard (1.5 ug/m³, quarterly average) became effective in October 1978. The federal 1.5 ug/m³ quarterly average standard is more restrictive than the state 3.0 ug/m³ monthly average standard. The Oregon ambient lead standard is

revised to be identical with the federal standard (1.5 ug/m³, quarterly average) as part of this statewide lead control strategy.

5.1.5.2 New Source Review

The new source review rules require major new or modified point sources locating in a nonattainment area to:

1. Meet lowest achievable emission rates;
2. Provide emission offsets or demonstrate that the source will comply with the available growth increment; and
3. Provide an analysis of alternative sites, sizes, production processes and control techniques.

The new source review rules require major new or modified point sources locating in an attainment area to:

1. Provide best available control technology;
2. Demonstrate that the source would not cause violations of any PSD air quality increments or any state or federal ambient air quality standards; and
3. Demonstrate that the source would not impact a designated nonattainment area greater than the significant air quality impact levels.

New lead sources which would emit 0.6 tons per year of lead are considered major sources and are subject to the new source review rules.

5.1.6 REASONABLE FURTHER PROGRESS

Compliance with the ambient lead standard is projected by the end of 1983. Ambient lead data will be reviewed by DEQ quarterly to insure that reasonable further progress is being made toward attainment of the standard.

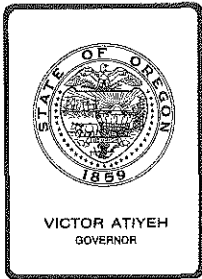
5.1.7 PUBLIC NOTICE AND HEARING

A public hearing on the lead control strategy is scheduled before the Environmental Quality Commission on January 14, 1983. The public hearing notice will be issued 30 days prior to the hearing.

The public hearing notice will be distributed for local and state agency review by the A-95 State Clearinghouse 45 days prior to adoption of the lead control strategy.

Ambient Air Quality Standard for Lead

340-31-055 The lead concentration measured at any individual sampling station, using sampling and analytical methods on file with the Department, shall not exceed [3.0 ug/m³] 1.5 ug/m³ as an arithmetic average concentration of all samples collected at that station during any one calendar [month] quarter period.



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, January 14, 1983, EQC Meeting

Approval of Revised Stipulated Consent Orders for the
Following Water Permit Holders:

(a) City of Silverton

(b) Bear Creek Valley Sanitary Authority

Background

In July and October, the Department presented staff reports on the status of Stipulated Consent Orders written in conjunction with waste discharge permits for the purpose of upgrading waste treatment facilities.

Most of the consent orders have now been revised or the need for them eliminated. Attached are revised orders for Bear Creek Valley Sanitary Authority and the City of Silverton. Only two orders remain to be corrected and approved at future EQC meetings, Happy Valley and Astoria (Williamsport). A revised program for Seaside had previously been approved by the EQC. A revised order is now being drafted in conjunction with their permit renewal.

Problem and Evaluation Statement

The City of Silverton has signed an addendum to their consent order which establishes new final effluent limitation and a final construction schedule. They were delayed in construction because the local citizens were opposed to land application of waste water. Plans were then changed to provide for better treatment and stream discharge. They were awarded a Step III construction grant in September.

The Bear Creek Valley Sanitary Authority was ordered to connect the White City lagoon to the Medford regional treatment system by February 1982. They were delayed because the City of Medford wouldn't allow the connection until the high infiltration rates into the White City sewers had been reduced. The revised stipulated order provides an extension of the deadline to rehabilitate the White City sewers by July 31, 1983, and connect to the Medford regional plant by December 31, 1983.

Summation

1. Revised consent orders for Silverton and Bear Creek Valley Sanitary Authority have been drafted and signed by the permittees.
2. Only three consent orders remain to be revised at a future date, Happy Valley, Astoria (Williamsport) and Seaside.
3. The delays in meeting the required construction schedules have been due to circumstances beyond the control of the permittees.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the Commission approve revised stipulated consent orders for Silverton and the Bear Creek Valley Sanitary Authority.

Bill

William H. Young

Attachments: 2

- A. Stipulated Consent Order for Silverton
- B. Stipulated Consent Order for Bear Creek Valley Sanitary Authority

Charles K. Ashbaker:l
229-5325
December 29, 1982

WL2205

NOV 19 1982

CITY OF SILVERTON

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

3	DEPARTMENT OF ENVIRONMENTAL QUALITY,)	
4	OF THE STATE OF OREGON,)	
5)	
	Department,)	
6	v.)	ADDENDUM TO STIPULATION AND
7)	FINAL ORDER
8	CITY OF SILVERTON,)	NO. WQ-WVR-80-22
9)	MARION COUNTY
	Respondent.)	

WHEREAS:

1. Stipulation and Final Order No. WQ-WVR-80-22 (hereinafter referred to as "Order"), attached hereto as Exhibit 1, was approved by the Environmental Quality Commission ("Commission") on April 18, 1980, and signed by the Director of the Department of Environmental Quality ("Department") on or about July 15, 1980.

2. The Order contains a compliance schedule requiring the City of Silverton ("Respondent"), by certain dates, to complete construction of sewage collection service lines and interceptors, complete improvements to the city's treatment plant, and achieve compliance with all the waste discharge limitations of Respondent's National Pollutant Discharge Elimination System Waste Discharge Permit No. 3146-J ("Permit").

3. Respondent has been delayed in complying with all the dates of the compliance schedule because of insufficient federal monies to fund all projects on the construction grants priority list and citizens' resistance to the original facility plan recommendation of land irrigating the effluent during summer months.

1 4. In February, 1982, Respondent completed an addendum to the
2 facility plan report which replaced the land irrigation system proposal
3 with a trickling filter/solids contact system proposal.

4 5. Respondent was awarded a Step III construction grant for the
5 Norway health hazard annexation area on September 9, 1982 and for the
6 sewage treatment plant improvements, interceptors, and remainder of the
7 project on September 16, 1982.

8 6. The waste discharge limitations set forth in Condition 1 of
9 Schedule A of the Permit and Paragraph 2 of the Order are in error and will
10 be shortly amended by Permit action letter. The Permit expiration date
11 listed in Paragraph 1 of the Order is in error.

12 7. Respondent has acted in good faith in trying to comply with the
13 Order.

14 NOW THEREFORE, it is stipulated and agreed that the Commission amend
15 the Order as follows:

16 1. Change the Permit expiration date in Paragraph 1 from January 31,
17 1983 to January 31, 1985.

18 2. Delete all the waste discharge limitations listed in Paragraph 2
19 and replace with the following:

Parameter	Average Effluent Concentrations		<u>Effluent Loadings</u>		
	Monthly	Weekly	Monthly Average kg/day (lb/day)	Weekly Average kg/day (lb/day)	Daily Maximum kg (lbs)
6/1 - 10/31:					
BOD	10 mg/l	15 mg/l	38 kg/day 83 lb/day	57 kg/day 125 lb/day	76 kg 167 lb
TSS	10 mg/l	15 mg/l	38 kg/day 83 lb/day	57 kg/day 125 lb/day	76 kg 167 lb
///					

1	11/1 - 5/31:					
2	BOD	30 mg/l	45 mg/l	114 kg/day	171 kg/day	228 kg
				250 lb/day	376 lb/day	501 lb
3	TSS	30 mg/l	45 mg/l	114 kg/day	171 kg/day	228 kg
4				250 lb/day	376 lb/day	501 lb

5 3. Change date in Paragraph A (1)(d) from October 1, 1981 to
6 September 1, 1983.

7 4. Change date in Paragraph A (1)(e) from October 1, 1982 to
8 December 1, 1984.

9 5. Change date in Paragraph A (1)(f) from February 1, 1983 to
10 April 1, 1985.

11 DEPARTMENT OF ENVIRONMENTAL QUALITY

12
13 _____ By _____
14 Date WILLIAM H. YOUNG
15 Director

16 RESPONDENT

17 Dec. 7 - 1982 By *John H. Nudd*
18 Date Mayor, City of Silverton

19 FINAL ORDER

20 IT IS SO ORDERED:

21 ENVIRONMENTAL QUALITY COMMISSION

22
23 _____ By _____
24 Date WILLIAM H. YOUNG, Director
25 Department of Environmental Quality
26 Pursuant to OAR 340-11-136(1)

EXHIBIT I

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY,
OF THE STATE OF OREGON,

Department,

v.

CITY OF SILVERTON,

Respondent.

WHEREAS:

STIPULATION AND FINAL ORDER
No. WQ-WVR-80-22
MARION COUNTY

1. The Department of Environmental Quality ("Department") issued National Pollutant Discharge Elimination System Waste Discharge Permit Number 3146-1 ("Permit") to City of Silverton, ("Respondent") pursuant to Oregon Revised Statutes ("ORS") 468.740 and the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500. The Permit authorizes the Respondent to construct, install, modify or operate wastewater treatment control and disposal facilities and discharge adequately treated wastewaters into waters of the State in conformance with the requirements, limitations and conditions set forth in the Permit. The Permit expires on January 31, 1983. Respondent's permit is in effect at all material times cited herein. Condition 1 of Schedule A of the Permit does not allow Respondent to exceed the following waste discharge limitations after the Permit issuance date:

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Page 1 - STIPULATION AND FINAL ORDER (GW0022.N)

Parameter	Average Effluent Concentrations		Effluent Loadings		Daily Maximum
	Monthly	Weekly	Monthly Average kg/day (lb/day)	Weekly Average kg/day (lb/day)	
6/1 - 10/31: BOD	20 mg/l	30 mg/l	53 kg/day 117 lb/day	80 kg/day 175 lb/day	100 kg 225 lb
TSS	20 mg/l	30 mg/l	53 kg/day 117 lb/day	80 kg/day 175 lb/day	100 kg 225 lb
11/1 - 5/31: BOD	30 mg/l	45 mg/l	80 kg/day 175 lb/day	120 kg/day 263 lb/day	160 kg 350 lb
TSS	30 mg/l	45 mg/l	80 kg/day 175 lb/day	120 kg/day 263 lb/day	160 kg 350 lb

3. Respondent proposes to comply with all the above effluent limitations of its Permit by constructing and operating a new or modified wastewater treatment facility. Respondent has not completed construction and has not commenced operation thereof.

4. Respondent presently is capable of treating its effluent so as to meet the following effluent limitations, measured as specified in the Permit:

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Page 2 - STIPULATION AND FINAL ORDER (GW0022.N)

Parameter	Average Effluent Concentrations		Effluent Loadings		Daily Maximum
	Monthly	Weekly	Monthly Average	Weekly Average	
6/1 - 10/31:					
BOD	30 mg/l	45 mg/l	80 kg/day 175 lb/day	120 kg/day 263 lb/day	160 kg 350 lb
TSS	30 mg/l	45 mg/l	80 kg/day 175 lb/day	120 kg/day 263 lb/day	160 kg 350 lb
1/1 - 5/31:					
BOD	30 mg/l	45 mg/l	100 kg/day 220 lb/day	150 kg/day 330 lb/day	200 kg 440 lb
TSS	30 mg/l	45 mg/l	100 kg/day 220 lb/day	150 kg/day 330 lb/day	200 kg 440 lb

5. The Department and Respondent recognize and admit that:

a. Until the proposed new or modified waste water treatment facility is completed and put into full operation, Respondent will violate the effluent limitations set forth in Paragraph 2 above, the vast majority, if not all, of the time that any effluent is discharged. In addition, Respondent has bypassed and will continue to bypass untreated waste to Silver Creek, in violation of General Condition G4c of Respondent's permit.

b. Respondent has committed violations of its previous NPDES Permit, No. 1723-J, and related statutes and regulations. Those violations have been disclosed in Respondent's waste discharge monitoring reports to the Department covering the period from October 19, 1976, through the date which the order below is issued by the Environmental Quality Commission.

6. The Department and Respondent also recognize that the Environmental Quality Commission has the power to impose a civil penalty and to issue an abatement order for any such violation. Therefore, pursuant to ORS 183.415(4), the Department and Respondent wish to resolve those violations in advance by stipulated final order requiring certain action, and waiving certain legal rights to notices, answers, hearings and judicial review on these matters.

7. The Department and Respondent intend to limit the violations which this stipulated final order will settle to all those violations specified in Paragraph 5 above, occurring through (a) the date that compliance with all effluent limitations is required, as specified in paragraph A(1) below, or (b) the date upon which the Permit is presently scheduled to expire, whichever first occurs.

8. This stipulated final order is not intended to settle any violation of any effluent limitations set forth in Paragraph 4 above. Furthermore, this stipulated final order is not intended to limit, in any way, the Department's right to proceed against Respondent in any forum for any past or future violation not expressly settled herein.

NOW THEREFORE, it is stipulated and agreed that:

A. The Environmental Quality Commission shall issue a final order:

- (1) Requiring Respondent to comply with the following schedule:
 - (a) Complete Step II design work and submit Step III grant application by August 1, 1980.
 - (b) Eliminate all known roof drain connections to the sanitary sewer, and identify and eliminate all direct

- commercial and domestic sewage discharges into Silver Creek by October 1, 1980. Submit a report outlining the work done and results of the city's activities in these areas by November 1, 1980.
- (c) Award construction contracts for STP modifications and sewerage construction and rehabilitation by April 1, 1981.
- (d) Complete construction of service lines and interceptors in the Norway health hazard annexation area, and connect all occupied dwellings to the sanitary sewer by October 1, 1981.
- (e) Complete construction of all STP improvements and sewerage system rehabilitation by October 1, 1982.
- (f) Demonstrate compliance with condition 1 of Schedule A by February 1, 1983.
- (2) Requiring Respondent to meet the interim effluent limitations set forth in Paragraph 4 above until the date set in the schedule in Paragraph A(1) above for achieving compliance with the final effluent limitations.
- (3) Requiring Respondent to comply with all the terms, schedules and conditions of the Permit, except those modified by Paragraphs A(1) and (2) above.
- (4) Requiring Respondent to clearly post all areas of Silver Creek, inside Silverton city limits shown to violate bacteriological water quality standards, with signs which warn that the creek is contaminated with untreated sewage.

- (5) Requiring Respondent to make every reasonable effort to minimize the volume of untreated sewage that is bypassed to Silver Creek.
- B. Regarding the violations set forth in Paragraph 5 above, which are expressly settled herein, the parties hereby waive any and all of their rights to any and all notices, hearings, judicial review, and to service of a copy of the final order herein.
- C. Respondent acknowledges that it has actual notice of the contents and requirements of this stipulated and final order and that failure to fulfill any of the requirements hereof would constitute a violation of this stipulated final order. Therefore, should Respondent commit any violation of this stipulated order, Respondent hereby waives any rights it might have to any and all ORS 468.125(1) advance notices prior to the assessment of civil penalties for any and all such violations. However, Respondent does not waive its rights to any and all ORS 468.135(1) notices of assessment of civil penalty for any and all violations of this stipulated final order.

DEPARTMENT OF ENVIRONMENTAL QUALITY

By Michael Young
 WILLIAM H. YOUNG
 Director

RESPONDENT

By City of Silverton
 (Name) John H. H. H. H. H.
 (Title) MAYOR

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FINAL ORDER

IT IS SO ORDERED:

ENVIRONMENTAL QUALITY COMMISSION

By Michael Young
WILLIAM H. YOUNG, Director
Department of Environmental Quality
Pursuant to OAR 340-11-136(1)

Date

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
NOV 08 1982

SOUTHWEST REGION OFFICE

DEPARTMENT OF ENVIRONMENTAL QUALITY,)
OF THE STATE OF OREGON,)
Department,)
v.)
BEAR CREEK VALLEY SANITARY AUTHORITY,)
Respondent.)

ADDENDUM TO STIPULATION
AND FINAL ORDER
NO. WQ-SWR-78-161

WHEREAS:

1. Stipulation and Final Order No. WQ-SWR-78-161 (hereinafter referred to as "Order") was approved by the Environmental Quality Commission ("Commission") on December 15, 1978 and signed by the Director of the Department of Environmental Quality ("Department") on behalf of the Commission on June 15, 1979.

2. The Order required Bear Creek Valley Sanitary Authority ("Respondent") to complete construction, connect to the regional treatment plant, and eliminate lagoon discharge within eighteen (18) months of Step III grant offer.

3. Department made a Step III grant offer to Respondent on or about August 28, 1980.

4. Respondent has not been able to comply with the schedule of the Order for reasons set forth in Respondent's letters to the Department dated August 20, 1982 and October 5, 1982, attached hereto as Exhibits 1 and 2 respectively.

5. Respondent, through Exhibits 1 and 2, has requested an extension

1 of time to comply with the Order, and has acted in good faith in trying to
2 comply with the Order.

3 NOW THEREFORE, it is stipulated and agreed that the Commission amend
4 the schedule of the Order by deleting the existing language of items (b)
5 and (c) of Paragraph A(1) and substituting the following:

6 (b) Complete rehabilitation of the White City sewage collection
7 system on or before July 31, 1983.

8 (c) Connect to the City of Medford regional sewage treatment plant
9 and eliminate the discharge from the White City lagoon on or before
10 December 31, 1983.

11 DEPARTMENT OF ENVIRONMENTAL QUALITY

12
13 _____ By _____
14 Date WILLIAM H. YOUNG
15 Director

16 RESPONDENT
17 BEAR CREEK VALLEY SANITARY AUTHORITY

18 _____ By _____
19 Date November 3, 1982 Vice-Chairman
20 Board of Directors

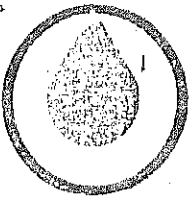
21 _____ Countersigned by Richard O. Miller
22 Date November 3, 1982 Richard O. Miller
23 Manager

24 FINAL ORDER

25 IT IS SO ORDERED:

26 ENVIRONMENTAL QUALITY COMMISSION

_____ By _____
Date WILLIAM H. YOUNG, Director
Department of Environmental Quality
Pursuant to OAR 340-11-136(1)

**BEAR CREEK VALLEY SANITARY AUTHORITY**

PHONE (503) 779-8144 3915 SOUTH PACIFIC HWY. • MEDFORD, OREGON 97501

August 20, 1982

Mr. William H. Young, Director
Department of Environmental Quality
522 S.W. Fifth Avenue
Portland, OR 97207

Dear Mr. Young:

The purpose of this letter is to give you a status report on the rehabilitation of the White City sewage collection system and to inform you of our inability to comply with certain provisions of Stipulation and Final Order No. WQ-SWR-78-161, copy attached. (Attachment A.)

A status report of the rehabilitation in bar graph form is attached. (Attachment B.) We expect to complete all elements with the possible exception of the chemical sealing/grouting by the end of this calendar year. Weather is obviously a factor and the past winter was definitely not favorable to the project. We are, however, making every effort to complete the project by December 1982.

The Final Order referred to in the first paragraph required completion of construction within eighteen months of the Step III grant offer and connection of the collection system to the regional treatment plant and elimination of the lagoon discharge within the same time period. With the grant offer date of September 1980, it is obvious that we did not complete the rehabilitation and connection within the eighteen month period. For your information, the EPA did extend the completion date to December 1982.

By this letter, we are requesting that the Final Order be amended to extend the rehabilitation completion and connection date to June 1983 for the following reasons:

1. Equipment problems were caused by a change of grouting material mandated by the EPA. We bought new equipment with EPA approval but because of mechanical problems, the equipment was not operational until August 1981.

2. As mentioned previously, the heavy rainfall during the past winter caused problems. Obviously, you cannot grout pipe joints under water.

3. City of Medford officials have not cooperated in arrangements leading to the connection of the White City collection system to the regional treatment plant. A letter from the Medford Mayor

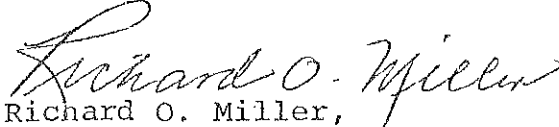
Mr. William H. Young
August 20, 1982
Page Two

was received in November 1981 (Attachment C), responded to in January 1982 (Attachment D), followed-up in July 1982 (Attachment E), responded to in a fairly wierd manner on August 2, 1982 (Attachment F), and we appear to be no closer to a meeting now than we were in 1981. We must decide on the system connection method before the connection can be designed and constructed.

4. City of Medford officials are insisting that the success of the rehabilitation of the White City system be determined before they will allow the connection. Please note Paragraphs 7.a. and 7.b. of Attachment C attached. Exhibit "A" to Attachment C specifies a much more elaborate plant tie-in requirement than was originally planned. We will discuss the tie-in and the financial arrangements as to who will pay for the tie-in requirements when and if the meeting referred to in paragraph 3 above is arranged with City of Medford officials.

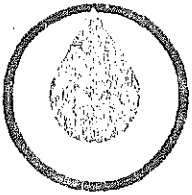
We request that you consider the reasons given and that the time extension be recommended to the Commission for approval. We also request that the project completion date of June 1983 be recommended to the EPA. We believe the reasons given are valid and trust that you will also.

Yours very truly,


Richard O. Miller,
Manager

ROM:gj

Attachments



BEAR CREEK VALLEY SANITARY AUTHORITY

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

October 5, 1982

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
OCT 6 1982

Department of Environmental
Quality
201 West Main St.
Medford, OR 97501

SOUTHWEST REGION OFFICE

Attention: Mr. Gary Grimes

Dear Mr. Grimes:

As you are aware, the White City Sanitary District lagoon system is being operated under the requirements of Stipulation and Final Order No. WQ-SWR-78-161. The Order, among other things, required the lagoons be connected to the Medford Regional Plant, the outfall pipe to the Rogue River sealed, and the White City Collection system rehabilitated by March, 1982.

By letter of August 20, 1982, the DEQ was informed of our inability to meet the March, 1982, date. In the letter we requested an extension to June, 1983. In light of the continuing delays in finalizing tie-in conditions with City of Medford officials, we are requesting the date for completing the system rehabilitation and tie-in be extended to December, 1983, instead of the June date.

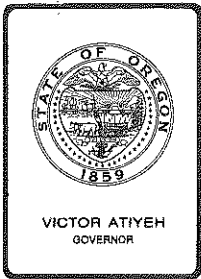
If you have comment or questions on the preceding, please call.

Yours very truly,

BEAR CREEK VALLEY SANITARY AUTHORITY

Richard O. Miller
Richard O. Miller
Manager

ROM/gs



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. K, January 14, 1983, EQC Meeting

Request for Rehearing and Reconsideration in the Dale Moore Variance Denial Appeal

Background and Problem Statement

At its October 15, 1982 meeting, the Commission affirmed the variance officer's decision to deny a requested variance from on-site sewage disposal rules by Dale Moore for property located in Tillamook County. Mr. Moore, the applicant, has petitioned the Commission to reconsider its denial. Specifically, the applicant asks the Commission to refer the matter back to the variance officer with instructions to:

1. Articulate his technical concerns over the proposed design, and
2. Give the applicant an opportunity to attempt to satisfy the reservations of the variance officer. The applicant does not suggest that the Commission "second guess" the technical decision of the variance officer.

Department opposes the applicant's request and asks that the Commission let stand its prior decision.

Evaluation

OAR 454.657(1) provides:

Variance; conditions; hearing.

- (1) After hearing the Environmental Quality Commission may grant to applicants for permits required under ORS 454.655 specific variances from the particular requirements of any rule or standard pertaining to subsurface sewage disposal systems for such period of time and upon such conditions as it may consider necessary to protect the public health and welfare and to protect the waters of the state, as defined in ORS 468.700. The (c)ommission shall grant such specific variance only when 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.454.660 provides that the Commission shall delegate the power to grant variances to specially trained variance officers. The statute further provides that decisions of the variance officers to grant variances may be appealed to the Environmental Quality Commission. There is no statutory requirement that the agency provide a mode of appeal for decisions to deny variances. However, the Commission has established a practice supported by rule, OAR 340-71-440, of reviewing variance officers' denials of requested variances.

Department's counsel advises that the variance review process is not a contested case as defined by ORS 183.310(2)(a). Consequently, neither the variance officer nor the Commission is required to provide a hearing with the formality of procedure attendant to contested cases. If an applicant is dissatisfied with a decision rendered by the agency either through its variance officer or the Commission, the applicant has a right of review in the circuit court. ORS 183.484.

The overall issue of the proper mode and procedure in evaluating variance requests is currently the subject of staff analysis and may result in recommendations for changes to the current process. When it is completed, a summary of the analysis will be presented to the Commission for its consideration. However, the current system appears to have been applied appropriately and staff review does not suggest that further examination of the site or alternative system deployment or development will result in a changed recommendation.

Summation

Reconsideration is not a necessary part of the Commission's review process. Site limitations suggest that further staff review will not result in a changed recommendation. Staff is satisfied that the action of the agency will withstand court scrutiny. The established vehicle for review of the Commission's October 15, 1982 action is the circuit court.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the Commission not accept this matter for rehearing or reconsideration.

William H. Young

Attachments: (2)
December 3, 1982 Request for Rehearing or Reconsideration
October 15, 1982 Staff Report
Linda K. Zucker:h
229-5383
December 27, 1982
HH723

MARTIN, BISCHOFF, TEMPLETON, BIGGS & ERICSSON

(DUSENBERY, MARTIN, BISCHOFF & TEMPLETON)

ATTORNEYS AT LAW

2908 FIRST INTERSTATE TOWER

PORTLAND, OREGON 97201

TELEX: "DUSLAWERIC PTL" 36-0537

TELEPHONE (503) 224-3113

JEROME S. BISCHOFF
WILLIAM C. MARTIN
DAVID F. TEMPLETON
RICHARD L. BIGGS
LLOYD B. ERICSSON
JOHN L. LANGSLET
JONATHAN M. HOFFMAN
ROBERT J. ERICSSON
BARBARA J. GAZELEY
JOAN LISENSKY VOLPERT
PAUL S. COSGROVE
DANIEL H. ROSENHOUSE

WASHINGTON OFFICE

P.O. BOX 583

PORT TOWNSEND, WA 98368

State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

(206) 292-9077

RECEIVED
DEC 6 1982

December 3, 1982

WATER QUALITY CONTROL

Environmental Quality Commission
Of the State of Oregon
c/o William H. Young, Director
Department of Environmental Quality
P.O. Box 1760
Portland, OR 97207

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
DEC 6 1982

RE: Request for Rehearing or Reconsideration of
subsurface variance denial

OFFICE OF THE DIRECTOR

Dear Mr. Young:

This office has been retained to represent Mr. Dale Moore. On October 15, 1982, the Commission denied his request for a variance. The only ground stated for their denial was that the hearings officer did not think Mr. Moore's proposed sewage disposal system would work.

Mr. Moore has been using the services of a professional consultant, Mr. Steven Wilson. They are convinced that, if either the Commission or the hearings officer can identify specific objections to a current proposal, Mr. Wilson will be able to satisfy such objections and furnish the system that will pose no greater risk to public health and safety than a standard system.

As matters presently stand, however, Mr. Moore is deprived of the beneficial use of his property without ever having the opportunity to meet the Commission's objections to the proposed development. It is one thing to make findings demonstrating the inadequacy of a proposal on health or safety grounds. It is quite another to reject a proposal without disclosing a reason for doing so. While the Commission should not grant a variance without "cause" [OAR 340-71-415(3)(a)], it has an affirmative duty to articulate the criteria which an applicant must meet to establish good cause for issuance of a variance. See, Springfield Education Association vs. Springfield School District No. 19, -290 Or 217, ___ P.2d ___ (1980). In this case, Mr. Moore had been unable to ascertain what criteria will be used in evaluating any proposal for a system on his property.

We are considering the option of pursuing a formal appeal based upon the Commission's failure either to make findings of fact or conclusions of law. Obviously, however, an informal

resolution of this matter would be less costly and time consuming for all concerned, and would permit the agency as well as Mr. Moore to concentrate their efforts on the merits of a substantive proposal, rather than over the procedural aspects of the Commission's work.

Therefore, Mr. Moore respectfully petitions the Commission to reconsider its October 15, 1982, denial, pursuant to ORS 183.482(1) and 183.484(1). Inasmuch as your rules do not prescribe a format for such a petition, please let me know immediately if a petition in the form of this letter is not sufficient.

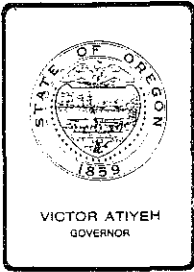
In requesting reconsideration, I do not suggest that the Commission should second-guess the decision of its hearings officer. Rather, I request the Commission simply to refer the matter back to the hearings officer with instructions to: 1) articulate his technical concerns about the proposed design, and 2) give Messrs. Moore and Wilson an opportunity to attempt to satisfy those concerns. We feel confident that, given such an opportunity, the parties stand an excellent chance of reaching a consensus acceptable to all concerned and which will meet the Commission's vital water quality and public health objectives.

The appeal time for review of the Commission's final order runs on December 15, 1982. We believe, procedurally, that the filing of this petition for reconsideration tolls the appeal deadline until 60 days after the action is taken on the petition. Thereafter, we may obtain review of both the Commission's initial decision and its ruling on the Petition for Reconsideration. Mr. Robert Haskins of Oregon's Department of Justice has indicated that he believes this analysis is correct. If for any reason you do not concur, please let us know immediately so that a protective notice of appeal can be filed in a timely fashion.

Very truly yours,


Jonathan M. Hoffman

cc: Dale Moore
Steven Wilson
Robert L. Haskins, Assistant Attorney General,
Department of Justice State of Oregon



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F, October 15, 1982, EQC Meeting

Mr. Dale Moore - Appeal of Subsurface Variance Denial

Background

The pertinent legal authorities are summarized in Attachment A.

Mr. Moore owns a 72 foot by 100 foot lot in Tillamook County, identified as Tax Lot 3400, in Section 12 DB, Township 5 South, Range 11 West, also known as Lot 21, Block 2, Horizon View Hills Subdivision. The lot was evaluated for on-site sewage disposal by Mr. James L. Seabrandt, the Supervising Sanitarian for Tillamook County, on November 12, 1979. Mr. Seabrandt issued a Certificate of Favorable Site Evaluation on December 14, 1979, with the following conditions:

1. 180 square feet (90 linear feet) of drainfield per bedroom.
2. Limited to a 2 bedroom structure.
3. Use serial system in drainfield.

On March 2, 1980, the Environmental Quality Commission adopted a temporary rule that voided all Certificates of Favorable Site Evaluation issued in Tillamook County from January 1, 1974 through December 31, 1979. The temporary rule provided that each property owner may request the property be re-evaluated without fee.

Mr. Moore submitted a request for re-evaluation to the Department's North Coast Branch Office. Department staff examined the property on two separate occasions and determined the lot did not comply with the Department's minimum standards for installation of either a standard or alternative sewage disposal system. Because of the small lot size and setback requirements there was not sufficient area to install a system, with room for future replacement. Mr. Moore was notified of the re-evaluation denial by letter dated February 17, 1982.

An application for a variance from the on-site sewage disposal rules was received by the Department, and was assigned to Mr. Sherman Olson, Variance Officer. On June 15, 1982, Mr. Olson examined the site and held a public information gathering hearing. After closing the hearing, Mr. Olson evaluated the information gathered. He found the property to be severely limited with respect to development of an on-site sewage disposal system. The lot is small, with an escarpment that falls within the western side of the property. Effective soil depth varies. The deepest soils are found along the eastern portion of the property, extending an estimated forty (40) feet into the property from Horizon View Avenue. Beyond that distance the depth to rock becomes very shallow. This lot is also within a drainage channel that receives the seasonal runoff from the concave land area upgradient to the east. In the past a seasonal stream flowed through the lot. The stream is now intercepted in the northeast along the lot line and piped along the east and south lot lines to where it discharges. Surface erosion has occurred along the south line, indicating that the piping may not be able to carry all of the water flow from above. The system proposed to overcome the site limitations was composed of a septic tank, dosing tank and sand filter, with discharge into a seepage trench disposal field. Topsoil fill would need to be placed as deep as thirty (30) inches in an area proposed for future replacement because the natural soil is too shallow. Mr. Olson was not convinced that the proposed system could be physically installed on the lot, or that the seepage trenches would function properly. A failure of this system would likely result in a discharge of treated effluent into the intermittent stream channel. Mr. Moore was notified of the variance denial by letter dated August 6, 1982 (Attachment "B").

On August 17, 1982, the Department received a letter from Mr. Moore's consultant, Mr. Steven Wilson, appealing the variance officer's decision (Attachment "C"). Mr. Wilson states the concern about soil fills is with respect to the potential settlement and possible disruption of disposal trenches installed therein. He feels a two (2) year period after fill placement should alleviate this potential hazard. The need to install a replacement disposal trench would not likely occur in this short time. The Department's On-Site Experimental Program has findings to conclude that disposal trenches may last longer when receiving treated effluent from a sand filter. Mr. Wilson feels a twenty five (25) foot setback from the escarpment is reasonable because drainage from the disposal field would not be towards the escarpment. Also, the sand filter unit performs primary effluent treatment with intermittent dosing, thus it is unlikely to be a nuisance or threat to public health. The fifty (50) foot setback from the seasonal drainage is also unreasonable from the standpoint of public health or nuisance concerns. Drainage flows through a buried pipe. DEQ experimental studies indicate that a ten (10) foot horizontal setback was adequate to prevent movement of septic tank effluent constituents into perforated drain tile. A sand filter unit removes a high percentage of constituents before discharge into the disposal field. Since the drainage piping is non-perforated, the potential for contamination of the drainage waste is very remote. Mr. Wilson believes that by using seepage trenches, the linear footage requirement for the initial system is sixty seven (67)

feet, plus an equal amount for the future replacement. A total of one hundred forty (140) linear feet of trench were staked out on the property and shown on a scaled plan (Exhibit "D").

Evaluation

Pursuant to ORS 454.660, decisions of the variance officer may be appealed to the Environmental Quality Commission. Such an appeal was made. The Commission must determine if strict compliance with the rules or standards is inappropriate for cause, or that special physical conditions render strict compliance to be unreasonable, burdensome, or impractical.

After evaluating the site and after holding a public information gathering hearing to gather testimony relevant to the requested variance, Mr. Olson was not convinced that the property was large enough to install a functional system, or that the proposed system would function satisfactorily even if it could be installed. He was unable to make a favorable finding.

Summation

1. The pertinent legal authorities are summarized in Attachment "A".
2. On November 12, 1979, Mr. James Seabrandt evaluated Mr. Moore's property to determine if an on-site system could be installed. Mr. Seabrandt issued a Certificate of Favorable Site Evaluation, subject to three (3) conditions.
3. The Environmental Quality Commission adopted a temporary rule on March 21, 1980, that voided all Certificates of Favorable Site Evaluation issued in Tillamook County from January 1, 1974 through December 31, 1979.
4. The property was re-evaluated by Department staff on two (2) occasions. It was determined the property did not meet the Department's minimum standards to install an on-site system.
5. Mr. Moore submitted a variance application to the Department. It was assigned to Mr. Olson.
6. Mr. Olson examined the property and conducted an information gathering hearing. After closing the hearing Mr. Olson reviewed and evaluated the variance record. He found the testimony provided did not support a favorable decision, and therefore denied the variance request.
7. Mr. Moore filed for appeal of the variance denial.

Directors Recommendation

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

Bill

William H. Young

Attachments: (4)

Attachment "A"	Pertinent Legal Authorities
Attachment "B"	Variance Denial Letter
Attachment "C"	Letter of Appeal
Attachment "D"	Proposed Plan

Sherman O. Olson, Jr.;g
229-6443
September 20, 1982

XG1576

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. Mr. Olson was appointed as a variance officer pursuant to the Oregon Administrative Rules: OAR 340-71-425.
5. Decisions of the variance officers to grant variances may be appealed to the Commission: ORS 454.660.

XVAD.1 (6/82)
XG1576.A



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

August 6, 1982

Mr. Dale H. Moore
2319 N.W. 88th Street
Vancouver, WA 98665

Re: WQ-SSS-Variance Denial
T.L. 3400; Sec. 12 DB;
T. 5 S.; R. 11 W., W.M.;
Jackson County

Dear Mr. Moore:

This correspondence will serve to verify that your requested variance hearing, as provided for in OAR 340-71-430, was held beginning at approximately 11:50 a.m. on June 15, 1982, at the proposed site. The property was originally evaluated for on-site sewage disposal by Tillamook County staff on November 12, 1979. A Certificate of Favorable Site Evaluation was issued on December 14, 1979. The Certificate limited the dwelling to two (2) bedrooms. Action by the Environmental Quality Commission in March of 1980 caused your Certificate and others within Tillamook County to be voided. Subsequently, the property was re-evaluated by DEQ staff and was found unsuitable for installation of either a standard system or a more complex alternative system. The major limitations concerned the small size of the lot and location of an escarpment downslope. Insufficient area exists on the property to install a system, with room for a full replacement, while maintaining required setbacks from property lines, etc.

With the assistance of C.E.S., Ltd., you have proposed to overcome the site limitations through use of a sand filter-seepage trench system. The seepage trenches would have twenty-four (24) inches of gravel depth. A topsoil fill (twelve (12) to thirty (30) inches deep) would be placed over that part of the proposed replacement area where the existing soil depth is shallow.

The system you propose would require variance from the following rules:

1. OAR 340-71-220(2)(a), which requires the soils through the site have an effective soil depth that extends at least six (6) inches below the trench bottom. Portions of the site will not meet this requirement with the installation of seepage trenches.
2. OAR 340-71-220(2)(e), which prohibits the placement of fill. With the placement of up to thirty (30) inches of fill in the future repair area, a seepage trench could be installed to meet the requirement of OAR 340-71-220(2)(a), while the effective sidewall of the trench would be in the fill.

Mr. Dale H. Moore
August 6, 1982
Page 2

3. OAR 340-71-220(2)(1)(Table 1)(5), which requires the soil absorption system maintain a fifty (50) foot setback from intermittent streams. This property is in a drainage channel that receives the seasonal runoff from the lots upgradient. To alleviate this problem, drainage piping along the east and south property lines has been installed. It appears this drainage system does not intercept all of the seasonal flow as surface erosion is apparent along the south property line.
4. OAR 340-71-220(2)(1)(Table 1)(10), which requires a minimum fifty (50) foot setback be maintained between an escarpment and the soil absorption system. As proposed, not less than a twenty five (25) foot setback would be maintained. Drainage from the absorption system would not be toward the escarpment.

Variance from particular requirements of the rules or standards pertaining to on-site sewage disposal systems may be granted if a finding can be made that strict compliance with the rule or standard is inappropriate for cause, or that special physical conditions render strict compliance unreasonable, burdensome or impractical. I am not convinced that the property has sufficient area available to install a functional system, or that the proposed system will function satisfactorily even if it could be installed. Based upon my review of the verbal and written testimony contained in the record, I am unable to make a favorable finding. Your variance request is regretfully denied.

Pursuant to OAR 340-71-440, my decision to deny your variance request may be appealed to the Environmental Quality Commission. Requests for appeal must be made by letter, stating the grounds for appeal, and addressed to the Environmental Quality Commission, in care of Mr. William H. Young, Director, Department of Environmental Quality, Box 1760, Portland, Oregon 97207, within twenty (20) days of the date of the certified mailing of this letter.

Please feel free to contact me at 229-6443 if you have questions regarding this decision.

Sincerely,



Sherman O. Olson, Jr.
Assistant Supervisor
On-Site Sewage Systems Section
Water Quality Division

SOO:g
XG1445

cc: Steve Wilson
Tillamook County
North Coast Branch Office
Northwest Region Office, DEQ

P. O. Box 137 • Corbett, Oregon 97019-0137
Telephone (503)695-5760

255 E. Queen, Suite A • Albany, Oregon 97321-3393
Telephone (503)926-7737



Soil & Waste Management Consultants

August 16, 1982

RECEIVED
AUG 17 1982

Mr. William H. Young
Director, Dept. of Environmental Quality
P.O. Box 1760
Portland, OR 97207

Water Quality Division
Dept. of Environmental Quality

RE: Variance denial appeal for Mr. Dale H. Moore--T.L. 3400, Sec 12DB-T5S-R11W, Tillamook Co.

Dear Mr. Young,

An application for variance approval of an on-site sewage disposal system on the above referenced lot was denied pursuant to OAR 340-71-440. The decision was based on an opinion that the proposed system would not function in a satisfactory manner. This conclusion is not acceptable to Mr. Moore and an appeal to the Environmental Quality Commission is therefore requested.

The proposed on-site sewage disposal system required a variance from the following rules:

- 1) OAR 340-71-220(2) (a), requiring an effective soil depth to extend at least six inches below the disposal trench bottom.
- 2) OAR 340-71-220(2) (e), which requires that the site has not been filled or modified in a way that would adversely affect system function.
- 3) OAR 340-71-220(2) (i), requiring disposal fields to be setback 50 feet from intermittent streams.
- 4) OAR 340-71-220(2) (i), which requires a 50 foot setback from escarpments.

To minimize area requirements for the system, a sand filter followed by seepage trenches was proposed. Seepage trenches (OAR 340-71-280) allow for greater depth of filter material than standard disposal trenches and are commonly used on older lots of record where area limitations are present. Soil characteristics in the proposed initial seepage trench locations are adequate for this purpose. Soil effective depth in the replacement disposal field is inadequate. For this reason, placement of topsoil fill was recommended in the variance proposal. Fill would be inspected for quality and depth prior to issuance of a certificate of satisfactory completion on the sand filter and initial disposal field.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
AUG 17 1982

RECEIVED
AUG 17 1982

OFFICE OF THE DIRECTOR

Water Quality Division
Dept. of Environmental Quality

Concerns regarding the use of soil fills in a disposal field area stem from potential settlement and disruption of disposal or seepage trenches. As much as two years should be allowed for natural settlement in a soil fill to alleviate this potential hazard. Results of the extensive experimental program for on-site sewage disposal systems conducted by the Oregon DEQ indicate that the life of disposal trenches is prolonged where sand filter treatment systems are used. For this reason, it is unlikely that the filled replacement area would be used before natural settlement could take place. With design specifications for fill quality and placement and subsequent field inspection, I cannot agree with conclusions that this site modification will have an adverse affect on the functioning of the system.

Fill placement as described addresses the first two rules from which variance was requested. The third and fourth rules at issue regard setbacks from an escarpment and a seasonal drainage way. Setbacks from escarpments are intended to prevent downslope migration and surfacing of sewage effluent. In this case, as noted in the variance denial letter, drainage from the disposal field would not flow in the direction of the escarpment. Further, since the proposed system utilizes a sand filter unit to obtain primary effluent treatment with intermittent dosing, downslope movement or surfacing of effluent which would create a nuisance or threat to public health is unlikely. For these reasons, a 25 foot setback appears justified. As staked out on the lot for the variance hearing, the initial disposal field would be at least 40 feet from the escarpment.

Similarly, a 50 foot setback from the seasonal drainage way is unreasonable from the standpoint of public health or nuisance concerns. As noted in the denial letter, drainage flows through a buried, sealed pipe along the south boundary line. Although minor evidence of surface erosion was noted near the lower end of the line, this was likely caused by brief periods of intensive rainfall. An "intermittent stream" (OAR 340-71-100 (50)) flows continuously for a period of greater than two months in a given year. No evidence of surface water was noted in the February 10, 1981, re-evaluation by a DEQ representative.

Studies conducted under the DEQ experimental program (unpublished report) indicated that a 10 foot horizontal setback was adequate to prevent movement of septic tank effluent constituents into perforated drain tile. Again, the proposed system includes a sand filter pre-treatment unit which removes a high percentage of constituents such as BOD, NO₃-N, and fecal organisms before discharge into the disposal field. Since the drainage piping in this case is nonperforated, the potential for contamination of drainage water is very remote.

Using a seepage trench disposal field as proposed, the lineal footage requirement is 67 feet for the initial system plus 67 feet for future replacement. A total of 140 lineal feet of seepage trench were staked out on the property and shown on a scaled plot plan submitted with the variance application. Fifty lineal feet were laid out in the proposed fill area. Based on the above, the property does, indeed, have sufficient area to install a functional system.

RE: Variance denial appeal--T.L. 3400, Sec 12DB-T5S-R11W
August 16, 1982
Page 3

The purpose of the Oregon on-site sewage disposal rules is to maintain the quality of public waters and to protect public health. Although the rules provide valuable guidance for the determination of site feasibility, the standards are not essential for their intended purpose in all cases. The system proposed for Mr. Moore's lot addresses all limitations cited in previous denial letters. Please assist him in resolving this matter by scheduling his appeal on the EQC agenda as soon as possible.

Thank you for your cooperation.

Sincerely,



Steven A. Wilson, C.P.S.S.

cc: Dale Moore

CES
255 E. Queen Ave. Suite A
ALBANY, OREGON 97321
(503) 926-7737

JOB DALE MOORE

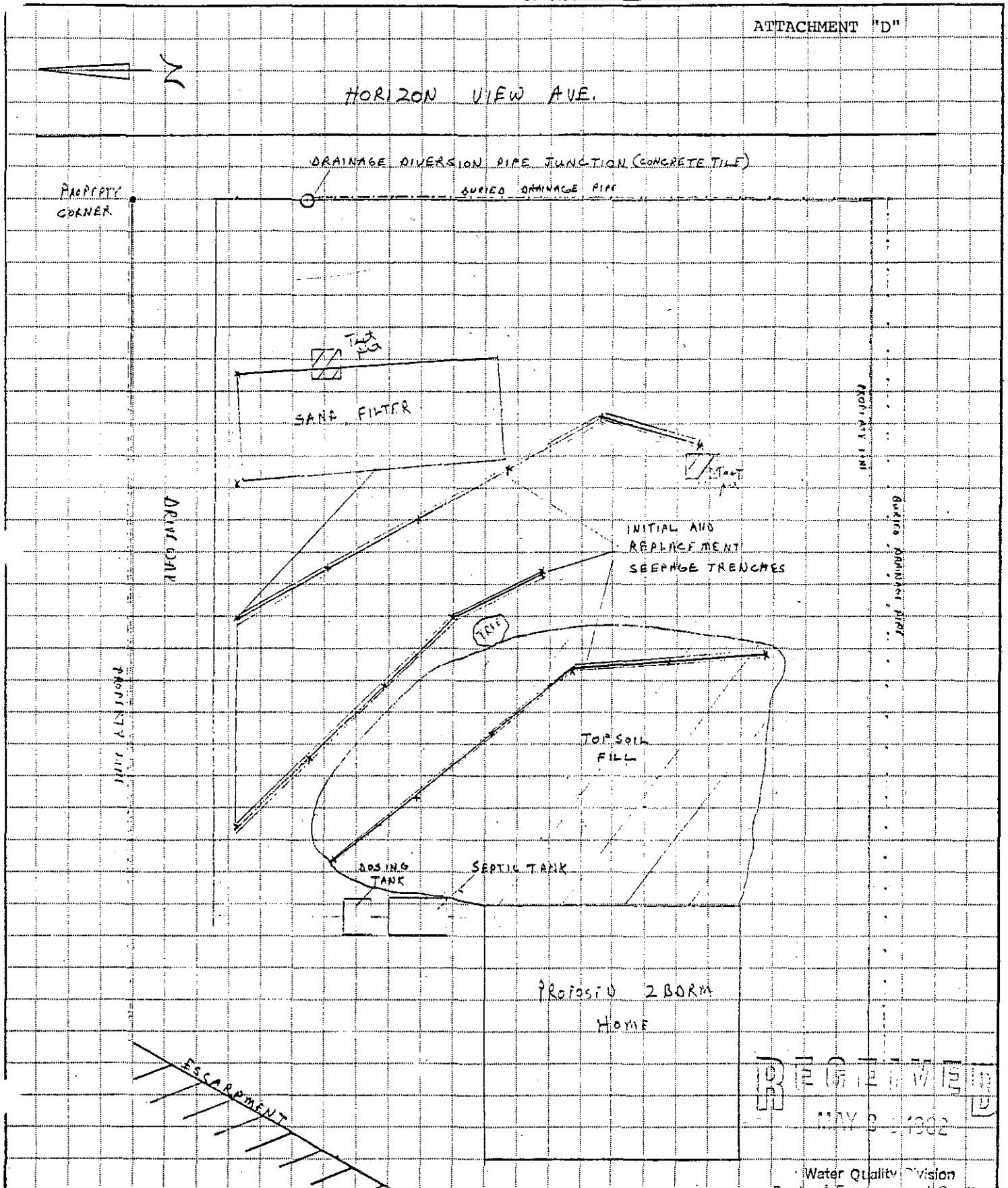
SHEET NO. 1 OF 2

CALCULATED BY S. Wilson DATE 5/17/82

CHECKED BY _____ DATE _____

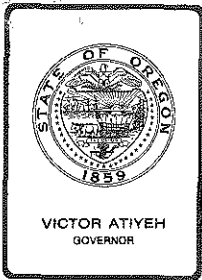
SCALE 1" = 12.5'

ATTACHMENT "D"



REVIEWED
MAY 2 1982

Water Quality Division
Dept. of Environmental Quality



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. L , January 14, 1983, EQC Meeting

Information Report: Progress on Hazardous Waste Disposal
Methods and Procedures

Background

The Sixty-first Legislative Assembly (regular session 1981) directed the Environmental Quality Commission to adopt hazardous waste disposal rules that "shall provide for the highest and best practical disposal of the hazardous wastes in a manner that will minimize:

- (a) The possibility of a dangerous uncontrolled reaction, the release of leachate, noxious gases and odors, fire, explosion or the discharge of hazardous wastes; and
- (b) The amount of land used for burial of hazardous wastes."

The Department was directed to investigate and analyze in detail the disposal methods and procedures required to be adopted by rule and report to the Sixty-second Legislative Assembly (regular session 1983) on its progress.

Evaluation

Attached for your review and comment is the report intended for submission to the Legislature. The report is in two parts: (1) An "Introduction" by the staff and a generalized background document prepared by Resources Technology Corporation. The staff report attempts to lay out the very deliberate and methodical program undertaken to date. The report describes how Oregon's program must be consistent and compatible with federal and other states' programs. Lastly, the report identifies a rulemaking process expected to culminate in early 1984 with the establishment of requirements to insure the program continues to be a model program while at the same time achieving national objectives being promulgated by EPA.

The existing program has both public support and is being used by the regulated community. With the modifications being planned for early 1984, Oregon's program should continue to be a model program.

EQC Agenda Item No. L
January 14, 1983
Page 2

Recommendations

Based upon the Evaluation and Conclusion, it is recommended that the Commission concur with the Director's decision to submit the attached report to the Sixty-second Legislative Assembly.



William H. Young

Richard P. Reiter:b
229-6434
December 17, 1982
ZB1642

PROGRESS REPORT ON
HAZARDOUS WASTE DISPOSAL METHODS AND PROCEDURES

January, 1983

Submitted to Sixty-Second Legislative Assembly
In Compliance with
Section 21 - Chapter 709 Oregon Laws 1981

The Sixty-first Legislative Assembly (regular session 1981) directed the Environmental Quality Commission to adopt hazardous waste disposal rules that "shall provide for the highest and best practical disposal of the hazardous wastes in a manner that will minimize:

- (a) The possibility of a dangerous uncontrolled reaction, the release of leachate, noxious gases or odors, fire, explosion or the discharge of hazardous wastes; and
- (b) The amount of land used for burial of hazardous waste."

The Department was directed to investigate and analyze in detail the disposal methods and procedures required to be adopted by rule and to report to the Sixty-second Legislative Assembly on its progress. This report, including an Executive Summary prepared by Resource Technology Corporation entitled "Hazardous Waste Management in Oregon - Existing Land and Technical Alternatives," is submitted to fulfill this requirement.

Oregon was one of the first states to recognize the need for a comprehensive regulatory program involving the generation, transportation and storage, treatment and disposal of hazardous waste. Given the impetus of the inadequate management of some 25,000 - 55 gallon drums of pesticide manufacturing residue on private land about 60 miles north of Lakeview, Oregon, the 1971 Legislature directed the EQC to adopt rules to implement a hazardous waste management program.

The Department's first significant action was to issue a report entitled, "Hazardous Waste Management Planning - 1972-73" (updated in 1980) which defined the scope of the management program needed, identified acceptable alternatives, identified the need for a disposal site, and described geographical areas in the state suitable for a disposal site. The next milestone occurred in early 1976 with the EQC action to license the state's

first commercial hazardous waste disposal site near Arlington, Oregon. In 1979, the Environmental Quality Commission adopted the majority of the rules that today form the basis for the Department's comprehensive regulatory program.

In May, 1980, the Environmental Protection Agency adopted the first phase of a national hazardous waste management program covering principally waste classification and generator and transporter standards. In July 1981, EPA determined that Oregon's program was "substantially equivalent" to the federal program and authorized it to be operated "in lieu of" the federal Phase I program. In January and July, 1982, EPA adopted Phase II requirements (primarily relating to the licensing of storage, treatment, and disposal facilities) and the Department is currently drafting an application to have our licensing program authorized. We are also in the process of revising our hazardous waste administrative rules to have, by January 1985, a program that is fully consistent with and equivalent to the federal program.

As with the regulatory program, the disposal and operating practices at the Arlington Disposal Site have evolved with time. Originally the site managed wastes through lined evaporation ponds for aqueous based acids and caustics and land disposal trenches for most other wastes. In 1979, storage buildings were constructed for the temporary storage of those liquid polychlorinated biphenyls (PCB's) required by federal rules to be incinerated (Liquid PCB's are currently shipped to an EPA authorized incinerator near Houston, Texas). Also in that year, a landfarm was approved for the biological degradation of certain oil and petroleum based materials. In 1981, equipment was approved for the stabilization with soil, or other absorbent material, of certain organic liquids prior to land disposal. In 1982, a series of lined ponds were approved for treatment of water reactive wastes.

In the Department's opinion, the management practices in place today provide the highest and best practicable control over dangerous uncontrolled reactions, noxious odors, fire, explosion and the accidental discharge of hazardous waste. Except for some early odor problems, which were subsequently corrected, the site has been free of any "acute" incidents since it opened in mid-1976. Relative to the release of leachate or noxious gases, the management practices are keyed to a site selected to minimize external forces such as direct precipitation and shallow ground water. Further, the management practices have evolved to the point where bulk liquids were not placed in unlined trenches after 1981 and most containerized liquids will be stabilized, prior to landfilling, beginning in 1983. The current practices are still judged transitional, however, in that highest and best practical treatment would require alternate technologies such as chemical treatment or incineration. An implementation schedule for alternative technologies will be discussed later in this report.

Unlike municipal solid waste, water pollution control, or air pollution control which usually lend themselves to local solutions, hazardous wastes have historically been managed on a regional basis. Based on 1981 generator records, we are aware of Oregon wastes being treated or disposed

of in the states of Washington, Idaho, Nevada, California and Texas. Conversely wastes come into Oregon for treatment and disposal from states such as Washington, Idaho, Montana, Wyoming, Hawaii, Alaska and the Canadian provinces of British Columbia and Alberta. Several factors cause this regional movement to occur:

1. Because of very strict siting standards, generally adverse public reaction to new hazardous waste management facilities and exceptionally high capital costs (\$3,300,000 have been expended through July, 1982 to develop the Arlington disposal site), few hazardous waste disposal sites have been licensed west of the Mississippi River (sites currently exist in Oregon, Idaho, Utah, Nevada, and California). Siting is underway in Colorado, Arizona, Alberta, and British Columbia.
2. The amount of hazardous waste is only a small fraction of the total solid waste stream (Using information from the Department's 1981 annual report, approximately 1.1% of all solid waste disposed of in Oregon meets the Department's definition of hazardous waste). For companies to remain economically viable and afford the high capital and operating costs, most hazardous waste disposal sites (with the possible exception of those in California) must look to markets larger than most western states by themselves can provide. Our discussions with other states, and site operators, indicated that some western sites may draw from a market that includes areas east of the Mississippi River.
3. Most hazardous wastes move from the site of generation to the site of treatment or disposal by truck. In the absence of authorized facilities, wastes may be indiscriminately dumped in remote, rural areas as is being experienced by some of the less populated eastern states such as, Maine, Vermont, and New Hampshire.
4. Certain state or federal rules may limit the treatment or disposal options for certain toxic or hazardous wastes such as the federal rules for liquid PCB's which require incineration. To date only two commercial incinerators have passed the tough federal standards and those incinerators are located in Texas and Arkansas.
5. Most proven technologies that are considered preferred alternatives to land disposal are more costly to construct and operate than is a land disposal site. For reasons similar to those cited above, most states will not have located within their boundaries facilities capable of providing all the preferred technologies for all the waste streams identified.

Nevertheless, there appears to be growing public, administrative and/or legislative support for prohibiting the land disposal option for certain specific hazardous wastes, most notably, liquid wastes. In this form, wastes are most mobile and pose the greatest threat of migration into groundwater and nearby surface water.

The first step in this direction was taken by EPA, when, in 1981, they banned the disposal of free liquids in most landfills subject to federal jurisdiction (states which, unlike Oregon, do not have RCRA Phase I Interim Authorization). That rule required stabilizing liquid wastes prior to disposal, a process usually involving mixing it with an absorbent, (such as soil) with the intention of minimizing its potential to migrate.

As mentioned earlier, however, there is a growing awareness that waste stabilization is only a transitional measure, and that the possibility exists that waste absorbed in soil could somehow migrate over a very long period of time.

With this and similar concerns, certain states, notably California and Illinois, are considering landfill management options even more stringent than those required by federal law. Not incidentally, these are states with large populations and industrial bases where the conflicts between alternative land uses are most acute.

In 1981, Gov. Brown of California issued an Executive Order to phase out the land disposal of certain toxic wastes. Cyanides, solutions of toxic metals and inorganics, strong acids, and PCBs are to be banned in 1983; certain halogenated and toxic organic liquids in 1984; and lastly, most other halogenated and toxic organics in 1985.

Illinois is taking a similar approach. In 1983, Gov. Thompson is proposing to introduce in the General Assembly a total ban on the landfilling of liquids containing halogenated and non-halogenated organics, toxic heavy metals, corrosives (including both acids and bases), and reactives (including cyanides and sulfides).

The Department has been closely monitoring this activity as part of its current rule writing effort. As such, it seems appropriate that this process, with its opportunity for public input, be the vehicle for addressing the questions associated with land disposal. We expect to bring specific proposals to the public for comment in early summer, 1983 along with our rules on waste classification. This issue would also be considered during public hearings on our revised rules in early 1984. We expect to be in front of the EQC for adoption of revised hazardous waste rules in April, 1984.

While the majority of this report has dealt with the progress Oregon has made or will make, to legislatively and administratively require certain hazardous waste management practices, the other side of the coin is to consider certain incentives that may encourage the rapid development of preferred alternatives. One obvious incentive is the Tax Credit Program that has been used successfully to attain water and air pollution control. At this time, the only hazardous waste projects that are eligible for tax credits are those that recover energy or a usable material. We have proposed an amendment to the tax credit law which would assure eligibility to those hazardous waste projects erected, constructed or installed after January 1, 1983 that treat, substantially reduce, or eliminate hazardous waste irrespective of whether or not energy or a usable product is

produced. The other incentive indirectly referred to earlier was the regional market concept for hazardous waste management facilities. Any arbitrary restrictions on a company's ability to market their alternative technology to an area large enough to justify the capital and operating costs will act as a disincentive to those alternate technologies being constructed. Likewise any arbitrary siting standards applied to hazardous waste management facilities will serve as a disincentive to moving forward with the planning and construction of collection and treatment facilities.

In summary, the existing rules of the EQC have allowed Oregon to implement one of the nation's most comprehensive hazardous waste management programs. To date, that program has had public and regulated community support. To date, incidents of mismanagement of hazardous waste have been miniscule because a practical and affordable alternative has been available.

As public support builds for the implementation of alternative technologies for managing certain specific hazardous wastes in ways other than in land disposal sites, the EQC is in a position to coordinate new Oregon requirements with our neighboring states' programs and with EPA's programs. Assuming that the need for the alternative technologies is clearly defined and affordable, they should also receive support from the public and the regulated community.

EPA #68-01-6463

EXECUTIVE SUMMARY

HAZARDOUS WASTE MANAGEMENT IN OREGON
EXISTING LANDFILL AND TECHNICAL ALTERNATIVES

REPORT TO THE LEGISLATURE
STATE OF OREGON
PREPARED FOR
DEPARTMENT OF ENVIRONMENTAL QUALITY

PREPARED BY

RESOURCE TECHNOLOGY CORPORATION
20480 PACIFICA DRIVE, SUITE G
CUPERTINO, CALIFORNIA 95014

SEPTEMBER 1982

AUTHORIZATION

This report was prepared for the State of Oregon under the auspices of the U.S. Environmental Protection Agency's Technical Assistance Panels Program. The Technical Assistance Panels Program is authorized by Section 2003 of the Resource Conservation and Recovery Act of 1976 (RCRA), Public Law 94-580, to "provide teams of personnel, including Federal, state, and local employees or contractors...to provide states and local governments upon request with technical assistance on solid waste management, resource recovery, and resource conservation." This report was prepared by Resource Technology Corporation, which is the Technical Assistance Panels contractor for USEPA Region X.

Although this report was funded wholly by the U.S. Environmental Protection Agency through contract No. 68-01-6463 to the Resource Technology Corporation, it has not been subjected to the Agency's peer and administrative review and therefore does not necessarily reflect the views of the Agency, and no official endorsement should be inferred.

INDEX

	<u>PAGE</u>
OVERVIEW	1
I. EXISTING HAZARDOUS WASTE PRACTICES IN OREGON	3
A. Types and Quantities of Hazardous Wastes	3
1. Chem-Security Systems Inc. (CSSI)	6
2. Collection and Treatment Facilities	6
B. Location of Wastes Generated by Type	9
C. Identification of Oregon's Priority Wastes and Definition of the Problem	9
II. BRIEF SUMMARY OF HAZARDOUS WASTE PROCESSING ALTERNATIVES	12
III. IMPACT ON HAZARDOUS WASTE PARTICIPANTS IF ALTERNATIVE TECHNOLOGIES ARE IMPLEMENTED.	14
A. The Hazardous Waste Generators	14
B. The Materials Suppliers	14
C. The Transporters	14
D. Chem-Security Systems Inc. Facility at Arlington (APCC)	14
E. DEQ, State of Oregon	15
F. New Processors	15
G. Hazardous Waste Management Consultants and Equipment Vendors	15
H. The Environment	15
IV. ECONOMIC IMPACT OF ALTERNATIVE TECHNOLOGIES	16
V. PROPOSED IMPLEMENTATION OF ALTERNATIVE TECHNOLOGIES	20
VI. SUMMARY.	22
VII. RECOMMENDATIONS AND CONCLUSIONS	24

OVERVIEW

The State of Oregon has developed a system to identify and register hazardous waste generators, and to license transporters plus storage, treatment, and disposal operators. The State program is directed by the Environmental Quality Commission and the Department of Environmental Quality (DEQ). The Oregon Environmental Quality Commission has adopted rules and issued orders to establish and control:

- o Minimum requirements for treatment, storage, and disposal of hazardous wastes.
- o Minimum requirements for operation, maintenance, monitoring, supervision, and reporting of treatment, collection, or disposal sites, and development of site selection criteria and procedures.
- o Procedures for DEQ to conduct public hearings, file reports, submit plans, and for the issuance, modification, and revocation of licenses issued under ORS 459.410 and 459.690.
- o Classification/declassification of hazardous wastes.
- o The reporting by generators of hazardous wastes, defining type, amount, and final disposition.

The Department of Environmental Quality is the implementation or enforcement department for the Environmental Quality Commission. DEQ is responsible for regulation of the construction and operation of hazardous waste collection, treatment, and disposal sites, designation of sites, and declassification of hazardous wastes after appropriate treatment and decontamination.

All hazardous wastes destined for final disposal in Oregon are delivered to the State-owned Arlington Pollution Control Center operated by Chem-Security Systems Inc., (CSSI). The State, through the Department of Environmental Quality, CSSI, and the Oregon Environmental Quality Commission, has attained total control of the movement, recovery, and land disposal of all hazardous wastes generated within Oregon, or brought in from out of the state.

DEQ has defined hazardous wastes as (a) useless, unwanted or discarded pesticide material, (b) residues from any process of industry, manufacturing, trade, business, or government that may cause or significantly contribute to serious illness or death, (c) empty containers for transport, storage, or use of a material or waste classified as hazardous. Hazardous waste requires careful management because of such characteristics as ignitability, corrosivity, reactivity or toxicity. All hazardous wastes have one or several characteristics in common. They may present a handling hazard, an immediate hazard to health, or may disrupt the natural biological, chemical or physical parameters of the environment. A design goal of all hazardous waste disposal plans should be to mitigate the above negative factors.

At the present time virtually all hazardous waste is landfilled in Oregon. However, the Oregon Legislature recognizes that the long term security of even the most sophisticated landfill site has not been proven and for some hazardous wastes

products landfill disposal may not be the most cost effective or environmentally effective alternative. Therefore, the Legislature requested DEQ to prepare a report on alternative methods for disposal of Oregon's hazardous wastes. The intent is to minimize dangerous uncontrolled chemical reactions and environmental hazards over time, and reduce the amount of land dedicated to hazardous waste burial.

This report has been prepared in response to that request, and is intended to be a basic reference document for legislative deliberations involving the permitting of alternative technologies.

I. EXISTING HAZARDOUS WASTE MANAGEMENT PRACTICES IN OREGON

A. TYPES AND QUANTITIES OF HAZARDOUS WASTES

The Arlington Pollution Control Center has been in operation since 1976. It is the only state licensed hazardous wastes disposal facility in Oregon. Figure 1 shows the hazardous waste volumes disposed of at the Arlington Pollution Control Center.

From 1976-1981, a total of 5,000,000 cubic feet of waste were disposed of at the site. For the six year period, distribution of waste percentages by source were: sixty-one percent of the total originated in Washington; thirty-three percent was produced in Oregon; and about six percent came from Canadian provinces, United States possessions, and states other than Washington or Oregon. The total amount of waste received at the site each year has steadily increased over the past three years, but the internal mix by point of origin has shifted.

TOTAL AMOUNT OF HAZARDOUS WASTE DISPOSED IN OREGON

	<u>1979</u>	<u>1980</u>	<u>1981</u>
Oregon	40%	26%	17%
Washington	55%	61%	56%
Other	<u>5%</u>	<u>13%</u>	<u>27%</u>
	100%	100%	100%

The disposal of Oregon's waste, compared to other sources, has steadily decreased during the above periods. This can be attributed in part to the disposal of large quantities of stockpiled wastes by Oregon corporations in 1979-1980, the completion of cleanup operations of several on-site facilities, increased interest by some manufacturers in creating fewer pollutants at the source by process improvement, and an increase in the amount of wastes coming to APCC from outside the state, forcing the other numbers to adjust accordingly.

In 1981, approximately two million cubic feet of hazardous wastes were processed in Oregon. The flow of this material and its distribution is shown in Figure 2, State of Oregon Hazardous Waste Flow Chart, 1981.

Using Figure 2 for reference, in 1981, 92.5 percent of the total hazardous wastes moving in and out of Oregon were disposed of in the Arlington Pollution Control Center located in north central Oregon, 4.8 percent was shipped out of state for disposal elsewhere, and 2.7 percent was sent to treatment/collection centers for recycling, temporary storage or consolidation for shipment. Of the 52,963 cubic feet delivered to treatment/collection centers, 60 percent was in fact recycled for reuse, but this represents less than 2 percent of all wastes handled in the state.

The role of the Arlington Pollution Control Center and the collection/treatment centers that are coming into existence in Oregon are described as follows:

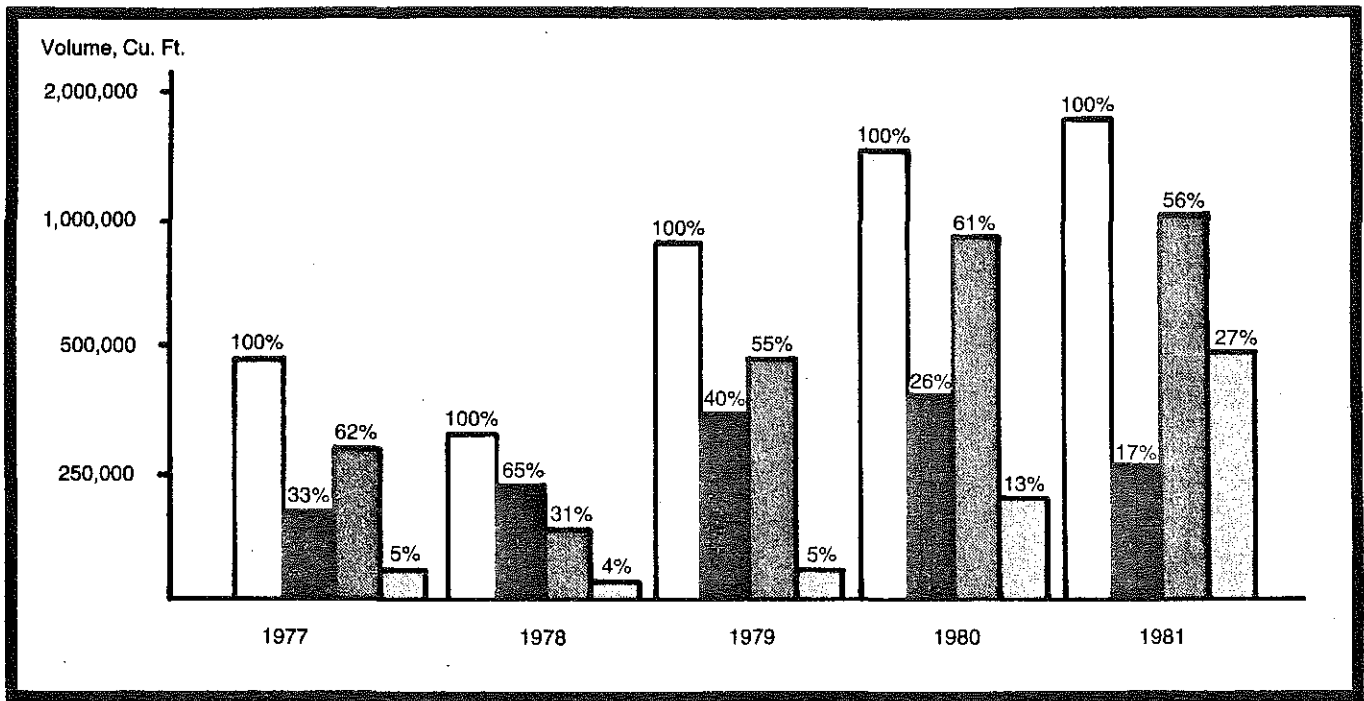
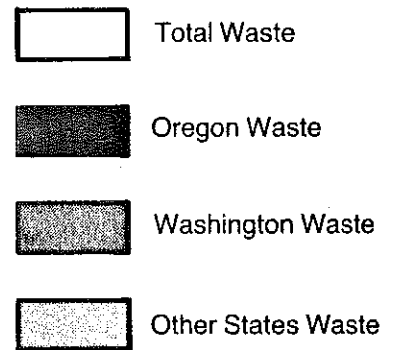
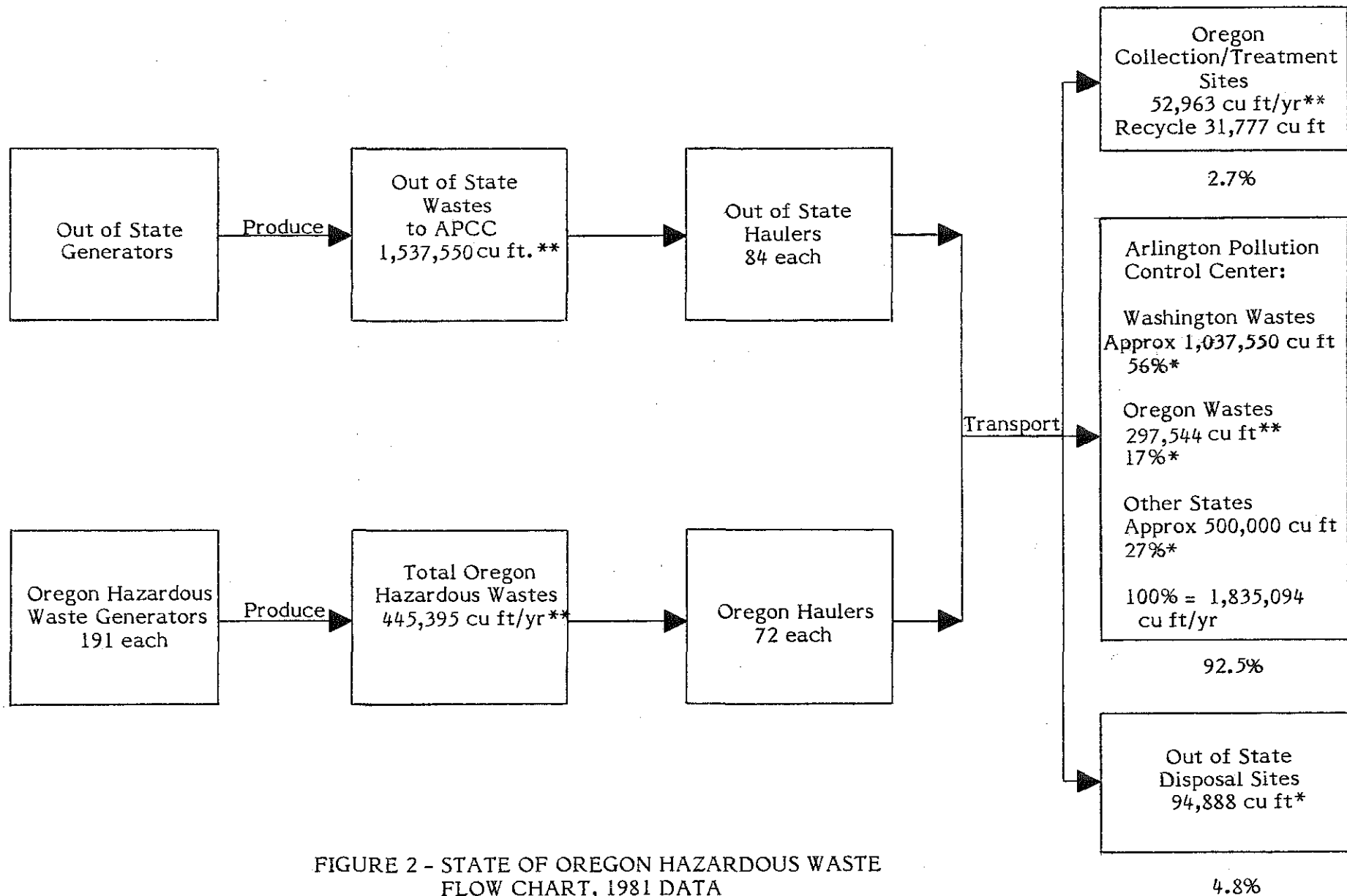


FIGURE 1. The Total Amount of Hazardous Waste Disposed of in Oregon Increased in 1981



(Extracted from 1981 Annual Report, "Managing Solid Waste In Oregon", Figure 2, Page 10, Oregon Department of Environmental Quality, May, 1982)



*From "Managing Solid Waste in Oregon, 1981 Annual Report", Oregon DEQ, May 1982.
 **Calculated by RTC from data provided by CSSI and/or published data from DEQ.

1. Chem-Security Systems Inc. (CSSI)

CSSI initially purchased the planned 640 acre site, 320 acres of which are licensed for disposal. As areas of the site are placed in service, those areas are deeded to the State and leased back by CSSI through 2075. As of February, 1982, forty acres had passed to state ownership. CSSI must establish and/or maintain total bond and liability protection to provide for closure post-closure care and environmental impairment for a period of 30 years. The term "ownership" would indicate that Oregon assumes long term responsibility for the environmental impact of the site.

By definition, if less toxic hazardous wastes are processed at APCC, less long-term risk accrues to the State. The Department of Environmental Quality is responsible for APCC control, and does so through DEQ's right of prior approval/disapproval over requests by generators to use the facility. Disposal methods proposed by CSSI for each shipment are also subject to approval. At this approval/disapproval point, DEQ has the legal option to divert specific products from APCC to a recycling plant if this course of action is considered to be the best technical, health or environmental choice. DEQ does not normally approve requests to dispose of reactives, explosives, radioactive wastes, pressurized cylinders, or biological wastes at the site.

The flow of materials into and through the Arlington Pollution Control Center are shown in Figure 3, Arlington Pollution Control Center Flow Sheet and Disposal Alternatives.

2. Collection and Treatment Facilities

Five treatment facilities and five collection facilities were licensed in 1981. The companies and their functions are shown on the flow chart, Figure 4, Collection and Treatment Facilities, 1981. Although licenses were issued in 1981, some of the companies have been functionally operating for several years.

The five newly licensed collection sites handle industrial quantities of hazardous wastes primarily and provide a staging area, or freight consolidation function, for smaller quantity generators. The collection/treatment facilities in some instances may be the same facility operating with two licenses, covering two different functions.

In the case of the five treatment facilities, Tektronics treats only its own heavy metal and industrial solvent-contaminated wastes. The other four facilities treat a variety of industrial solvents from several sources for reuse. For example, Van Waters & Rogers, located in Portland, treats chlorinated solvents, sells the reclaimed solvent, and ships the residual sludge to Arlington. Baron Blakeslee, located in Portland, is a division of Purex Corporation and distributes solvents and vapor degreasers to industry. Baron Blakeslee distills chlorinated and fluorinated solvents, primarily received from its regular customers. Sol-Pro performs a service function for a fee, cleaning collected chlorinated and non-chlorinated solvents by distillation and returning the decontaminated materials to the original customer.

It is the goal of DEQ to license an additional twenty-five collection or treatment facilities thereby improving the state's capability to promote

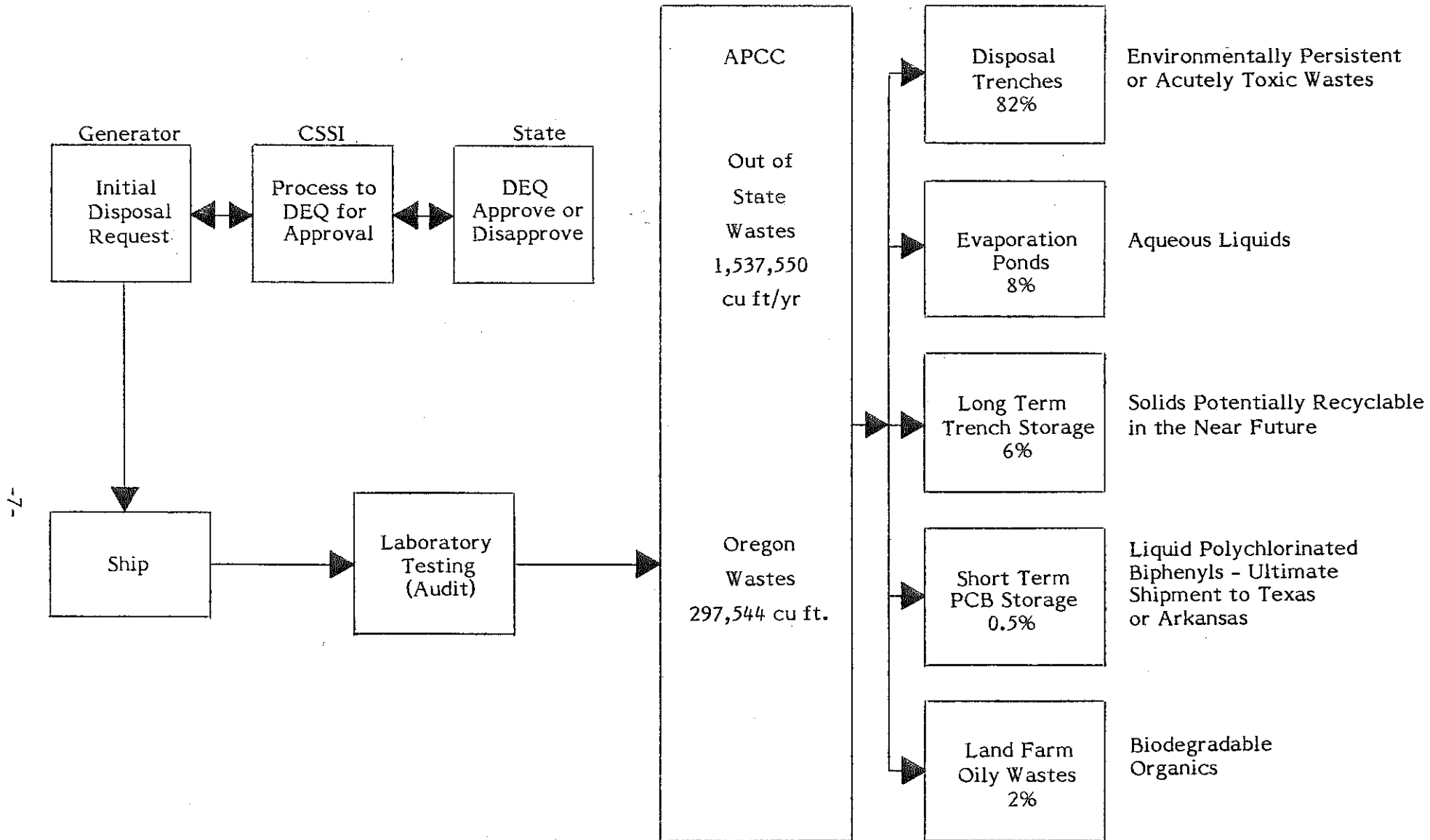


FIGURE 3 - ARLINGTON POLLUTION CONTROL CENTER
FLOW SHEET & DISPOSAL ALTERNATIVES, 1981 DATA

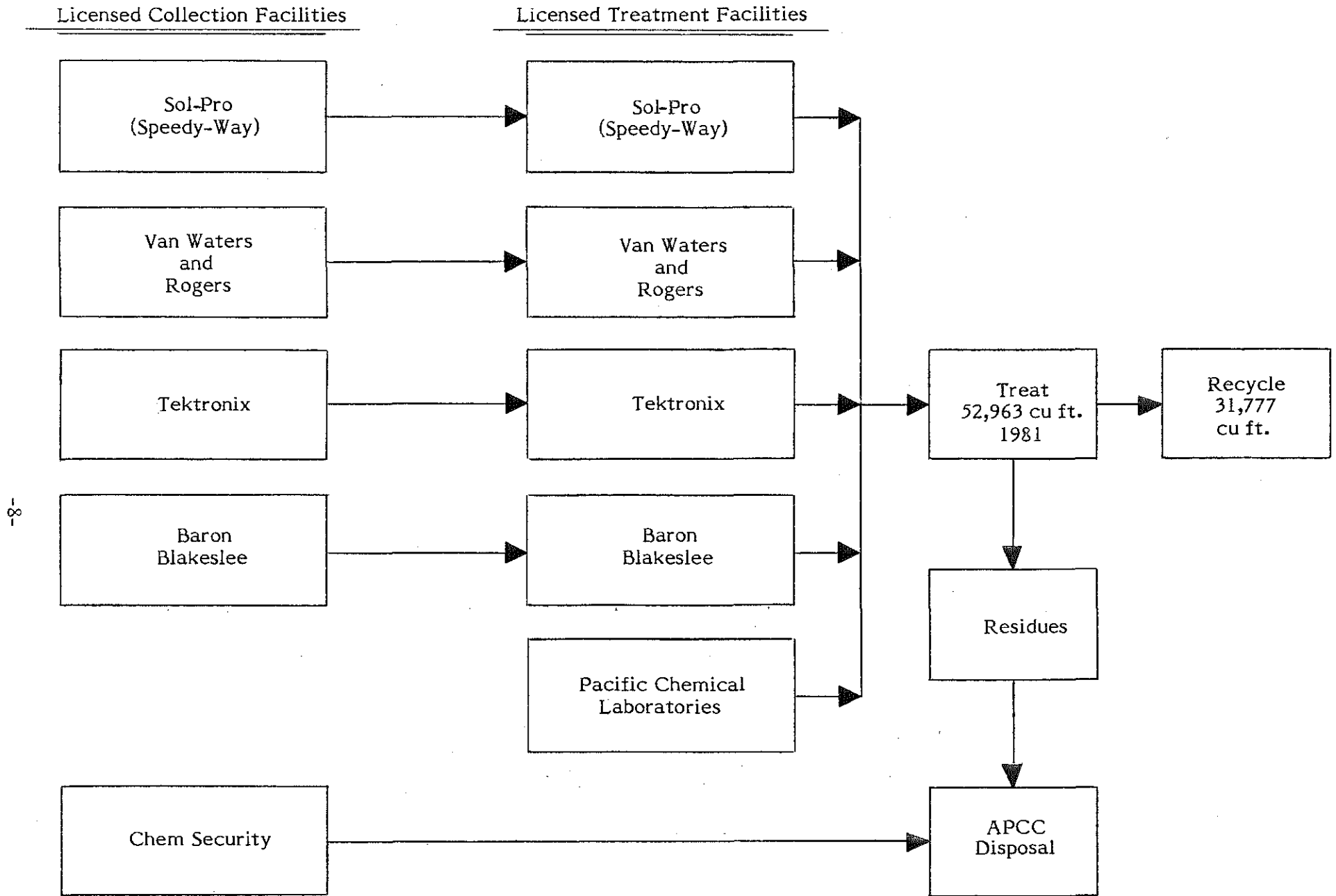


FIGURE 4 - COLLECTION & TREATMENT FACILITIES, 1981

recycling. However, most of these facilities will be generator on-site licensed facilities to handle company-only wastes. It would be ideal to have at least a collection center in each city of 10,000 people, providing qualified operators can be found for each location.

B. LOCATION OF WASTES GENERATED BY TYPE

A detailed survey was conducted in 1978-1979 by DEQ to identify the principal hazardous waste generators, their locations, the types of wastes generated, and disposal methods in effect. Rather than reiterate details of the study, the conclusions which can be inferred at summary level are that the electronics assembly industry, the metal and alloy manufacturing industry, and the metal fabrication and machining industry produced the largest amounts of hazardous wastes in 1978-1979. Although the net volumes of wastes being processed in 1980-1981 have changed, the high producing industries remain essentially in the same relative positions.

- o The Electronics Assembly industry produces ignitable toxic solvents, toxic plating liquids and metal sludges, and corrosive hydrofluoric acid.
- o The Metal and Alloy Manufacturing industry produces toxic waste water treatment sludges, aluminum refining cell liner toxic solids, zirconium refining toxic residues, and corrosive toxic battery acids.
- o The Metal Fabrication and Machining industry produces toxic waste water treatment sludges, ignitable toxic solvents, thinners, paints and sludges, corrosive etching and mold cleaning wastes, machine oils and metal fines.

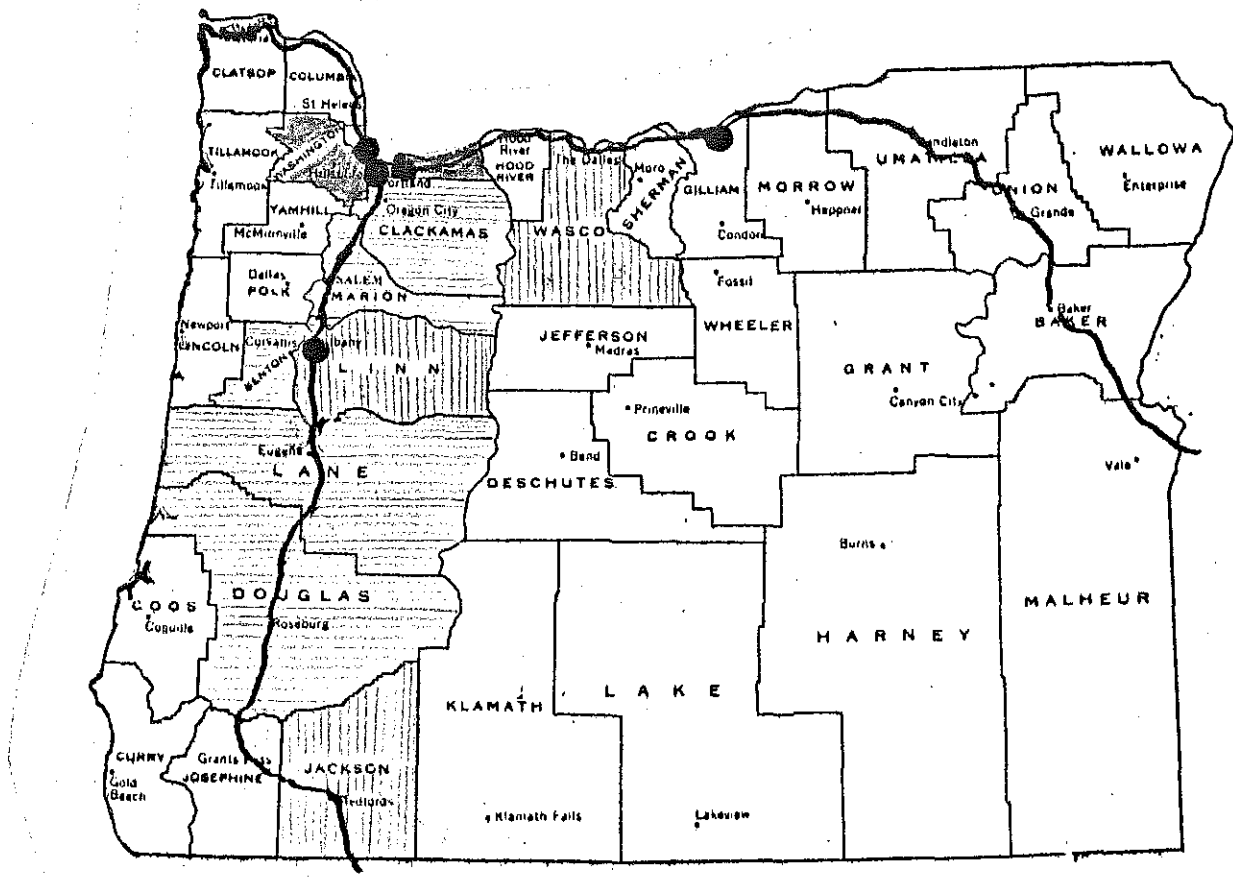
Less than thirty percent of all the State's generators are in the above three categories, and yet, these generators produce over fifty percent of the states hazardous wastes. In evaluating a plan to decrease dependency on landfill, it is a sound administrative practice to direct initial efforts at addressing the largest blocks of waste with the smallest number of generators.

In terms of geographical location, Multomah and Washington counties have the highest incidence of all three industry classifications, and are the leading counties in amounts of wastes produced. Each county produced more than 100,000 cubic feet per year in 1978-1979. Wasco, Linn and Jackson counties each produced 20,000 to 100,000 cubic feet per year in the same period. Clackamas, Marion, Linn and Douglas counties each produced 5,000 to 20,000 cubic feet per year in 1978-1979. All the other counties each produced less than 5,000 cubic feet per year in 1978-1979.

Note that all of these counties are located in the western half of Oregon, primarily along the main north-south transportation corridor, as shown in Figure 5, Distribution of Wastes and Locations of Collection/Treatment Centers. This waste concentration and the highway system favors the development of additional treatment sites along the corridor to reduce the amount of wastes transported to Arlington.

C. IDENTIFICATION OF OREGON'S PRIORITY WASTES AND DEFINITION OF THE PROBLEM

The key issues in this report are to identify, qualitatively and quantitatively, the percentages of hazardous wastes presently delivered to Arlington



- Existing Collection/Processing Facilities
- ▨ Hazardous Waste Generation, over 100,000 cu.ft/yr.
- ▤ Hazardous Waste Generation, 20,000-100,000 cu.ft/yr.
- ▧ Hazardous Waste Generation, 5,000-20,000 cu.ft/yr.

FIGURE 5. DISTRIBUTION OF WASTES AND LOCATIONS OF COLLECTION/TREATMENT CENTERS

for disposal by solar evaporation, trench landfill, or landfarming which might better be handled in some alternative manner. It is recognized that some wastes are so contaminated that recovery of any of the components may not be economically or technically feasible. The processes that appear to be feasible for some wastes include volume reduction, recycling and treatment, or destruction of specific wastes to minimize dependence on soil based technology. The State, through stringent requirements, ensures that landfill disposal is carried out in an environmentally sound manner using the most practical hazardous waste landfill disposal procedures. However, the State will eventually assume the long-term liability generations after site closure. Such factors as waste toxicity, bioaccumulation, persistence in the environment, and mobility must be weighed in determining which wastes should receive priority if alternative technology is to be implemented. Waste classifications which probably could logically be classified as "priority" wastes include PCBs, pesticides, cyanides, toxic metals, halogenated organics, and some halogenated volatile organics.

The technical alternatives, the hazardous wastes that might be processed by them, the risks, and mitigative measures involved, are described in Section II.

II. BRIEF SUMMARY OF HAZARDOUS WASTE PROCESSING ALTERNATIVES

It is the intent of the Department of Environmental Quality that all hazardous wastes be controlled from generation to final disposal in a manner that is beneficial to the environment, assures the safety of the personnel handling the hazardous waste material, and causes the least impact to the economy of the State of Oregon.

In 1981, 445,395 cubic feet of hazardous wastes which were generated in Oregon were transported for processing as follows:

- o 52,963 cubic feet to treatment and collection sites in Oregon
 - o 297,544 cubic feet to the Arlington Pollution Control Center
 - o 94,888 cubic feet to other states
- Total: 445,395 cubic feet

The Department of Environmental Quality recommends that specific wastes, particularly the priority wastes, be processed in some manner other than by landfill disposal. A hierarchy of alternatives to landfilling has been developed which addresses the following methods in descending order of preference:

- o First - Waste reduction at source by interested concerned manufacturing plant management is recommended so that fewer wastes are produced. Chemical reuse should be a design feature of new plants and, where practical, process flows should be changed in older facilities. Where process flow change is not practical, safer substitute materials should be introduced whenever possible.
- o Second - Waste recycling and resource recovery will result in reduced dependence upon landfill. As raw material and landfill costs continue to rise, more recycling and resource recovery will occur. Recycling may occur on site, off site at special collection/processing facilities, at APCC, or through a waste exchange.
- o Third - Physical, chemical and biological treatment in which materials are reduced to an innocuous state, toxicity is decreased, or after treatment the volume remaining for disposal is substantially smaller. Several of these more significant processes are discussed in detail in Section II of the Report to the Legislature, and each is especially adaptable to specific groups of wastes.

Most common methods of physical, chemical, and biological alternatives are:

Physical Treatment

- Evaporation
- Solvent Extraction
- Distillation/steam stripping
- Adsorption
- Separation of liquids and solids
- Membrane separation

Biological Treatment

- Aerated lagoons
- Anaerobic digestion
- Activated sludge
- Stabilization ponds
- Trickling filters
- Landfarming
- Other recent approaches

Chemical Treatment

- Chemical dechlorination
- Chemical oxidation/reduction
- Neutralization
- Ion Exchange
- Precipitation

These technologies have been demonstrated and are standard practices in many industries.

- o Fourth - Incineration is an acceptable alternate choice for those wastes that cannot safely or effectively be recycled or treated by other means. The use of high burn temperatures and appropriate air pollution control equipment assures a safe clean destruction of even the most difficult wastes, such as high level PCB contaminated liquid wastes (over 500 ppm) and virtually all organics.

Existing Incineration or Thermal Destruction Alternatives

- Cement Kilns
- Rotary Kilns
- Multiple hearth furnaces
- Co-incineration
- Fluid-bed incineration
- Incineration at Sea
- Single chamber liquid systems

Emerging Thermal Destruction Alternatives

- Molten salt combustion
- Pyrolysis
- Plasma arc torch
- High temperature fluid wall

- o Fifth - Solidification/stabilization of residuals before landfill by use of encapsulation techniques to convert liquids to solids by adding 1-3 volumes of a pozzolanic or cement type material. In principle the final product is landfilled, i.e., solidified blocks impregnated with hazardous wastes are less permeable to ground water, and less likely to migrate into subsurface aquifers.

Although deep well injection is discussed in some detail in the Report to the Oregon Legislature, it is not recommended for application in Oregon.

III. IMPACT ON HAZARDOUS WASTE PARTICIPANTS, IF ALTERNATIVE TECHNOLOGIES ARE IMPLEMENTED

The concept of using alternative technologies rather than landfill for disposal of hazardous wastes in Oregon may create economic advantages or disadvantages for participants in the waste handling field. In the following section, each group of participants and possible effects of alternative technology on the group's operations are summarized.

A. THE HAZARDOUS WASTE GENERATORS

Hazardous wastes generators initially bear the responsibility for the proper management of their hazardous and non-hazardous wastes. Each generator should review its waste management policy to ensure environmentally and economically sound disposal practices. Possible courses of action include discontinuance of products which generate large volumes of pollutants, identification of new products and processes which generate fewer or less toxic wastes, sale of wastes to local processors, waste exchange or users of such wastes, and improved housekeeping. A net savings through improved plant efficiency could be realized.

It is likely that overall costs associated with hazardous wastes management will continue to rise. Given the above options, and provided with a proper economic incentive, hazardous wastes generators will probably respond by reducing hazardous waste generation rates, while remaining competitive with the rest of industry. The amount of costs allocated to disposal will still be a small fraction of total plant costs.

B. THE MATERIALS SUPPLIERS

The materials suppliers must respond to the material needs of the hazardous waste generators and material suppliers must adjust to the market place. Changing business and consumer trends, economic conditions, environmental pressures, and technology not associated with hazardous waste management, rather than hazardous waste management techniques, will probably continue to have a more significant impact on the majority of material suppliers.

C. THE TRANSPORTERS

The transporter may receive less revenue if more materials are treated and/or recycled locally and less material is transported to Arlington.

Transporting hazardous wastes accounts for an especially small percentage of transporters total cargo business and an even smaller percentage if recycling increases and new treatment facilities are added.

D. CHEM-SECURITY SYSTEMS INC. FACILITY AT ARLINGTON (APCC)

If additional processing capability is added to recycle wastes, a financial gain may be anticipated. However, increased recycling at APCC may be difficult since much of the material arriving there is so contaminated that further processing other than destruction or land disposal may be uneconomical.

If an incineration capability is added at the APCC or elsewhere for hazardous wastes, less liquid material delivered to the site for land disposal will result in less potential for contaminating local air, water, and soil.

E. DEQ, STATE OF OREGON

Less dependence on landfill will reduce the State's exposure to lawsuits in future generations well after site closure resulting from accidental breaches of the environment by migrant hazardous wastes.

Implementation of an effective waste exchange under state sponsorship would foster recycling, reduce long distance hauling costs to Arlington, and generally improve DEQ's position in hazardous waste control.

F. NEW PROCESSORS

Creation of new hazardous waste recyclers or processors will generate new construction with new jobs, promote recycling at minimum cost to all participants, and increase the tax base.

G. HAZARDOUS WASTE MANAGEMENT CONSULTANTS AND EQUIPMENT VENDORS

To obtain more favorable economics associated with hazardous waste management, hazardous waste generators may retain the services of hazardous waste management consultants and equipment vendors. Consultants and vendors will evaluate process flows and products with the intent of plant or process modernization, expansion, or modification, to assure conformity to federal and state hazardous waste regulations. The impact of this activity will be to create:

- o New jobs
- o New equipment requisitions
- o Construction
- o Increased tax base

H. THE ENVIRONMENT

Landfilling of hazardous waste under very strict controls and with exceptional siting will continue to perform a real service to the State and the environment. Landfill disposal is not necessarily the best solution for all wastes since it may not adequately accomodate such items as PCB liquids, certain ignitables, explosives, and some untreated acids and bases.

The environment may be better served esoterically and economically in some cases by utilizing alternatives to landfill particularly for those wastes that are highly toxic, reactive, persistent, or mobile.

IV. ECONOMIC IMPACT OF ALTERNATIVE TECHNOLOGIES

To try to quantify the above savings and/or costs in monetary terms is very difficult as there are few waste facilities processing multiple materials with detailed records to provide adequate numerical data. However, an analysis of specific processes in use in California in 1981 may be used for comparison. These cost figures listed in Table I show that toxic wastes processing can cost from a low of \$30 per ton, to a probably high of about \$500 per ton, the largest percentage being in the \$45-150 per ton range. The transition from total land disposal to total alternative technologies cannot be done without significant cost increases. However, the disposal cost to industry, as a percentage of total costs and value added in manufacturing, probably would be comparatively small.

TABLE I. RELATIVE ESTIMATED COSTS OF LANDFILL ALTERNATIVES

Process	Estimated Range of Costs (\$/Ton)	Representative Costs (\$/Ton)	Proven or Developmental Technology	Process at Source or Off-Site
A. Waste Reduction	varies per facility	either cost or revenue	proven	source
B. Waste Recycling	100 - 200	150	proven	source
C. Chemical Treatment	30 - 175			
1. Chemical de-chlorination	not available	not available	new, nearing commercial scale	source
2. Chemical oxidation	50 - 100	75	proven, common usage	both
3. Precipitation	30 - 70	50	proven, common usage	source
4. Neutralization	30 - 70	50	proven, common usage	both
5. Ion exchange	50 - 100	75	proven, common usage	both
D. Biological Treatment	30 - 60			
1. Aerated lagoons	40 - 50	45	proven, requires precise control	source
2. Anaerobic digestion	50 - 60	55	proven technically, but not recommended	source
3. Activated sludge	40 - 50	45	well developed for hazardous wastes, but not in common use	source
4. Stabilization ponds	30 - 40	35	not in common usage	source
5. Trickling filters	40 - 50	45	proven, limited usage	source
6. Landfarming	30 - 40	35	proven, limited usage	source
7. Other	30 - 60	45	proven, limited usage	both
E. Physical Treatment	25 - 150			
1. Evaporation	100 - 150	125	proven, well developed	both
2. Solvent extraction	50 - 100	75	proven	both
3. Distillation & steam stripping	50 - 100	75	proven, common usage	source

Process	Estimated Range of Costs (\$/Ton)	Representative Costs (\$/Ton)	Proven or Developmental Technology	Process at Source or Off-Site
4. Adsorption	30 - 60	50	proven municipal & commercial applications	both
5. Separation of liquids/solids	25 - 150			
o Sedimentation	30 - 150	50	proven, common usage	both
o Filtration	30 - 60	45	proven, common usage	source, usually
o Flotation	30 - 150	75	proven, common usage	source, usually
o Screening	30 - 150	50	proven, widely used	both
o Centrifugation	30 - 150	100	proven, widely used	source, usually
6. Membrane separation	25 - 150			
o Dialysis	not available	not available	well developed, not widely used	source
o Reverse osmosis	75 - 125	100	proven, widely used	source
o Ultra-filtration	50 - 100	75	proven, common usage	source
o Electrodialysis	not available	not available	proven, not commonly used in U.S.	off-site
F. Existing Thermal Destruct Technologies	50 - 500			
1. Cement kilns	50 - 70	60	proven, not common usage	off-site
2. Rotary kilns	250 - 500	350	proven, widely used	off-site
3. Multiple hearth furnaces	250 - 500	350	proven, common usage	off-site
4. Co-incineration	250 - 500	300	proven, used	both
5. Fluid bed incineration	not available	not developed	demonstration facilities, but proven technology	off-site
6. Incineration at Sea	400 - 500	450	proven	off-site
7. Single chamber liquid system	250 - 500	350	proven, widely used	both

Process	Estimated Range of Costs (\$/Ton)	Representative Costs (\$/Ton)	Proven or Developmental Technology	Process at Source or Off-Site
G. Emerging Thermal Destruct Systems	250 - 500			
1. Molten salt combustion	not developed	not developed	pilot scale	both
2. Pyrolysis	not available	not available	single products usually, limited commercial use	source
3. Plasma arc torch	not developed	not developed	laboratory scale	both
4. High temperature fluid wall	not developed	not developed	pilot scale	both
H. Stabilization & Solidification	100 - 120	110	proven, recent development	usually off-site
I. Retrievable Storage	factor of time and material		proven technique as intermediate process	both
J. Deep Well Injection	not applicable	not applicable	proven, but not recommended	both

NOTE: Costs above include disposal of residuals but not transportation.

V. PROPOSED IMPLEMENTATION OF ALTERNATIVE TECHNOLOGIES

In developing alternative technologies to landfill for hazardous wastes, it is necessary to make an assessment of the time involved in implementation.

A small one or two process treatment facility can take 5 years or more from conceptual planning to full operation as shown in Figure 6. Conceptual planning may include a preliminary investigation of processes, marketing potential, site(s) availability, and financing options. Detailed planning may include process(es) selection, market survey and commitments, site selection and acquisition, environmental impact statement/report, permits acquisition, and preliminary design. Financing may be carried on concurrently with conceptual and detailed planning.

Detailed design, procurement, and construction are activities that follow. Several of the activities can significantly delay a project. Examples include:

- o Environmental impact reports can take 12 months and longer.
- o Public meetings may be necessary with the necessary scheduling delays.
- o Major pieces of equipment may have a delivery schedule (lead time) of 12 months or longer.

Following the completion of construction, a significant amount of time is required to start and test the treatment facility to ensure compliance with local, state, and federal standards. Only after full compliance can a facility become fully operational.

A new comprehensive hazardous waste incineration facility capable of handling a wide variety of materials can take 6 years or more from conceptual planning to full operation. Several of the activities are similar to those described above, but activities associated with EIRs, siting, and facility start-up are expected to take more time as shown in Figure 7.

Because the flow of waste materials is partially dependent on production and the economy of the state and nation, and since environmental regulations are under review, the decision to implement any facility over a multi-year period must be evaluated very carefully to assure that the facility can meet future environmental regulations and be assured an adequate flow of waste materials and revenues over the life of the facility.

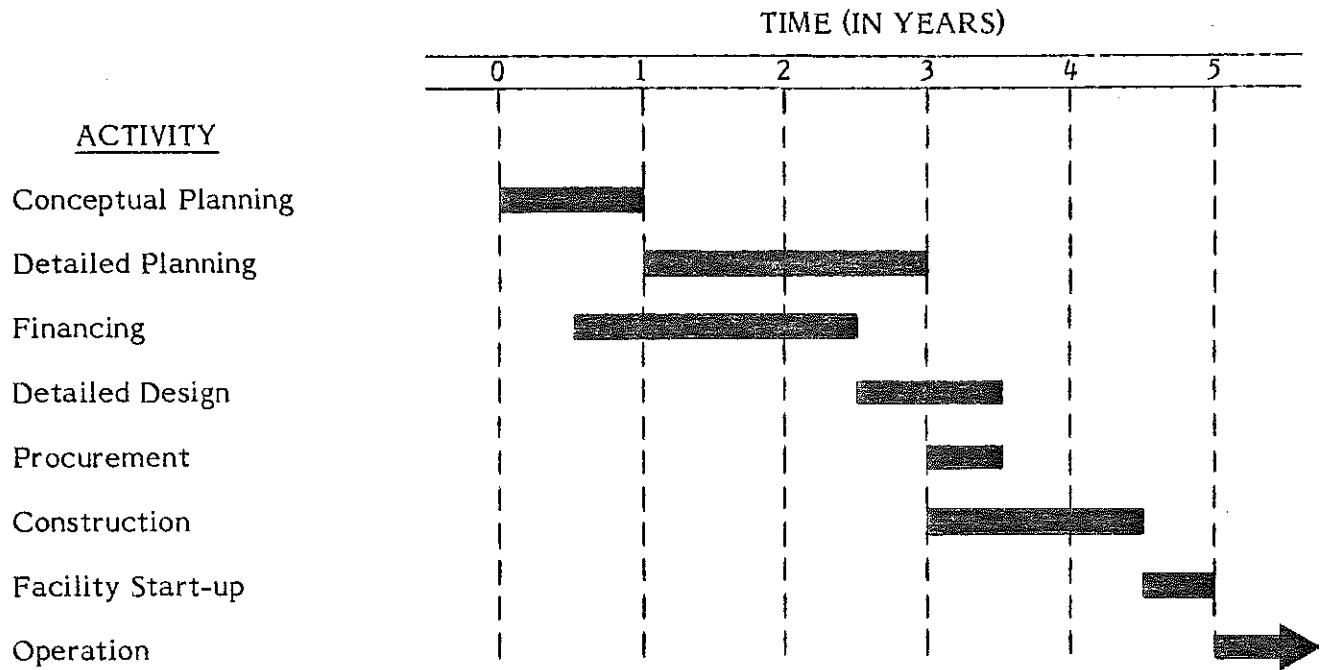


FIGURE 6. SMALL SCALE HAZARDOUS WASTE TREATMENT PLANT SCHEDULE

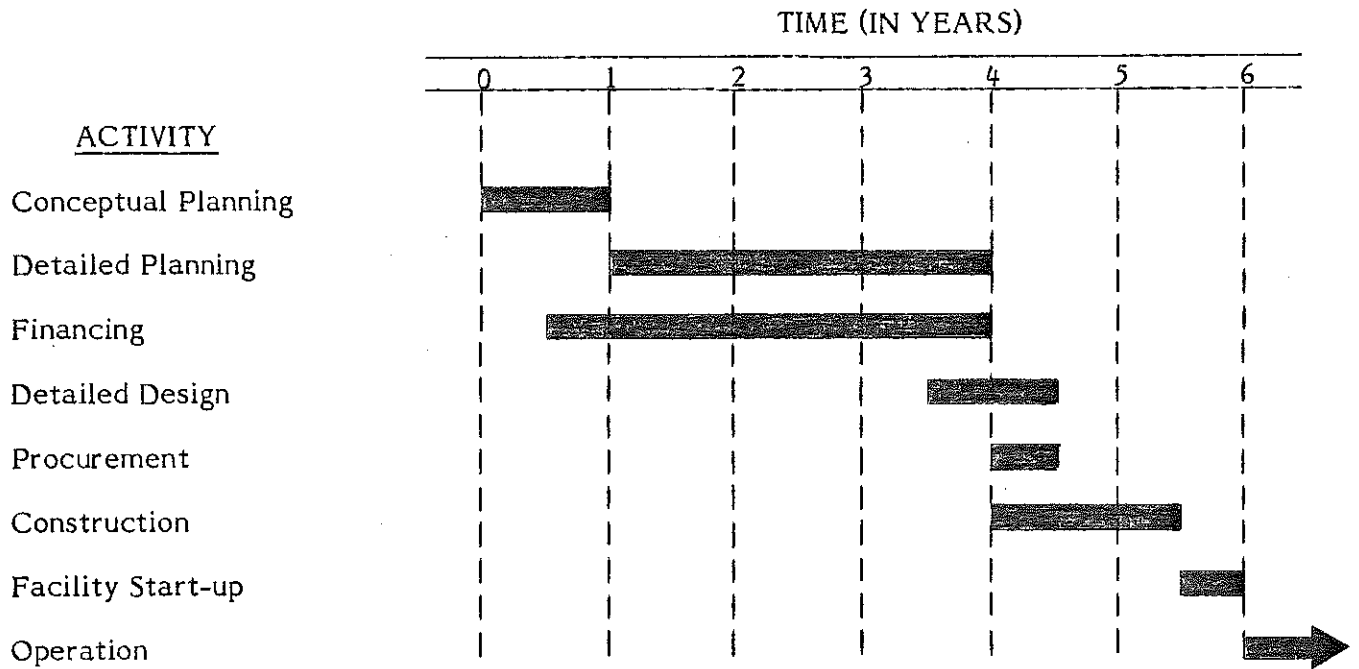


FIGURE 7. COMPREHENSIVE HAZARDOUS WASTE INCINERATION FACILITY SCHEDULE

VI. SUMMARY

The hazardous waste alternatives program involving waste avoidance, recycling, materials destruction or landfilling proposed in this report may not be conclusively proven viable for 25-30 years or even longer. Certainly some of the "current" problems in hazardous waste handling have taken 30-50 years to surface as identifiable on-line problems demanding immediate emergency resolution.

The following factors must be taken into consideration:

- o Waste reduction at the source will reduce the materials used and the costs of disposing of hazardous wastes.
- o Waste recycling of 10 to 20% of all Oregon's hazardous wastes, some 1,500-3,000 tons per year, would be approximately double the cost of disposal at the APCC, but would provide a beneficial use of the materials at a potential total cost of \$300,000 per year.
- o Chemical treatment would cost approximately \$30 to \$175 per ton, or an average near \$75 per ton. That increased cost would amount to \$750,000 per year for generators and the APCC.
- o Biological treatment in the form of landfarming at the APCC will yield good destructive results in a cost-effective manner. Little additional wastes suitable for biological treatment would be available if landfarming was used to its full capacity.
- o Physical treatment at the APCC is limited to solar evaporation ponds. Other physical treatment contractors in Oregon can provide solvent distillation closer to the point of generation.
- o Existing thermal destruct technologies can possibly handle 300,000 cubic feet or approximately 15,000 tons per year of combustible material through incineration. At a cost range of \$60 per ton for cement kilns to \$350 for other systems, incineration would cost generators \$0.9 million to \$5.25 million per year. Mobile incinerators which could be operated at the APCC and/or elsewhere could prove more cost effective than a new fixed installation.
- o Contract thermal destruction is being performed in Arkansas and Texas for PCB liquids collected at APCC. Similar arrangements can potentially be established for other materials, if desired.
- o Emerging thermal destruct systems are not sufficiently proven for implementation at this time.
- o Stabilization and solidification by mixing with soil (soil absorption) before landfilling is the least expensive stabilization and solidification method and is being used at the APCC. Stabilization and solidification methods at the source that produce entrapped wastes reclassified by the EPA and appropriate state agencies as non-hazardous may be an economical

alternative for some generators since the treated materials would not need to be landfilled at APCC.

- o Retrievable storage is used for PCB liquids, spent cathode liners, and impure calcium arsenate at the APCC. PCB liquids are consolidated and shipped off-site for thermal destruction; others are temporarily stored prior to retrieval or final authorized disposal. Specific costs for storage for additional wastes are time and material specific and performance specifications/requirements probably do not exist.
- o Deep well injection is not recommended for implementation because of the uncertainties inherent in the process.

VII. RECOMMENDATIONS AND CONCLUSIONS

It seems reasonable that an integrated program of hazardous waste management can be developed for Oregon if the increased costs for diversion of hazardous waste materials from the existing processing is acceptable. The costs must be borne by the consumer, generator, state, and disposal operator.

Consideration should be given to the implementation of the following technologies at APCC or elsewhere:

<u>Technology</u>	<u>Annual Cost</u>	<u>Hazardous Waste Quantity</u>
Waste Exchange	\$300,000	1,500-3,000 tons
Chemical Treatment	\$750,000	10,000 tons
Thermal Destruct	\$900,000-\$5,250,000	15,000 tons

A more detailed analysis may show that a greater volume of wastes would significantly lower the unit cost of disposal. To encourage better processing of hazardous wastes for all at a lower unit cost, Oregon could also allow the expansion of the service area served by the APCC.

Because incineration of hazardous wastes appears to be most cost effective when done in a cement kiln, operators in Washington and Idaho as well as in Oregon should be contacted regarding the possibility of incinerating combustible hazardous wastes. Wastes could be stored at the APCC for periodic incineration. Portable rotary kilns can also be utilized.

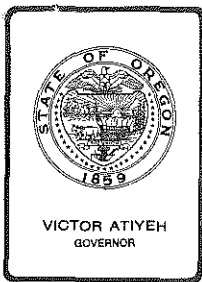
When facilities are built to handle the most difficult wastes, DEQ's procedures should require that toxic wastes, persistent wastes, and highly mobile wastes (liquids) be pretreated, recycled, or destroyed, with landfill as the last alternative.

The state should encourage the establishment of a hazardous waste exchange to promote the recycling ethic and to put prospective buyers and sellers together. The investment is small but the potential benefits are extensive.

In the interim, DEQ should continue the same careful control of the CSSI-operated Arlington Pollution Control Center.

In conclusion, it is recommended that the Oregon Legislature and the Department of Environmental Quality consider:

- o Encouraging private industry to increase the treatment capability/capacity of fixed existing or new treatment centers located strategically in the state.
- o Encouraging cement kiln operators and/or other existing incinerator operators and/or mobile incinerator operators to burn PCB liquids and other hazardous wastes.
- o Revitalizing the waste exchange operation using state funds, if necessary, to reduce the amount of total wastes available for processing. To ensure industry participation, this function could be contracted out rather than being directly operated by the State.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. M, January 14, 1983, EQC Meeting

Informational Report: Report to Legislature on Status of
Waste Reduction Programs

Background

In 1979, the legislature passed SB 925 (called the Super Siting Bill). A portion of this legislation which became ORS 459.055 required local governments to prepare a waste reduction program when siting landfills in the exclusive farm use zone or when seeking siting or financial assistance from the Department.

ORS 459.055(4) requires the Department to report to each legislative assembly on the use made of the section, level of compliance with waste reduction programs and recommendations for further legislation.

Since the EQC has been involved with review of the accepted waste reduction programs, has reviewed the Departments process, and has asked that the legislation be amended to require source separation programs, the Department has prepared a draft of the report for Commission review (attached). The report outlines the plans submitted, plans approved, level of recycling, and need for additional legislation.

Director's Recommendation

It is recommended that the Commission concur in the submission of the report to the Legislature.

Bill

William H. Young

Attachments

Robert L. Brown:b
229-5157
December 21, 1982
SB1645

STATUS OF
WASTE REDUCTION PROGRAMS

January, 1983

Report to Sixty-Second Oregon
Legislative Assembly

I. General Information

The original landfill siting act, passed by the 1979 legislative assembly required the Department to report to future legislatures on the use made of ORS 459.055. This section requires a waste reduction program when a landfill is sited in an exclusive farm use zone. During the first four years of implementation of this law, there has been no direct utilization of this section. There is, however, good reason to believe that the existence of this authority has facilitated local planning and some zone changes which have allowed landfill siting in former exclusive farm use zones.

ORS 468.220 was also amended by the same 1979 act. These new provisions provided that local governments which received financial assistance from the Pollution Control Bond Fund, administered by the Department, must develop a waste reduction program as a part of their solid waste management plan.

The Department has provided financial assistance to several local governments since the effective date of that 1979 act. All of these local governments have developed waste reduction programs. These programs have had an effect on reducing the amount of waste going into landfill disposal sites.

The level of success of these waste reduction programs varied with the specific government, economic conditions, and the amount of Department involvement in the development and implementation.

In general waste reduction programs are moving in the direction intended by their legislative originators.

II. Recycling

Recycling is considered to be a major mode of accomplishing waste reduction. While this activity is only now being incorporated into waste reduction plans, it has long been a component of solid waste management programs and a significant part of Oregon's industrial economy.

Oregon hosts the full cycle of material recovery activities. The residents of Oregon's communities generate source separated recyclable material as an alternative to waste disposal and at the other extreme of the cycle, Oregon's glass, paper, metal, oil, and plastic industries are using more and more recyclable materials in their manufacturing processes.

Recycling has continued to grow in Oregon even in difficult economic times. In recent years, our industries have become more dependent on their secondary materials supply and have sought greater amounts of recyclable materials from Oregon and the western region of the United States. While the demand for manufactured products has been weakened by the general economic slowdown, the demand for recyclable material has remained relatively strong.

The public has shown an equally strong interest in recycling. Many have a preference for recycling over solid waste disposal options. If convenient service is provided, they are willing to participate in source separation depot and collection programs. In communities where the public is aware that convenient service is available, we see a substantial level of participation which grows over time. For example, newsprint recycling in Lane County is reaching the 75% level while more recent curbside collection programs in other counties have participation rates ranging up to 30%.

One trend of note in recycling has been the closure of small independent recycling programs as they have been incorporated into larger, solid waste collection industry-oriented operations. Some examples include recycling programs in Yamhill, Benton, Linn, Clackamas, Multnomah, and Washington Counties which have stopped or been incorporated into larger commercial collection operations. These companies have a larger economic base, in garbage collection, which softens the effects of recyclable material market price fluctuations. This new interest by the collection industry is providing the public with a greater opportunity to recycle.

Local government waste reduction programs reflect this trend and are often responsible for "collection" industry interest in source separation recycling. Another value of present waste reduction programs is that they are making the public more aware of the new recycling opportunities available. The Department is stressing the establishment of these new programs for the recycling of source separated materials as an effective method to increase waste reduction.

The present status of waste reduction programs is summarized in tabular form on pages 3 and 4. The first column shows which counties have waste reduction plans, and indicates their estimated population and annual solid waste generation rate. The next column indicates the reason for waste reduction program development. The Department requires the submission of a plan which describes the proposed waste reduction program efforts. The third column of the table indicates the planning status and the fourth, the actual status of the program. This is followed by a brief description of other recycling efforts and some measure of their impact. The final column indicates the potential for growth of the waste reduction program.

This table is not intended to be a specific report on individual waste reduction efforts but rather a summary of waste reduction programs statewide.

STATUS OF WASTE REDUCTION PROGRAMS FOR 1982

<u>Government</u>	<u>Program Requirement</u>	<u>Plan Status</u>	<u>Program Status Need for DEQ Assistance</u>	<u>Current Waste Reduction</u>	<u>Material Recovered¹</u>	<u>Potential For Growth</u>
<u>Clatsop Co.</u> 32,000 pop. 27,000 tons	ORS 468.220 Planning loan.	Plan waiting DEQ acceptance, conditions proposed.	Minimum county effort.	On-going private and non-profit recycling.	1400 tons 60% residential 40% commercial	Program just started, large potential.
<u>Columbia Co.</u> 34,000 pop. 28,000 tons	ORS 468.220 Planning loan.	First draft over-due.	Minimum county effort.	Some private recycling.	Est. 800 tons 80% residential 20% commercial.	Program not started. Large potential.
<u>Hood River Co.</u> 15,000 pop. 11,000 tons	ORS 468.220 Planning grant pending.	Have not started plan.	Minimum county effort.	Some private recycling.	Est. 200 tons 50% residential 50% commercial.	Program on- going, medium potential.
<u>Klamath Co.</u> 59,000 pop. 44,000 tons	ORS 468.220 Implementation loan.	Draft plan completed.	Some on-going county recycl- ing.	Some on-going private recycling.	400 tons 40% residential 60% commercial.	Small program, on-going small potential.
<u>Lane Co.</u> 262,000 pop. 160,000 tons	Voluntary	Draft plan (plan intends to meet ORS criteria).	On-going government program.	On-going private and non-profit recycling.	20,000 tons 50% residential 50% commercial 26,000 tons scrap metal.	Programs on- going, medium potential.
<u>Lincoln Co.</u> 31,000 pop 46,000 tons	ORS 468.220	Plan accepted with conditions.	On-going county recycling program.	On-going private recycling.	2,000 tons 50% residential 50% commercial 9,000 tons industrial.	Program on- going, medium potential.

¹Amount of material recovered annually from solid waste and how split between residential and commercial sources.

STATUS OF WASTE REDUCTION PROGRAMS FOR 1982

<u>Government</u>	<u>Program Requirement</u>	<u>Plan Status</u>	<u>Program Status Need for DEQ Assistance</u>	<u>Current Waste Reduction</u>	<u>Material Recovered¹</u>	<u>Potential For Growth</u>
<u>Marion Co.</u> 187,000 pop. 170,000 ton	Voluntary	Plan does not meet ORS criteria.	County energy recovery planned.	Uncoordinated private efforts.	____ residential ____ commercial	On-going programs should be improved, large potential.
<u>Metro</u> 1,000,000 pop. 800,000 tons	ORS 468.220 Planning/implementation, grant/loan.	Plan accepted with condition.	Some Metro involvement & coordination of recycling.	On-going private and non-profit recycling.	100,000 tons 40% residential 60% commercial yard debris.	On-going programs need improvement, public demand for more.
<u>Tillamook Co.</u> 20,000 pop. 13,000 tons	ORS 468.220 Implementation loan.	Draft plan waiting DEQ assistance.	Very small on-going county program.	Some non-profit recycling.	50 tons 90% residential 10% commercial.	Need to develop programs, medium potential.
<u>Yamhill Co.</u> 50,000 pop. 100,000 tons	ORS 468.220 Revenue bonds purchased with state bond funds.	Plan accepted with conditions, revision in process.	County initiated private efforts.	Good program of private recyclers with depot and curbside county wide.	1600 tons 60% residential 40% commercial.	On-going program started - private operators cooperating. Large potential.

¹Amount of material recovered annually from solid waste and how split between residential and commercial sources.

III. Anticipated Use of ORS 459.055

The landfill siting process is ongoing in several counties. However, the Department is not aware of specific plans of any local government to use the provisions of ORS 459.055 for landfill siting in an exclusive farm use zone. In the past, the process has been to use existing land use zoning procedures to rezone specific portions of the exclusive farm use zone which are needed for a landfill. The provisions of ORS 459.055 do make the option or re-zoning process easier to accomplish.

IV. Energy Recovery

Resource recovery through energy recovery facilities represents one mode of waste reduction. This activity is often included as an element in the preparation of a waste reduction plan. None of the present waste reduction programs have an active energy recovery element in place.

The waste reduction program with the most emphasis placed on an energy recovery facility was that developed by the Metropolitan Service District (Metro). Metro had intended to accomplish a major level of waste reduction through the recovery of energy from the remaining waste stream after source separation of recyclable material and recovery of woody waste and yard debris had been accomplished. However, the voters in Clackamas County and local cities moved to restrict the construction of a refuse burner in their area. Metro is now in the process of reconsideration of this portion of their waste reduction program. In the meantime they have placed an increased emphasis on the recovery of source separated recyclable materials. There is a particularly strong emphasis on this type of waste reduction in the effected areas of Clackamas County.

No other energy recovery facilities are included in waste reduction plans. Some of the plans indicate that energy recovery is not presently feasible but that it will continue to be considered as conditions change in each local situation. Over the past few years, several energy recovery facilities were developed prematurely and have not operated up to local or state expectations. Energy recovery facilities can, however, be a valuable part of a waste reduction program if they are planned, and developed in an economically and politically acceptable manner.

V. Rule Modification

The criteria for a waste reduction program required under ORS 459.055 are very general. The Department developed rules (OAR 340-61-100 to 110) to assist local government and other persons in development, implementation and evaluation of waste reduction programs and to assist the Department in the evaluation of local government waste reduction plans. While these rules have been useful, they still leave too much room for difference in interpretation and misunderstanding among involved parties. The Department is now revising those rules to clarify both of these areas and to make them a more useful tool to local governments.

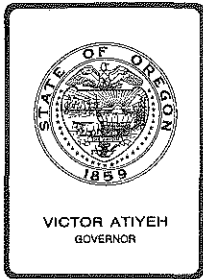
Two specific improvements which will be made will be the inclusion of a description of the evaluation procedure which the Department will use in the acceptance of the waste reduction plans and a process for local governments to report the progress and success of their ongoing waste reduction programs.

VI. New Legislation

Waste reduction programs have shown signs of success in Oregon. Local government involvement in waste reduction programs has been encouraging. Those local governments who have implemented waste reduction programs, either through requirement under ORS 468.220 or through voluntary solid waste management activity, have seen reductions in the amounts of material which are discarded into landfills. The level of reduction varies among the programs due to differing geographic and sociological reasons.

One point which has become apparent is the greatest level of reduction presently is coming from the implementation of source separation of recyclable materials. This activity requires the cooperative efforts of both the public, the generator of materials, and the recycler, the collector and marketer of the materials. Those local waste reduction programs which have been successful have used this public involvement to gain substantial levels of waste reduction. Source separation of recyclable materials is often carried out in the form of curbside collection of separated recyclable material from the residences and scheduled collection of source separated commercial recyclable materials.

With the demonstrated success of these types of programs, the Department is seeking to encourage all waste reduction programs to emphasize this method of recycling. We have submitted legislation to include source separation in the waste reduction program provisions of ORS 459.055 so that it will become a part of all waste reduction programs required under the exclusive farm use area landfill siting provisions. The Department will also formalize this emphasis in the general waste reduction program planning rules OAR 340-61-100 to 110 as they are revised during the coming year.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Amendment to Item No. N, January 14, 1983, EQC Meeting
Clatsop County Solid Waste Variances: Failure to Meet
Variance Conditions

Purpose of Amendment

On January 3, 1983, the Department received a letter dated December 30, 1982 from Clatsop County (attached). The letter outlined a tentative schedule for actions by the county. A meeting was held with Clatsop County, the cities of Cannon Beach, Seaside and Astoria, and collectors on January 10, 1983. At that time, the Director and Department staff attempted to obtain clarification of the letter and a more definite schedule. The meeting did not produce anything more certain than described in the letter.

Evaluation and Alternatives

The schedule submitted by the county is very general and did not contain sufficient information to change the recommendations. It does indicate that the county site at Elsie could be converted to a transfer site during the summer of 1983. During the meeting, it was learned that without burning the site could possibly last up to two years. This leads staff to believe that there is no compelling reason to continue the open burning variance at Elsie. However, an additional alternative would be to allow continuation of the variance until March 1, 1983 to enable staff and Clatsop County to negotiate a new permit containing a cover schedule for the site.

Director's Recommendation

It is recommended that the "Director's Recommendation" of the subject staff report be amended as follows:

- 2) Revoke the variance on Elsie effective March 1, 1983.

William H. Young

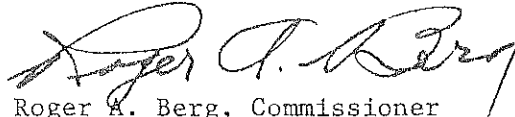
Attachment 1
Robert L. Brown:b
229-5157
January 11, 1983
SB1713

Mr. William F. Young
Page Two
December 30, 1982

Regarding the Elsie site, the conversion of this site to a transfer station is being studied at this time and appears to be feasible. If this conversion is acceptable, it will be completed in the summer of 1983. Inasmuch as this is a county site, the conversion will be made with Federal Revenue Sharing funds as they are available.

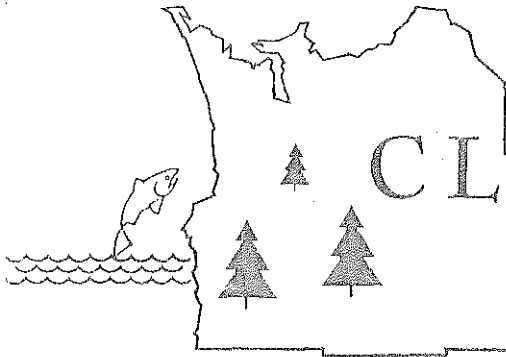
If you have any questions or thoughts on this subject, please contact me.

Very truly yours,


Roger A. Berg, Commissioner
Board of County Commissioners

RAB/slw

cc: Mr. Bob Brown, Supervisor
Solid Waste Division, DEQ
Astoria Branch Office, DEQ
Northwest Region, DEQ



CLATSOP COUNTY

Courthouse Astoria, Oregon 97103

December 30, 1982

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

Re: Elsie Disposal Site, SW Permit No. 73;
Seaside Disposal Site, SW Permit No. 22;
Cannon Beach Disposal Site, SW Permit No. 23

Subject: EQC Extension of Time Limit for Disposal Site Closures

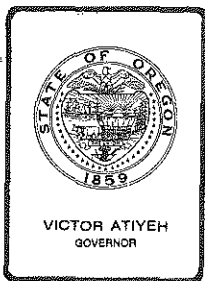
Dear Mr. Young:

When the EQC granted the variance for the above mentioned sites, there were conditions to be met, one of which was development of a time schedule for a regional land fill site. This has been delayed because the Clatsop County Solid Waste Disposal District has received a proposal from Cary Jackson & Associates for an incineration site somewhere in the Astoria area. This proposal should be submitted to the service district sometime in January. If this project should be acceptable, it will drastically affect the need for a solid waste disposal site within the county inasmuch as it will utilize most of the solid waste generated in this county.

A solid waste committee to study the feasibility of this program has been formed with the charge that the study be completed and a site found that is acceptable to all concerned by April 1. The development of this site would be done during the coming summer and be completed by November, 1983. Unfortunately, the solid waste service district has no money for development of any site at this time and basically, our source of money is through the taxpayers by the levy process. This levy will be submitted to the taxpayers at the May election on our present schedule.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 3 1983

OFFICE OF THE DIRECTOR



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, January 14, 1983, EQC Meeting

Clatsop County Solid Waste Variances: Failure to Meet Variance Conditions

Background

During the October 15, 1982 EQC meeting, the Commission granted a one year extension to variances allowing continued open burning of garbage at three Clatsop County disposal sites (Agenda Item G, attached). The original variances were granted in October, 1975. Two conditions were attached to the variance as recommended by staff. These were:

- 1) The county continues to actively pursue a regional landfill site and supplies the Department with a progress report and time schedule for siting a regional landfill by December 15, 1982.
- 2) The county investigate the feasibility of converting the Elsie disposal site to a transfer station.

To date (12-23-82), the Department has not received the report and schedule as required in Condition #1. In addition, there has been no apparent contacts to facilitate closure of the Elsie disposal site.

Alternatives and Evaluation

The EQC has three possible alternatives to Clatsop County's failure to respond as directed:

- 1) Continue the variances and give additional time to comply. This alternative would appear to increase the probability of delay and another failure to implement a program prior to expiration of the variances.
- 2) Terminate the variances immediately. This would place the burden on the two cities (Cannon Beach and Seaside) and the collectors involved to either replace the sites or continue operation in violation of the permits. The Commission should understand that if this alternative is chosen, there will probably be a series of violations and civil penalties to deal with.

- 3) Direct the staff to deal primarily with each city and operator to have the sites either upgraded while replacements are found or locate new facilities immediately. This would not preclude the county from continued involvement, only change the focus of attention. In this case, the variance for Elsie should be revoked immediately.

In any of the above cases, the county and/or cities should be put on notice that continuation of the variances past October 31, 1983 is highly unlikely.

Summation

- 1) In October, 1982, variances from prohibition to burn garbage were extended for three Clatsop County landfills (Cannon Beach, Seaside, and Elsie) to end October 31, 1983. Variances have been in effect for these sites since October, 1975.
- 2) Two conditions were imposed on the variance: (1) A status report and time schedule for implementation of a regional landfill be submitted to DEQ by December 15, 1982. (2) Steps be taken to close Elsie and convert to a transfer station.
- 3) The county has made no apparent progress toward complying with either condition.
- 4) There appears to be three alternatives: (1) do nothing, (2) cancel the variances, (3) continue the variances, but direct staff to work primarily with the affected cities.

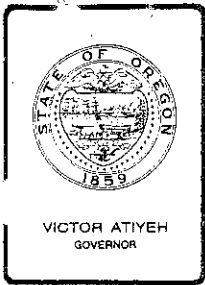
Director's Recommendation

It is the Director's recommendation to go forward with Option 3 of the alternatives above as follows:

- 1) Direct staff to work directly with the cities and operators involved.
- 2) Revoke the variance on Elsie.
- 3) Put all parties on notice that continuation of the variances past October 31, 1983 is highly unlikely.

Bill

William H. Young



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G , October 15, 1982, EQC Meeting

Requests by Clatsop County, Cannon Beach Sanitary Service and Seaside Sanitary Service for Extensions of Variances from Rules Prohibiting Open-Burning Dumps, OAR 340-61-040(2).

Background and Problem Statement

A series of variances have been granted to solid waste disposal sites at Cannon Beach, Elsie, and Seaside in Clatsop County to allow continued open burning of refuse. The most recent variances were granted in October 1981 (copy of staff report attached) and will expire on November 1, 1982. The disposal sites cannot be operated in compliance with the Department's rules and there is currently no alternative disposal site available. Accordingly, the operators (Clatsop County, Cannon Beach Sanitary Service and Seaside Sanitary Service) have requested another extension of the variances. Copies of letters from the operators and a letter of support from the city of Cannon Beach are attached. The Commission may grant variances in accordance with ORS 459.225(3).

Alternatives and Evaluation

The three open-burning sites do not have sufficient suitable area to allow continued operation without open burning. Denying the variances would therefore cause the disposal sites to close, and there are currently no alternative disposal sites available.

The county has identified a potential regional landfill site and has been working to get it approved. A feasibility study has been completed and the Department has granted Preliminary Approval of the site in accordance with OAR 340-61-031. The project has been interrupted, however, because it was discovered that the county had made some procedural errors during the land use approval process. The county has had to withdraw its application and now must go back through the land use process.

When the variances were last renewed, the operators requested a two-year extension. The Commission granted only a one-year extension, but indicated that another one-year extension would be granted if reasonable progress was being made. The staff believes that reasonable progress has been made by the county. However, we are concerned that the process was interrupted. Although the county's letter (attached) indicates a continued commitment, we have not been aware of any activity since the application was withdrawn in June. The county has been subjected to a great deal of pressure by nearby residents and by the cities of Warrenton and Hammond to abandon this proposed site. To help assure continued progress, it is again recommended that any extension of the variances be conditional and based on the county's performance.

In regard to the county's disposal site at Elsie, it has recently come to our attention that the refuse collector from Vernonia, in Columbia County, is providing service to some Elsie area residences. He has indicated that it would be possible for him to establish a small transfer station at the Elsie Disposal Site, if an agreement can be made with the county. This would eliminate the need for open burning. The staff believes this is a logical solution and recommends that the county be required to investigate it.

The private operators at Cannon Beach and Seaside are essentially at the mercy of the county. They cannot be expected at this time to find their own replacement landfills. It should be noted, however, that the operators have taken steps to reduce the amount of exposed waste at their disposal sites. This has reduced adverse environmental impacts and will facilitate proper closure. Also, the city of Cannon Beach has implemented an active recycling program.

Summation

1. Clatsop County has requested a one-year variance extension, to allow open burning of refuse while they pursue a regional landfill site. Cannon Beach Sanitary Service and Seaside Sanitary Service have requested a similar temporary extension of their variance.
2. The lack of suitable area at each of the three open-burning sites (Elsie, Cannon Beach and Seaside) prevents their conversion to landfills. Denial of the variance extension would result in closure of the sites and there is currently no alternative site available.
3. The Commission has previously stated that the variances would be extended if reasonable progress was being made.
4. A proposed regional landfill site has been identified and the county has initiated action to acquire and develop the site. However, a procedural delay and strong local opposition have caused concern about continued progress.

5. It appears that it may be feasible to convert the Elsie Disposal Site to a transfer station and haul wastes to the Vernonia Landfill in Columbia County.
6. The private operators at Cannon Beach and Seaside have taken steps to improve their disposal sites.
7. The Department finds that the applicants' request meets the requirements of ORS 459.225(3), by which the Commission may grant a variance, as follows:
 - a. Conditions exist that are beyond the control of the applicants.
 - b. Special conditions exist that render strict compliance unreasonable, burdensome, or impractical.
 - c. Strict compliance would result in substantial curtailment or closing of the disposal sites and no alternative facility or alternative method of solid waste management is available at this time.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant an extension of variances to OAR 340-61-040(2), until November 1, 1983, to Clatsop County, Cannon Beach Sanitary Service and Seaside Sanitary Service, subject to the following conditions:

1. The county continues to actively pursue a regional landfill site and supplies the Department with a progress report and time schedule for siting a regional landfill by December 15, 1982.
2. The county investigates the feasibility of converting the Elsie Disposal Site to a transfer station.

Bill

William H. Young

Attachments I. Agenda Item Q, October 9, 1982, EQC Meeting
II. Letter from Roger A. Berg, dated 9/13/82, with attachment
III. Letter from Pete Anderson and Dick Walsborn, dated 9/1/82
IV. Letter from Lucille Houston, dated 8/16/82 with attachment

William H. Dana:b
229-6266
September 22, 1982
SB1360



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

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

Request by Clatsop County for Extension of Variances from
Rules Prohibiting Open Burning Dumps, OAR 340-61-040(3)

Background and Problem Statement

A series of variances have been granted to disposal sites in Clatsop County to allow continued operation of open burning dumps at Cannon Beach, Elsie, and Seaside. The most recent variance was granted in November 1980 (copy of staff report attached). At that time, the County was hoping to obtain property owned by Bonneville Power Administration (BPA) for a regional sanitary landfill. As a condition of the variance, the County was directed to report on their progress by July 1, 1981, and the facility operators were to explore the possibility of using the Astoria Landfill as an interim measure. The variance expires on November 1, 1981.

The proposed regional landfill site on BPA property did become available to the County in the spring of 1981. However, the previous owner of the property challenged the County in its bid for the site and threatened to engage them in a potentially lengthy legal battle (copy of letter from John H. Tuthill is attached). Faced with this new obstacle, the County decided to abandon the BPA site and pursue the No. 2 site on its list. Development of this site is proceeding in a satisfactory manner, but the County estimates that it may take up to two years before the facility is ready to open.

Also in the spring of 1981, the County met with the City of Astoria to explore the possible use of the City's landfill as an interim regional site. The City was very strongly opposed to this idea and it is no longer considered an option.

In view of the above, the County is again requesting a two-year variance for its disposal site at Elsie and for the privately operated sites at Cannon Beach and Seaside (copy of letter attached). The Commission may grant such variances in accordance with ORS 459.225(3).

Solid Waste Division
Dept. of Environmental Quality

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Alternatives and Evaluation

The staff feels some frustration at having to again support requests for variances in Clatsop County. Clearly, these open burning dumps should have been closed by now. It would be unfair, however, to hold the County and the other site operators responsible for the setbacks which have occurred. In any event, the County is clearly moving ahead with good intentions at this point and denying the variances would only serve to worsen the situation.

The three open burning sites do not have sufficient suitable area to allow continued operation without open burning, and currently there is no alternative site available. Therefore, denial of a variance extension at this time would quickly result in closure of the sites.

The current candidate site for a regional landfill is owned primarily by Crown Zellerbach Corporation. The County has begun negotiations and the company seems to be receptive. Based on the limited information available to date, the staff believes the site can be reasonably developed as an acceptable landfill. The County's consultants have nearly completed a geotechnical report which the staff expects to receive during the week of September 20th. Barring unforeseen delays, the staff should be prepared to comment on this report by the time the Commission meets.

The County predicts that it may take up to two years to get this site operational. The biggest delays would be in trying to get voter approval for funding and in possible condemnation procedures to acquire some small parcels of property which adjoin the Crown Zellerbach property. On the other hand, if everything went smoothly, the site could conceivably be available for use as early as next summer (i.e., final engineering and construction could easily be completed within six months).

In order to emphasize the Department's position that open burning dumps are an unacceptable means of solid waste disposal and that such facilities should be closed at the earliest possible date, it is recommended that the variances be extended only for a period of one year.

Summation

1. The lack of suitable area at each of the three open burning site in Clatsop County prevents their conversion to landfills. Denial of the variance extension would result in closure of the sites and there is currently no alternative site available.
2. A proposed regional landfill site has been identified and the County has initiated action to acquire and develop the site.
3. Clatsop County, on behalf of its open dump at Elsie and privately operated dumps at Seaside and Cannon Beach, has requested a two-year variance extension.
4. As an alternative, the Commission could limit the variance to one year since the new landfill could conceivably be available within that time.

5. The Department finds that the applicants' request meets the requirements of ORS 459.225(3), by which the Commission may grant a variance, as follows:
- a. Conditions exist that are beyond the control of the applicants.
 - b. Special conditions exist that render strict compliance unreasonable, burdensome, or impractical.
 - c. Strict compliance would result in substantial curtailment or closing of the disposal sites and no alternative facility or alternative method of solid waste management is available at this time.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant an extension of variances to OAR 340-61-040(3), until November 1, 1982, for the Cannon Beach, Elsie, and Seaside disposal sites.

Bill

William H. Young

Attachments

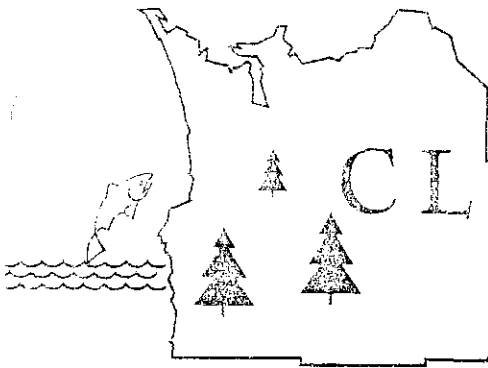
- I. Agenda Item No. I, November 21, 1980, EQC Meeting
- II. Letter dated April 2, 1981, from John H. Tuthill
- III. Letter dated September 10, 1981, from John Dooley

W. H. Dana:c

SC15

229-6266

September 17, 1981



CLATSOP COUNTY

Courthouse Astoria, Oregon 97103

September 13, 1982

Mr. Robert L. Brown, Supervisor
Solid Waste Operations
Solid Waste Division
P. O. Box 1760
Portland, Oregon 97207

Re: Solid Waste - Clatsop County

Dear Mr. Brown:

In reply to your letter of July 28, 1982, please be advised that the Clatsop County Solid Waste Service District has been in the process of correcting procedural deficiencies and difficulties which necessitated the withdrawal of the application for the Perkins Road site. We have recently received the DLCD guidelines as per Mr. Cortright's letter of August 30, which is attached. We still have our original goal of completing our solid waste project, but because of the problems in the past, we cannot have this done by November 1, 1982. We, therefore, request an extension until November 1, 1983.

If there are any questions regarding the above, please call.

Very truly yours,

A handwritten signature in cursive script that reads "Roger A. Berg".

Roger A. Berg, Commissioner
Board of County Commissioners

RAB/slw

enc.

Solid Waste Division
Dept. of Environmental Quality
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SEP 14 1982



Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310-0590 PHONE (503) 378-4926

August 30, 1982

Curt J. Schneider
Department of Planning & Development
Clatsop County Courthouse
Astoria, OR 97103



Dear Curt:

The Planning Commission and the Board of Commissioners have asked if it is possible to take a "general" rather than a site specific exception to allow establishment of a regional sanitary landfill on forest land. I'd like to answer this question in two ways.

First, I think the basic concern may be whether or not LCDC would ever approve a site specific exception to locate a landfill on forest land. The answer is "yes," provided Goal 2's needs and alternatives tests for an exception have been met.

Second, taking a "general" exception now is an approach we would urge you to avoid. The Department believes the County can achieve the same purpose by incorporating Goal 2's exception requirements into the site selection process.

This could be done by adding discussion to the comprehensive plan that: (1) describes the need for a new regional sanitary landfill; (2) indicates general limitations on landfill siting (as discussed above); and (3) lays out future steps the County will take in evaluating and selecting a landfill site. These future steps would include factors required for a Goal exception: consideration of alternative sites, analyzing consequences and assuring compatibility with surrounding uses. (These are all probably part of the landfill siting process anyhow.)

The actual Goal exception would be taken by adopting a plan amendment (and any needed ordinance amendments) for the site selected. This would occur when the County chooses from alternative sites that have been studied and compared. Findings supporting the amendment would be based on the analysis already prepared. It is not necessary for a Goal 2 exception to complete detailed studies (such as complete site engineering) for each site. A general analysis of alternative sites is sufficient if it provides compelling reasons and facts to select one site over the available alternatives.

While the resulting plan amendment would require LCDC post acknowledgment review, acceptance of the amendment would be reasonably certain if adequate exception findings are adopted.

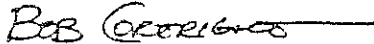
Curt J. Schneider

-2-

August 30, 1982

In short, the Department believes the approach described above is more appropriate than pursuing a "general" exception. Feel free to contact me for any questions and if you would like our staff to look any draft language you may propose.

Sincerely,



Robert Cortright
Field Representative

BC:af
0842B/3B

cc: Jim Knight
Mike Morgan
Craig Greenleaf

September 1, 1982

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

Solid Waste Division
Dept. of Environmental Quality
RECEIVED
SEP 3 1982

Re: Seaside Disposal Site
Solid Waste Permit #22
Clatsop County

Gentlemen:


Seaside Sanitary Service and Cannon Beach Sanitary Service request that variances be extended at our present disposal sites. We have limited our dumping to as small an area as practical and we have closed over half the original disposal sites. We have been inspected by D.E.Q. personnel on a periodic basis and have always been in complete compliance with our permits.


The Clatsop County Commissioners have experienced many difficulties in developing a new regional landfill and at the present time have not developed definite plans. We have attended all meetings and have been as supportive as possible. We recognize that our present sites are an interim facility, however, at the present time we have no practical options until the regional landfill is developed.

At the present time the State Department of Forestry with the help of Crown Zellerbach and C.E.T.A. workers are cleaning up refuse illegally dumped along the roadways on the tree farm. We are accepting this refuse free of charge at our facilities. Illegal dumping has been an on-going problem in the area for years due to easy access to the tree farm and the remoteness of the roads.

We feel that without some disposal facility in this area available for public use, illegal dumping would become epidemic. Our present sites do not and can not meet EPA-DEQ standards, however, we try to come as close as possible and considering the impact of closure on public health and safety, we think a temporary extension of our variances is justified. To our knowledge there are no alternative sites in our county or any surrounding counties that might be available.

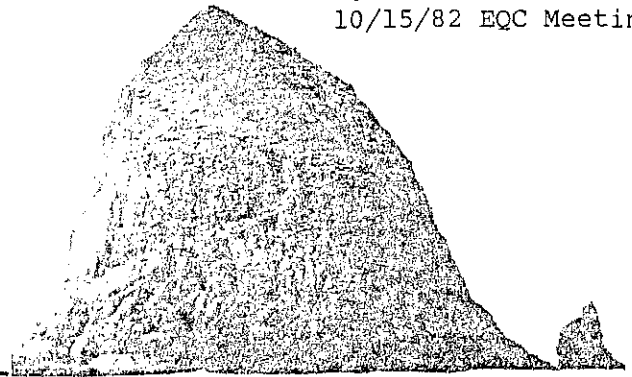
Vary truly yours,


Pete Anderson, Owner
Seaside Sanitary Service


Dick Walsborn, Owner
Cannon Beach Sanitary Service

PA/jw

CITY OF CANNON BEACH



"The Beach of a Thousand Wonders"

P. O. BOX 368
CANNON BEACH
OREGON 97110

August 16, 1982

To Department of Environmental Quality,

I am writing to support an extension of the permit for the land fill area used by the Cannon Beach Sanitary Service.

The history of the search for an acceptable alternate for this area is well known. The problems encountered are complex. Until a solution is reached we wage a favorable response to the request for more time.

The fact that Cannon Beach has had a volunteer recycling project since October, 1975 alters vastly the impact on the landfill. Enclosed you will find a portion of a report made to the City Council relative to that project. We have continued at approximately the same tempo on a regular basis since that time. So it is easy to see that the quantity of material going to the land fill is vastly diminished. I could up-date this if it was useful to you. One could predict that the planned initiation of another recycling center in Astoria in October will also have an impact in that area. Maybe more emphasis on recycling as a partial solution from land fill problems should be pursued.

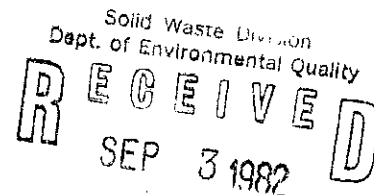
But in the meantime we favor an extension of time for Mr Walsborn.

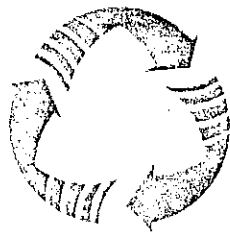
Sincerely,

Lucille Houston
Lucille Houston, Mayor
City of Cannon Beach

enclosure

LH:mc





PORTLAND RECYCLING TEAM

1801 N.W. Irving, Portland, Oregon 97209 (503) 228-5375

lbs	OCT ₇₅	NOV ₇₅	DEC ₇₅	JAN ₇₆	FEB ₇₆	MAR ₇₆
GLASS	3800	3200	4200	3600	3600	4800
NEWS	6500	4000	4000	2200	2500	3640
TIN CANS	440	480	320	600	640	640
Aluminum	60	100	40	25	40	100
Corrugated	350	950	600	600	2100	2500
WASTE PAPER	300	3470	1000	450	800	2000
MISC	—	250 (phone books)	—	—	—	—

This is a total of 64,895 pounds of material that have been recycled--and thus kept out of landfills. The figures for April have not been included and those for May were not yet available.

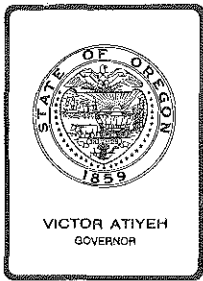
Taking just a few liberties with the variations in density of materials, this represents approximately 60,480 cu. ft. of glass, newsprint, cans, etc.. That figure becomes more meaningful when one realizes that this quantity would fill these Council chambers four times! Or it would fill a pit with diameter of 40 feet to a depth of 48 feet!!!

The fact that Council has given financial support to this project would indicate that you are already aware of the saving in resources, in energy and in pollution by recycling at least these materials.

8-16-82

This is data for the first six months of operation of Cannon Beach Recycling. We have been in 'business' for approximately seven years.

L.H.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. O, January 14, 1982, EQC Meeting

Informational Report: 1982 Annual Field Burning Report to the Legislative Committee on Trade and Economic Development

Background

Pursuant to statutes and under the direction of the Environmental Quality Commission, the Department conducts a smoke management program for regulating open field burning in the Willamette Valley and, with the advice and assistance of an Advisory Committee, a program for research and development of viable alternatives to open field burning.

ORS 468.470(1)(e) provides that the Department shall report annually to the Legislative Committee on Trade and Economic Development on the effectiveness of the smoke management program and on the progress being made in discovering and utilizing alternatives to open field burning.

The Executive Summary of the 1982 report is attached. The full report has been sent to you separately.

The full report gives a complete description of the Department's improved smoke management program, includes a new section discussing slash burning and slash utilization and describes the expanded research on meadowfoam as an alternative crop which requires no burning.

Director's Recommendation

This report is submitted for your information and, with your concurrence, will be sent to the Legislative Trade and Economic Development Committee as provided by ORS 468.470.

Bill

William H. Young

Attachment: 1982 Annual Field Burning Report Executive Summary

E.J. Weathersbee:a
AA2878
229-5397
December 21, 1982

State of Oregon
Department of Environmental Quality

1982 ANNUAL FIELD BURNING REPORT

Presented to the

Legislative Committee on Trade and Economic Development
December, 1982

EXECUTIVE SUMMARY

As provided by statute and under the direction of the Environmental Quality Commission, the Department of Environmental Quality (DEQ) conducts a smoke management program for regulating open field burning in the Willamette Valley and a program for research and development (R&D) of viable alternatives to the annual field burning practice. This report is submitted pursuant to the requirements of ORS 468.470.

The field burning program is supported by acreage fees paid by grass seed growers. The 1981-83 biennium budget for field burning totalled approximately \$1.8 million. This includes outlays to fire districts and the Oregon Seed Council for smoke management services and also reflects significantly increased R&D funding for the current fiscal year, as recently authorized by the State Emergency Board.

There were no legislative or regulatory changes affecting the 1982 field burning program.

A total of 328,625 acres were registered for open burning in 1982. This is the highest amount ever recorded and reflects a steady 16 percent increase since 1978. A total of 219,030 acres were open burned, approximately 88 percent of the legal maximum limit of 250,000 acres. Comparative annual field burning data are presented in Table A.

Summer burning activity was generally dominated by cool, wet weather. Burning was heavier than normal early in the season, but declined somewhat during the traditionally active period of late August to early September. Late summer rains significantly limited burning opportunities in late September and October. Three-fourths of the total acreage burned in 1982 was accomplished on just 13 separate days. The single heaviest day of burning was September 14 when 22,961 acres were accomplished.

Field burning impacts in populated areas in 1982 were significantly reduced from impact levels of the previous year. Lebanon experienced 26 total hours and Sweet Home 44 hours of smoke, as a result of ten and seven separate intrusion events, respectively. Compared to 1981 impacts, this represents a 65 percent improvement in Lebanon and 40 percent improvement in Sweet Home. Smoke impacts in Salem and Corvallis were minimal.

Eugene and Springfield were impacted to a greater degree than in prior years; Eugene experienced 10 total hours and Springfield 17 hours of smoke as a result of two intrusions. The latter intrusion, occurring on September 4, was particularly heavy and resulted in an exceedance of the first increment of the Eugene/Springfield Field Burning Performance Standard. The Standard was established in 1980 and prescribes that the minimum meteorological criteria for burning become evermore stringent as the cumulative impacts of smoke in Eugene and Springfield exceed specified levels. The effect of the September 4 exceedance was to require a minimum effective mixing height (the altitude to which smoke will freely rise) of 4,000 feet before any significant burning could be accomplished.

A total of 655 citizen complaints attributed to field burning were received by the Department in 1982, down from 844 complaints registered the year before.

A total of 26 field burning violation cases were investigated in 1982 for enforcement action consideration.

Research of field burning alternatives was significantly increased in 1982-83 to reflect growing interest in several areas of study. Approximately \$483,000 were allocated for specific projects with particular emphasis on evaluation and development of viable alternative crops and study of non-burning alternatives and growth retardants. The following is presented as an update of research progress in various areas.

Research was conducted into improved smoke management techniques in an effort to develop new or refined methods of forecasting the types of meteorological changes which often lead to significant smoke problems. These phenomena are relatively small in scale and difficult to detect in advance with the available data. While various operational improvements were suggested, there was little or no success in identifying any useful advance indicator of these phenomena.

Study of crew-cutting and less-than-annual burning as alternative methods of field sanitation was conducted in 1981-82, though results from this most recent project are not available at this time. Previous analyses have shown crew-cutting, a method of close-cropping and removing straw residue from the field, to perform as a satisfactory alternative to burning under some conditions, although estimated costs are high. The agronomic effects of burning less-than-annually will be continued in 1982-83 as the fourth year of a scheduled five-year program. This will also include evaluation of growth retardants as tools in improving grass seed yields and reducing the amounts of straw residue generated.

Research was also initiated in 1982-83 to assess alternative methods of controlling grass diseases. Open burning is considered the only feasible means of controlling fungal diseases which seriously affect

grass seed production. In one project, a range of new fungicide chemicals will be screened for potential effectiveness in disease control. Another project will evaluate the application of urea-sulfuric compounds to unburned fields as a means of both controlling diseases and hastening the decomposition of residual straw. Evidence has shown that residue material left on the field breaks down very slowly under natural conditions and harbours disease organisms from one season to the next.

Research was also initiated related to straw utilization, including one project intended to develop and demonstrate a home-heating unit designed to burn straw bales as a source of fuel. Another project will continue previous work on development of a device which effectively "injects" liquid nutrient supplements into straw bales which are then marketed as a complete cattle feed. In most cattle-feeding operations, nutrient supplements are freely dispensed without a mechanism for control. This results in costly and excessive nutrient use. While straw by itself has little nutritional value, it is needed as a roughage so bale injection appears to be an effective means of regulating animal intake. Animal feeding experiments will be conducted to assess the technical merits of injected straw and other straw-based feed.

The most promising potential alternative to field burning at this time is Meadowfoam, a new oilseed crop which appears to be well adapted to the soils now producing grass seed. It is a flowering annual plant which can be grown and harvested in a manner similar to annual ryegrass crops. The oil from Meadowfoam is chemically unique suggesting a range of potential market uses and values, including applications as a cosmetics ingredient, lubricating agent or source of other specialized compounds. Because Meadowfoam is a new crop with many unknowns, a number of agronomic questions must be addressed before commercialization can be considered. A major research effort is underway with particular emphasis on increasing and stabilizing Meadowfoam yields. Additional work will include a feasibility analysis of oilseed processing methods. Contacts will continue to be made with firms interested in evaluating the properties, uses, and potential market for the oil.

TABLE A

COMPARATIVE ANNUAL FIELD BURNING DATA

	<u>1982</u>	<u>1981</u>	<u>1980</u>	<u>1979</u>	<u>1978</u>	<u>1977</u>
Acres Registered:	328,625	314,275	297,301	287,615	284,328	288,000
Acres Burned:	219,030	233,975	212,126	153,043	153,890	171,500
Maximum Acres Burned Single Day:	22,961	40,271	30,941	19,422	51,021	38,773
No. Day Accounting for 75% of Total Burned Acreage:	13	13	13	13	9	11
No. Day Acres Burned Exceeded:						
250 Acres	44	48	57	48	39	35
1,000 Acres	27	32	29	27	21	24
5,000 Acres	15	13	6	5	3	11
10,000 Acres	8	5	2	5	4	9
20,000 Acres	3	1	1	0	1	1
30,000 Acres	0	1	1	0	1	1
No. Impact Hours ¹ / Intrusion Events Due to Field Burning:						
Salem	1/1	1/1	NA	NA	NA	NA
Lebanon	26/10	77/13	19/7	92/12*	44/12*	NA
Sweet Home	44/7	71/11	NA	NA	NA	NA
Corvallis	2/2	NA	0/0	2/1	NA	NA
Eugene	10/2	0/0	4/2	0/0	7/1*	5/3
Springfield	17/2	18/2	7/2	9/2*	0/0*	39/7*
Total Field Burning Complaints:	655	844	1183	479	689	746
Portland/Salem	66	132	97	116	138	27
Lebanon/Sweet Home	218	323	228	89	131	112
Albany/Corvallis	100	76	26	41	27	30
Eugene/Springfield	88	76	601	166	286	503
Rural (North Valley)	99	78	58	26	49	15
Rural (South Valley)	84	159	173	41	58	59
Violation Cases Investigated:	26	26	18	11	9	32

¹ Hourly nephelometer readings exceeding 1.8×10^{-4} b-scat above prior 3 hour background, roughly equivalent to visibility reduction from 35 miles to 13 miles (except recorded as hours exceeding 2.4×10^{-4} prior to 1980).

* Data limited due to equipment malfunction or shortened sampling period.

NA - Data not available

Note: Approximate acreage burned figures for prior years are as follows:
165,000 (1976), 185,000 (1975), 283,000 (1974), 262,000 (1973), 270,000 (1972),
260,000 (1971), 252,000 (1970), 225,000 (1969), 315,000 (1968).

TESTIMONY PRESENTED BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

January 14, 1983

Charles P. Schade, M.D. Health Officer
Multnomah County

Lead is an extremely toxic element. In recent years all evidence has pointed to lower levels of lead in the environment and in the body to be associated with demonstrable and probably permanent harm to individuals. Unlike many other toxic substances lead accumulates in the body. It produces few obvious symptoms at low levels of exposure and is not directly detectable by the exposed individual because concentrations which cause damage are so minute.

The major concern which physicians have, about the toxicity of lead, is its effect on young children. The studies by Needleman and his associates have demonstrated clear differences in behavior and in intelligence of children associated with modest chronic exposure to lead. Experts generally agree that the threshold of harm in exposures to lead is not well determined. Many hold the view that it is very close to zero.

Lead is most efficiently absorbed into the body as airborne particles. Airborne particles arise almost entirely from human activity; in the United States, principally from lead smelting and from lead added to gasoline.

In 1974 the Multnomah County Department of Human Services conducted a survey of lead levels in the blood of Portland children. We were primarily looking for evidence of exposure to lead paint. Very few children were found to have significantly elevated blood lead levels. Our study did show that blood lead levels were higher in children near freeways. A separate analysis documented that dust near Powell Boulevard contained 0.5 to 0.6% lead.

The national health and nutrition examination survey data obtained from 1976 through 1980 showed that center city children were five times as likely to have blood lead levels in excess of 30 micrograms per deciliter.

Persons who are exposed to 1.5 micrograms per cubic meter average lead in the air will absorb a significant proportion of their total daily lead uptake from the air. The relative impact of this source will rise as the food industry reduces lead content of food through improved packaging. A 10 kilogram or 22 pound child breathing air with 1.5 micrograms of lead per cubic meter will absorb between 0.3 and 1.2 micrograms of lead by this route each day. The World Health Organization says that the body can clear 30 micrograms of lead per day. While this airborne contribution to lead in small children might seem insignificant there are no good lead balance studies which show that lead absorbed at rates less than the World Health Organization rate is all, in fact, cleared by the body. Autopsy total lead determinations in individuals who are not known to be lead intoxicated suggests that lead accumulates dramatically even in the absence of heavy exposure.

During the past two years we have seen a substantial federal effort to slow the protection of the general population and the working population from lead exposure. Industrial lead regulations have been delayed. There has been a move to roll back the phasedown of lead in gasoline. We cannot expect a great deal of support from a federal administration which appears to place the lead industry ahead of the protection of public health.

For the above enumerated reasons the Environmental Quality Commission should consider stronger action than the proposed standard. I must admit that I do not have a "smoking gun". I cannot assert that the proposed standard and implementation plan will absolutely produce harm to Oregonians. The evidence for toxicity of lead, its order of magnitude lower levels in areas where lead emissions are not occurring, and the lack of any known safe level of lead in the human body, would certainly support a greater level of caution than the proposed standards allow.

Two options which the Commission might consider are:

1. A more rapid phasedown of lead emissions from gasoline than the federal government has established.
2. A more stringent ambient air standard than the federal standard. Such a standard for ambient air might be set at two standard deviations above the mean levels observed in "background" areas of the state.

Thank you very much for the opportunity of speaking to you this morning.