

2/25/1983

**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



State of Oregon
**Department of
Environmental
Quality**

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

February 25, 1983

City Council Chambers
411 W. Eighth Street
Medford, Oregon

AGENDA

9:00 am CONSENT ITEMS

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

APPROVED

A. Minutes of January 14, 1983, EQC Meeting.

APPROVED

B. Monthly Activity Report for December 1982.

APPROVED*

C. Tax Credits. [*T-1572 and T-1578 were denied.]

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

APPROVED

D. Request for authorization to conduct a public hearing to consider proposed increases in Air Contaminant Discharge Permit fees, OAR 340-20-155, Table 1, and OAR 340-20-165.

APPROVED

E. Request for authorization to conduct a public hearing to consider proposed increases in Water Quality Permit Fees, OAR 340-45-070, Table 2.

APPROVED

F. Request for authorization to conduct public hearings on proposed amendments to rules governing on-site sewage disposal (including proposed fee increases) OAR 340-71-100 through 71-600, and 73-080.

APPROVED

G. Request for authorization to conduct a public hearing for establishing a special water quality protection clause in the Deschutes Basin Water Quality Management Plan for the LaPine shallow aquifer, OAR 340-41-580(1).

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.

APPROVED w/
2 exceptions

H. Public hearing and consideration of adoption of the Medford-Ashland Air Quality Maintenance Area (AQMA) particulate control strategy as a revision of the Oregon Clean Air Implementation Plan (SIP).

APPROVED

I. Report on disposal of liquid scintillation counting waste at Arlington Pollution Control Center.

APPROVED

* J. Proposed adoption of amendments to Pollution Control Bond Fund Rules for Sewerage Projects, OAR Chapter 340, Division 81.

POSTPONED

K. Public Hearing to consider revocation of a variance to allow open burning of solid waste at the Elsie Disposal Site (Clatsop County).

POSTPONED

~~L. Petition by Oregon Environmental Council for declaratory ruling regarding DEQ jurisdiction over the spraying of the pesticide Sevin into Tillamook Bay.~~

ACCEPTED

M. Southwest Regional Manager's Report.

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 am to avoid missing any item of interest.

The Commission will breakfast (7:30 am) at the Thunderbird Motor Inn, 1015 S. Riverside, Medford; and will lunch at City Hall.

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED FORTY-SIXTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

February 25, 1983

On Friday, February 25, 1983, the one hundred forty-sixth meeting of the Oregon Environmental Quality Commission convened at the Medford City Hall, Medford, Oregon. Present were Commission members Chairman Joe B. Richards, Mr. Fred J. Burgess, Vice-Chairman; Mrs. Mary V. Bishop; Mr. Wallace B. Brill; and Mr. James Petersen. 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 Thunderbird Motor Inn in Medford. Commissioners Richards, Burgess, Bishop, Brill, and Petersen were present. Also present were several members of the Department staff.

The following items were discussed:

1. Legislation update: The Director reviewed the status of the Department's proposed legislation. The woodstove bill was discussed, as well as the tax credit aspects of that bill.
2. Sevin application to Tillamook Bay: A letter from Senator Mike Thorne to the Chairman was read to the Commission members. The letter suggested that the Commission not involve itself in the Sevin issue and requested that the EQC deny the petition submitted by the Oregon Environmental Council.
3. Gary Grimes, Regional Manager of the Southwest Region, reported his office has had a request from the Legislature to prepare a report on the Department's activities relative to gold miners, especially regarding potential enforcement action.

FORMAL MEETING

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

AGENDA ITEM A: MINUTES OF THE JANUARY 14, 1983 EQC MEETING

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

AGENDA ITEM B: MONTHLY ACTIVITY REPORT FOR DECEMBER 1982

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

The Commission requested that Linda Zucker, Hearings Officer, review the Contested Case Log for them at the next meeting.

AGENDA ITEM C: TAX CREDITS

Ron Elsner, Linnton Plywood, spoke in opposition to the Department's recommendation regarding Application T-1572.

Jack Payne, CH2M Hill, outlined reasons why Linnton Plywood should be eligible for solid waste tax credits on the above application.

Robert Oslund, Georgia-Pacific, described in detail why the tax credit on Application T-1578 should be granted for improved solid waste handling.

Bob Brown and Ernie Schmidt, Solid Waste Division, answered questions from the Commission on the above tax credit applications.

It was MOVED by Commissioner Burgess, seconded by Commissioner Bishop, and passed unanimously that the Director's Recommendation be approved. Tax credit applications T-1572 and T-1578 were denied.

PUBLIC FORUM

Alex Austin, Timber Products, thanked the Commission and the Department for their advice and interest and for coming to meet with them in Medford.

AGENDA ITEM D: AUTHORIZATION TO HOLD A PUBLIC HEARING TO CONSIDER PROPOSED INCREASES IN AIR CONTAMINANT DISCHARGE PERMIT FEES (OAR 340-20-155, TABLE 1, AND OAR 340-20-165).

The Department is proposing to increase the Air Contaminant Discharge Permit fees to partially offset inflationary costs within the permit processing system and to exempt some small sources having negligible air quality impact.

It is proposed to increase the filing fee from \$50 to \$75 and to increase the compliance determination fees an average of 7.8 percent. A public hearing is scheduled for Friday, April 15, 1983.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize a public hearing to obtain testimony on proposed changes to Air Contaminant Discharge Fees, OAR 340-20-155, Table 1, and OAR 340-20-165.

AGENDA ITEM E: REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING ON A PROPOSED AMENDMENT OF WATER QUALITY PERMIT FEES (OAR 340-45-070, TABLE 2) TO INCREASE REVENUES FOR THE 1983-85 BIENNIUM.

The Water Quality Division is requesting authorization to hold a hearing regarding an increase in Water Quality Permit Fees.

The revised Water Quality Fee Schedule does the following:

1. Raises filing fees from \$25 to \$50.
2. Increases the fees for land disposal of waste waters to better correspond to the staff time involved.
3. Increases all annual compliance determination fees. The fee increase ranges from \$25 per year for the minor sources up to \$125 per year for major sources.

The hearing is tentatively scheduled for 10:00 a.m., April 15, 1983.

Director's Recommendation

Based on the summation, the Director recommends that the Commission authorize the Department to hold a public hearing on a proposed amendment of the Water Quality Permit Fee Schedule (OAR 340-45-070, Table 2).

AGENDA ITEM F: REQUEST FOR AUTHORIZATION TO CONDUCT PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO RULES GOVERNING ON-SITE SEWAGE DISPOSAL (INCLUDING PROPOSED FEE INCREASES). OAR 340-71-100 THROUGH 340-71-600 AND 340-73-080.

Agenda Item "F" is a request for authorization to conduct public hearings on the question of amending the On-Site Sewage Disposal Rules. Testimony would be received on several housekeeping and substantive amendments, including adjustments to the schedule of fees. Hearings are proposed to be held in five locations throughout the state on April 5, 1983.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize public hearings, to take testimony on the question of amending OAR 340-71-100 through 340-71-600 and OAR 340-73-080, as presented in Attachment C.

AGENDA ITEM G: REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC RULEMAKING HEARING FOR ESTABLISHING A SPECIAL GROUNDWATER QUALITY PROTECTION RULE IN THE DESCHUTES BASIN WATER QUALITY MANAGEMENT PLAN OAR 340-41-580(1) FOR THE LAPINE SHALLOW AQUIFER.

Proposed Action to:

Authorize the Department to conduct a public rulemaking hearing for establishing a special water quality protection clause in the Deschutes Basin Water Quality Management Plan (OAR 340-41-580(1) for the LaPine Shallow Aquifer.

During the past two years, Deschutes County has engaged in an intensive groundwater study in and around the LaPine area. The study was completed this past August with the development of the LaPine Aquifer Management Plan. This plan was presented to the public and subsequently accepted by Deschutes County, who instructed staff to implement it.

The Department has developed the proposed rule to show our support for this plan and establish the Commission's policy for protecting the groundwater in the LaPine area.

Director's Recommendation

Based on the Summation, it is recommended that the Commission authorize the Department to conduct a public rulemaking hearing on whether to add a special groundwater quality protection rule to the Deschutes Basin Water Quality Management Plan for the LaPine Area Shallow Aquifer as set forth in Attachment A.

It was MOVED by Commissioner Burgess, seconded by Commissioner Brill, and passed unanimously that the Director's Recommendation on the above four items, Items D, E, F, and G, be approved.

AGENDA ITEM H: PUBLIC HEARING AND CONSIDERATION OF ADOPTION OF THE MEDFORD-ASHLAND AQMA PARTICULATE CONTROL STRATEGY AS A REVISION OF THE STATE OF OREGON CLEAN AIR IMPLEMENTATION PLAN.

This agenda item was scheduled by the Commission at its last meeting to hear public testimony and consider adoption of the Medford particulate control strategy. Over the past two years, the Department has been working with Jackson County, the local Air Quality Advisory Committee and local cities on a plan to deal with the serious particulate problem in the Medford-White City area.

Director's Recommendation

Based on the Summation, the Director recommends that, barring any unforeseen major adverse comments at the hearing, the EQC adopt the Medford-Ashland AQMA Particulate Control Strategy as a revision of the State of Oregon Clean Air Implementation Plan (SIP). The SIP revision includes: primary and secondary standard attainment

strategies; OAR 340-30-020 (revision), OAR 340-30-043 (new), OAR 340-30-044 (new), and OAR 340-30-045 (revision); and redefinition of the nonattainment area boundaries. The documents making up the SIP revision are included in Attachments 3 and 4.

Merlyn Hough, Air Quality Division, outlined for the Commission the Medford/Ashland AQMA particulate control strategy.

John Hallet, Medford City Council and Jackson County Air Quality Committee, spoke in support of the Department's recommendation but opposed the shrinking of the nonattainment boundaries.

John L. Smith, Secretary/Manager, Southern Oregon Timber Industries Association, spoke generally in favor of the Department's proposed action.

Genevieve Sage, Oregon Lung Association, Southern Region, spoke in support of the proposed particulate control strategy.

Jim Capp, Jackson County Planning Coordinator, said that the County supports the Department's strategy but complained that they had no opportunity for input into the decision to reduce the boundaries.

Hayes Rossman, Jackson County Air Quality Committee, had personal concerns about deleting Talent and Phoenix from the boundaries because of their meteorological history.

Vera Morrell, League of Women Voters, supports the Department's proposal.

Patricia Kuhn, former member of Jackson County Air Quality Advisory Committee, spoke generally in favor the Director's Recommendation.

Bill Carlson, Husky Industries, is concerned about the Department's apparent change of direction to controlling emissions to meet the secondary instead of merely the primary standard.

Lynn Newbry, Medford Corporation, supports SOTIA's testimony but does not support the veneer dryer emission standards.

Garrett Andrew, Boise Cascade Corp., spoke to the Commission on the emission control strategy for veneer dryers.

Merlyn Hough, answered questions from the Commission regarding the so-called "trigger mechanism" which had been supported by some of the previous testimony.

It was MOVED by Commissioner Petersen, seconded by Commissioner Bishop, and passed unanimously that the Director's Recommendation be approved, but omitting the sections relating to veneer dryers and the nonattainment area boundaries. These sections should be brought back for consideration of these two matters at the next EQC meeting on April 8. The City of Medford, Jackson County, and the Air Quality Advisory Committee should be invited to review the boundary issue for any additional input before that meeting.

AGENDA ITEM I: REPORT ON DISPOSAL OF LIQUID SCINTILLATION COUNTING WASTE
AT ARLINGTON POLLUTION CONTROL CENTER.

On March 11, 1981, the Nuclear Regulatory Commission deregulated certain medical research and medical procedure wastes (liquid scintillation counting and animal carcass wastes containing radioactivity) because:

1. The chemical (flammable, toxic) or biological (pathogenic) hazards were greater than the radiological hazard.
2. The chemical or biological fluids could increase the leaching and migration of radioactivity from other wastes in a burial trench.
3. Valuable trench volume (only three commercial low-level radioactive waste disposal sites operating at this time) was being used up by wastes whose principal hazards were chemical or biological.
4. Other acceptable alternatives existed in the form of incinerators, solid or hazardous waste landfills, and sanitary sewers that could handle some or all of the LSC and animal carcass wastes.

In response to this action, the 1981 Legislature provided that these wastes could be treated or disposed of at a licensed hazardous waste disposal facility.

The Department, in cooperation with the Health Division, has determined that liquid scintillation counting waste can be properly managed as an ignitable waste without any rule changes. To provide for management of contaminated animal carcasses would require additional rules. We are not proposing any rules at this time since these wastes can continue to be disposed of at Washington's Hanford site.

It was recommended that the Commission concur with the Department's decision to allow LSC wastes to be disposed of at Arlington under the same prior-approval program as is applied to any other industrial hazardous waste.

Director's Recommendation

Based upon the Evaluation and Conclusion, it is recommended that the Commission concur with the Director's decision to allow LSC waste to be disposed of at the APCC. As with other chemically hazardous waste, generators of LSC wastes would be subjected to the prior approval program currently in effect.

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

AGENDA ITEM J: PROPOSED ADOPTION OF AMENDMENTS TO POLLUTION CONTROL BOND
FUND RULES FOR SEWERAGE PROJECTS, OAR CHAPTER 340,
DIVISION 81.

At the December EQC meeting, the Commission authorized the Department to hold a hearing on proposed revised rules for use of the Pollution control Bond Fund for sewerage works construction. The hearing was held January 11, 1983.

The initial proposed rules were modified in two main areas as a result of the testimony:

The definition of the term "loan" was changed to delete a sentence expressing preference for General Obligation Bonds as security for loans. The rules elsewhere require EQC approval of loans secured by other than General Obligation Bonds.

The criteria for prioritizing loan requests were rewritten. This part of the rule is clearly the most complex. Criteria that everyone would consider fair and equitable are difficult if not impossible to develop. We are recommending criteria that draw on available data from the Loan Applicant's adopted budget and plan for facilities. We do not anticipate having to prioritize projects during the next year or two. During this time we propose to test the criteria. Refinements can then be proposed if they prove necessary.

The Department is recommending that the Commission repeal the existing rules OAR 340-81-005 through 81-050) and adopt the rules contained in Attachment D of the staff report in their place.

Director's Recommendation

Based on the Summation, it is recommended that the Commission repeal the existing rules contained in OAR 340-81-005 through 340-81-050 and enact the rules contained in Attachment D in lieu thereof.

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

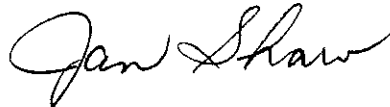
AGENDA ITEM M: SIGNIFICANT SOUTHWEST REGION ACTIVITIES AND CONCERNS.

It has been nearly two years since the Commission has met in the Southwest Region. This report included a county-by-county presentation of significant environmental activities and concerns in the region.

The report was accepted by the Commission.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Jan Shaw
EQC Assistant

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 EQC 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 PERMITTEES:
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.

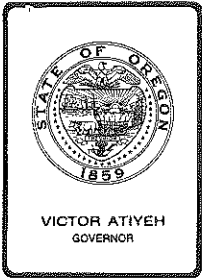
LUNCH MEETING

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



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, February 25, 1983, EQC Meeting
December, 1982 Program Activity Report

Discussion

Attached is the December, 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
February 2, 1982
Attachments
MK616 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

December, 1982

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions
(Reporting Unit)

December, 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	11	34	10	42	0	0	12
Small Gasoline Storage Tanks Vapor Controls	0	0	0	0	0	0	0
TOTAL	11	34	10	42	0	0	12
<u>Water</u>							
Municipal	11	92	20	85	0	3	12
Industrial	3	27	6	44	0	0	3
TOTAL	14	119	26	129	0	3	15
<u>Solid Waste</u>							
Gen. Refuse	1	12	1	9	0	0	3
Demolition	0	0	0	0	0	0	0
Industrial	2	11	2	10	0	0	5
Sludge	0	3	1	4	0	0	0
TOTAL	3	26	4	23	0	0	8
<u>Hazardous Wastes</u>	0	0	0	0	0	0	0
<u>GRAND TOTAL</u>	28	179	40	194	0	3	35

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

COUNTY	NUMBER	SOURCE	PROCESS DESCRIPTION	DATE OF ACTION	ACTION
MORROW	662	PGE BOARDMAN	NOX CONTROLS	12/20/82	APPROVED
CLACKAMAS	851	PREC CASTPTS MTL HDG FACS	DUST COLLECTION SYSTEM	12/28/82	APPROVED
JACKSON	862	SWEDENBURG ORCHARDS	WIND MACHINES	12/20/82	APPROVED
JACKSON	864	BUCKEYE ORCHARD	WIND MACHINES	12/20/82	APPROVED
JACKSON	865	KNOLLCREST ORCHARD	WIND MACHINES	12/20/82	APPROVED
JACKSON	866	HIGHCROFT ORCHARD	WIND MACHINES	12/20/82	APPROVED
JACKSON	867	HILDALE ORCHARDS	WIND MACHINES	12/20/82	APPROVED
JACKSON	868	MERJER ORCHARD	WIND MACHINE	12/20/82	APPROVED
CROOK	870	OREGON SUN RANCH	BIN VENT SYSTEM	12/20/82	APPROVED
JACKSON	872	ANDERSON ORCHARD	WIND MACHINES	12/20/82	APPROVED
TOTAL NUMBER QUICK LOOK REPORT LINES			10		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

December, 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	3	20	1	14	20		
Existing	0	3	4	16	13		
Renewals	23	82	5	61	89		
Modifications	<u>4</u>	<u>19</u>	<u>3</u>	<u>23</u>	<u>17</u>		
Total	30	124	13	114	139	1909	1942
<u>Indirect Sources</u>							
New	0	3	0	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	0	2	4	204	208
<u>GRAND TOTALS</u>	30	127	13	116	143	2113	2150

Number of
Pending Permits

Comments

20	To be reviewed by Northwest Region
10	To be reviewed by Willamette Valley Region
5	To be reviewed by Southwest Region
5	To be reviewed by Central Region
3	To be reviewed by Eastern Region
26	To be reviewed by Program Planning Division
27	To be reviewed by Program Operations
20	Awaiting Public Notice
<u>23</u>	Awaiting the end of the 30-day period
139	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
CLACKAMAS	STEIN CYC CO., INC.	03	2878 10/01/82	PERMIT ISSUED	12/01/82	EXT	
KLAMATH	WEYERHAEUSER COMPANY	18	0037 00/00/00	PERMIT ISSUED	12/01/82	MOD	
MULTNOMAH	OWENS-CORNING FIBERGLAS	26	2044 03/02/82	PERMIT ISSUED	12/01/82	RNW	
MULTNOMAH	CONTINENTAL CAN CO USA	26	2332 10/19/81	PERMIT ISSUED	12/01/82	EXT	Y
PORT.SOURCE	ANGELL ASPHALT&AGGREGATE	37	0091 07/15/82	PERMIT ISSUED	12/01/82	RNW	
PORT.SOURCE	BABLER BROTHERS INC	37	0121 09/03/82	PERMIT ISSUED	12/01/82	RNW	
PORT.SOURCE	MORSE BROS. INC	37	0293 07/28/82	PERMIT ISSUED	12/01/82	EXT	
DESCHUTES	DIAMOND INTERNATIONAL	09	0001 12/01/82	PERMIT ISSUED	12/06/82	MOD	
DOUGLAS	MT. MAZAMA PLYWOOD	10	0022 12/01/82	PERMIT ISSUED	12/07/82	MOD	
DOUGLAS	BLACKMARR'S MTN VIEW FUN	10	0126 09/29/82	PERMIT ISSUED	12/15/82	NEW	
LINN	LINN COUNTY GENL SERV	22	1503 09/16/82	PERMIT ISSUED	12/15/82	EXT	
MARION	WALLING SAND & GRAVEL CO.	24	5952 02/30/82	PERMIT ISSUED	12/15/82	RNW	
PORT.SOURCE	PETER KIEWIT SON'S CO	37	0095 10/01/82	PERMIT ISSUED	12/15/82	RNW	Y
TOTAL NUMBER QUICK LOOK REPORT LINES							13

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

December, 1982
(Month and Year)

PERMIT ACTIONS COMPLETED

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

Indirect Sources

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division	December 1982
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED 26

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

MUNICIPAL WASTE SOURCES 20

Columbia	Riverwood Mobile Home Park Septic Tank	12/7/82	Comments to Engineer
Union	Ridgewood Manor Sanitary Sewers Elgin	12/8/82	P.A.
Lane	Metropolitan Wastewater Management Commission Contract C-10 Eugene/Springfield	12/10/82	P.A.
Lane	Metropolitan Wastewater Management Commission Contract C-13 Eugene/Springfield	12/10/82	P.A.
Lane	Metropolitan Wastewater Management Commission Contract EI-24 Eugene/Springfield	12/10/82	P.A.
Deschutes	Terrebonne Estates Subdivision Sanitary Sewers	12/20/82	Comments to Engineer
Clatsop	Gearhart Clubhouse Condominiums Sanitary Sewers Gearhart	12/20/82	P.A.
Tillamook	Kiwanda Shores Development Sanitary Sewers Pacific City	12/22/82	P.A.

MAR.3 (5/79) WL2220

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

December 1982
(Month and Year)

PLAN ACTIONS COMPLETED 26

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

Coos	Sewer District "K" Sanitary Sewers Myrtle Point	12/22/82	P.A.	
Clackamas	W.D. 8538 Glenmorrie Road Sanitary Sewer Extension Lake Oswego	12/22/82	P.A.	
Jackson	Alder Creek - Phase 1 Sanitary Sewers Medford	12/22/82	P.A.	
Columbia	Orchard Ave. Sewer Extension Clatskanie	12/22/82	P.A.	
Tillamook	Lateral 1.2-1 South 'C' St. Sewer Extension Rockaway	12/23/82	P.A.	
Tillamook	Etension Lateral M-S Madrona Street NTCSA	12/23/82	P.A.	
Douglas	Club St.-Esther St. Extension North Umpqua S.D.	12/23/82	P.A.	
Jackson	Strawberry Lane Sewer Extension - Ashland	12/23/82	P.A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division	December 1982
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED 26

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

Jackson	Granite St. Scenic Drive Sewerage System Extension Ashland	12/23/82	P.A.
Coos	Old Town Reconstruction Phase I - Bandon	12/23/82	P.A.
Klamath	Altamont Ranch Tracts Sewage System Extension SSSD	12/23/82	P.A.
Multnomah	Burnside Corridor Sewers Sanitary Sewers Gresham	12/28/82	P.A.

P.A. = Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	December 1982 (Month and Year)
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PLAN ACTIONS COMPLETED 26

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

Douglas	International Paper Co. Gardiner, Sewer System Modification/Internal Spill Control System	12/6/82	Approved
Columbia	Bergsoe Metal Corp. Pretreatment System System and Monitoring Equipment, St. Helens	12/7/82	Withdrawn
Columbia	C. H. Loos, Manure Control System Scappoose	12/7/82	Approved
Multnomah	Vetsch Dairy Manure Control System	12/7/82	Approved
Tillamook	Shirhar Farm Inc. Tillamook, Manure Control System	12/9/82	Approved
Tillamook	Wayne Barker Dairy Tillamook, Manure Control System	12/14/82	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

December, 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 /0	0 /9	0 /1	1 /14	0 /8		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	6 /0	43 /7	1 /2	16 /7	57 /6		
Modifications	0 /1	1 /1	0 /0	1 /0	0 /1		
Total	6 /1	44 /17	1 /3	18 /21	57 /15	239/121	239/129
<u>Industrial</u>							
New	0 /1	3 /6	0 /1	4 /1	1 /6		
Existing	0 /0	0 /0	0 /0	0 /0	0 /1		
Renewals	7 /5	22 /21	1 /2	9 /13	51 /21		
Modifications	1 /0	3 /0	0 /0	3 /0	2 /0		
Total	8 /6	28 /27	1 /3	16 /14	54 /28	380/186	381/193
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	0 /0	0 /0	1 /0	1 /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	0 /0	0 /0	0 /0	59 /15	60 /15
<u>GRAND TOTALS</u>	14 /7	72 /44	2 /6	35 /35	112/43	678/322	680/337

* NPDES Permits

** State Permits

12 General Permits Issued (6 Heat Pumps, 3 New, 3 Transferred)

MAR.5W (8/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	December, 1982 (Month and Year)
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PERMIT ACTIONS COMPLETED

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

Marion	Castle & Cooke, Inc. Mushroom Div. - Salem	12-17-82	Permit Renewed	
Douglas	Glendale, STP	12-17-82	Permit Renewed	

MUNICIPAL AND INDUSTRIAL SOURCES - STATE PERMITS (6)

Umatilla	Douglas I. Brown (Doug's Septic Service) Milton-Freewater	12-13-82	Permit Issued	
Clackamas	East County Aggregates, Inc. Clackamas Co. - Eagle Creek	12-13-82	Permit Issued	
Marion	Northwest Organic Products Aurora	12-13-82	Permit Renewed	
Lane	West Coast Truck Lines STP	12-13-82	Permit Renewed	
Klamath	Bly Sanitary District STP	12-17-82	Permit Renewed	
Polk	Norman Wiensz Slaughterhouse - Monmouth	12-17-82	Permit Renewed	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	December, 1982 (Month and Year)
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PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL AND INDUSTRIAL SOURCES - GENERAL PERMITS (12)

Cooling Water, Permit 0100-J, File 32539 (10)

Marion	Don Miller Salem	12-2-82	General Permit Issued (Heat Pump)
Benton	Martin Thompson Corvallis	12-2-82	General Permit Issued (Heat Pump)
Benton	Mr. & Mrs. Jeff Miller Corvallis	12-2-82	General Permit Issued (Heat Pump)
Benton	Lowell McDaniel Corvallis	12-6-82	General Permit Issued (Heat Pump)
Benton	Harlan Conkey Monmouth	12-6-82	General Permit Issued (Heat Pump)
Benton	Leonard Atkinson Corvallis	12-6-82	General Permit Issued (Heat Pump)
Columbia	Bergsoe Metal Corp. St. Helens	12-9-82	General Permit Issued
Hood River	Duckwall-Pooley Fruit Co. Odell (Van Horn Cold Storage)	12-10-82	General Permit Issued
Lane	Monsanto Company Eugene	12-17-82	Transferred to General Permit
Multnomah	Georgia-Pacific Corp. (Linnton) - Portland	12-27-82	Transferred to General Permit

Aquatic Animal Production, Permit 0300-J, File 32560 (2)

Lincoln	Lee Webb Siletz	12-3-82	General Permit Issued
Jefferson	Warm Springs Fish Hatchery	12-30-82	Transferred to General Permit

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

December 1982
(Month and Year)

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	Month	FY	Month	FY			
<u>General Refuse</u>							
New	-	2	-	3	-		
Existing	-	-	-	-	-		
Renewals	2	12	-	18	5		
Modifications	-	7	-	7	-		
Total	2	21	0	28	5	176	176
<u>Demolition</u>							
New	-	-	-	1	-		
Existing	-	-	-	-	-		
Renewals	-	1	-	1	-		
Modifications	1	3	1	3	-		
Total	1	4	1	5	0	21	21
<u>Industrial</u>							
New	1	4	1	7	4		
Existing	-	-	-	-	-		
Renewals	2	10	1	7	7		
Modifications	-	-	-	-	-		
Total	3	14	2	14	11	105	105
<u>Sludge Disposal</u>							
New	4	5	-	2	5		
Existing	-	-	-	-	-		
Renewals	-	2	-	2	-		
Modifications	1	2	1	3	-		
Total	5	9	1	7	5	12	12
<u>Hazardous Waste</u>							
New	43	375	43	375	-		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	43	375	43	375	-	-	-
<u>GRAND TOTALS</u>	54	423	47	429	21	314	314

SC820.A
MAR.5S (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Solid Waste Division</u>	<u>December 1982</u>
(Reporting Unit)	(Month and Year)

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Marion	Claude Brinegar Existing ind. waste site	12/8/82	Letter authorization renewed	
Linn	Hank's Concrete Products Existing sludge site	12/15/82	Letter authorization amended	
Tillamook	Publishers Paper New landfill	12/23/82	Letter authorization issued	
Multnomah	H. G. LaVelle Existing landfill	12/29/82	Permit amended	

SC820.D
MAR.6 (5/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

December 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 (43)

OREGON (9)

12/9	Spent ethanol, naphtha and IPA solvent	Ink manuf.	0	600 gal.
12/16	Mixed lab chemicals	Chemical co.	30 drums	0
12/16	Aluminum nitrate	Chemical co.	2200 lb.	0
12/28	Latex paint sludge	Metal finish.	0	10 drums
12/28	Paint thinner	Metal finish.	0	10 drums
12/30	Paint sludge	Fabrication	0	10 drums
12/30	Trichloroethylene tank sludge	Electrn. shop	20 drums	0
12/30	Enamel paint sludge	Auto body shop	0	150 gal.
12/30	Trim-sol machine coolant	Machine shop	480 gal.	4800 gal.

WASHINGTON (23)

12/9	Polyoxyalkylene glycol tinning oil	Electrn. co.	12 drums	24 drums
12/9	Spent solvents	Ink manuf.	0	2000 gal.
12/9	PCB-contam. fluid	Fed. facility	0	8 drums

SC820.E
MAR.15 (1/82)

* * *	* * *		* * *	* * *	<u>Quantity</u>		* * *
* * *	Date	Type	Source	Present	Future		
	12/9	PCB-contam. rags, tools, etc.	Fed. facility	0		4 drums	
	12/9	PCB liquid	Fed. facility	0		2 drums	
	12/9	Thermal batteries	Fed. facility	0		2 drums	
	12/9	Spent trichloroethane	Fed. facility	0		2 drums	
	12/9	Methylene-o-chloroani- lene-contam. solids	Fed. facility	0		100 drums	
	12/9	Lithium batteries	Fed. facility	0		12 drums	
	12/9	Spent Freon solvent	Fed. facility	0		8 drums	
	12/9	Lead-contam. water	Site cleanup	0		60 drums	
	12/15	PCB transformers	Chemical co.	24 drums	0		
	12/15	PCB-contam. solids	Chemical co.	10 drums	0		
	12/28	PCB-contam. material	Wood product	0		1 drums	
	12/28	PCB liquid	Oil refinery	0		10 drums	
	12/28	PCB-contam. liquid	Oil refinery	0		100 drums	
	12/28	PCB transformers	Oil refinery	0		5 units	
	12/28	PCB-contam. transfrmr.	Oil refinery	0		5 units	
	12/28	PCB capacitors	Oil refinery	0		5 drums	
	12/28	Gasoline tank bottoms	Oil co.	0		31 drums	
	12/28	Diphenylmethane diisocyanate	Electrn. co.	165 gal.	0		
	12/28	Trichlorofluoromethane	Electrn. co.	165 gal.	0		
	12/30	PCB-contam. fluid	Chemical co.	0		10 drums	

OTHER STATES (11)

	12/15	Urea-formaldehyde- contaminated spill cleanup debris	Chemical co. (AK)	72 drums		72 drums	
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SC820.E
MAR.15 (1/82)

* * *	* * *	* * *	* * *	* * *	* * *	* * *	
					<u>Quantity</u>		
* * *	Date	Type	Source	Present	Future		* * *
	12/15	Silicon tetrafluoride-contaminated charcoal	Zirconium manuf. (UT)	0	36 drums		
	12/15	Magnesium chloride salts	Zirconium manuf. (UT)	0	100 drums		
	12/16	Sodium persulfate sln.	Research facil. (ID)	2200 gal.	10 drums		
	12/16	Mixed ignitable solvents	Research facil. (ID)	2200 gal.	40 drums		
	12/16	KCrO ₄ -contam. water	Research facil. (ID)	10,000 gal.	200 drums		
	12/16	Mixed photographic chemicals	Research facil. (ID)	500 gal.	500 gal.		
	12/16	AgNO ₃ -contam. water	Research facil. (ID)	600 gal.	600 gal.		
	12/16	HgNO ₃ -contam. water	Research facil. (ID)	500 gal.	250 gal.		
	12/28	Solidified machine flush with methylene chloride/Freon II	Polyurethane pipe coating (AK)	0	40,000 lb.		
	12/30	PCB equipment	Fed. agency (MT)	6 units	240 gal.		

SC820.E
MAR.15 (1/82)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program December, 1982
 (Reporting Unit) (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	4	40	1	43	101	98
Airports				6	1	1

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

December, 1982
(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

<u>County</u>	*	<u>Name of Source and Location</u>	*	<u>Date</u>	*	<u>Action</u>
Multnomah	*	Minute Mart Food Store, Portland	*	12-82	*	In Compliance

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1982

CIVIL PENALTIES ASSESSED DURING MONTH OF December, 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>
Stayton Canning Co. Brooks, Oregon	WQ-WVR-82-113 Discharged waste water to public waters in violation of waste discharge permit.	12-28-82	\$1,000	Paid 1-10-83
Gerald Marca Coquille, Oregon	SS-SWR-82-101 Use of an unap- proved on-site sewage system.	12-28-82	\$500	Request for hearing and answer filed 1-10-83.
Glenn Althausen Boring, Oregon	SW-NWR-82-111 Maintaining an unauthorized solid waste disposal site.	12-28-82	\$350	Request for hearing and answer filed 1-31-83.
Allan Rose Mill City, Oregon	AQOB-WVR-82-120 Open burned demo- lition waste.	12-28-82	\$350	Trying to get service.
Sessler, Inc. White City, Oregon	AQOB-SWR-82-122 Open burned pro- hibited materials.	12-28-82	\$250	Respondent requested additional time to respond to the notice.

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT</u>
Preliminary Issues	3	7
Discovery	1	1
Settlement Action	0	0
Hearing to be scheduled	5	5
Hearing scheduled	2	1
HO's Decision Due	2	3
Briefing	0	0
Inactive	4	4
 SUBTOTAL of cases before hearings officer.	 <u>17</u>	 <u>21</u>
HO's Decision Out/Option for EQC Appeal	1	1
Appealed to EQC	4	3
EQC Appeal Complete/Option for Court Review	0	1
Court Review Option Pending or Taken	0	0
Case Closed	0	0
 TOTAL Cases	 <u>22</u>	 <u>26</u>

15-AQ-NWR-81-178 15th Hearing Section case in 1981 involving Air Quality Division violation in Northwest Region jurisdiction in 1981; 178th enforcement action in Northwest Region in 1981.

ACDP Air Contaminant Discharge Permit
AG1 Attorney General 1
AQ Air Quality
AQOB Air Quality, Open Burning
CR Central Region
DEC Date Date of either a proposed decision of hearings officer or a decision by Commission
\$ Civil Penalty Amount
ER Eastern Region
FB Field Burning
RLH Robb Haskins, Assistant Attorney General
Hrngs Hearings Section
Hrng Rfrl Date when Enforcement Section requests Hearing Section schedule a hearing
VAK Van Kollias, Enforcement Section
LMS Larry Schurr, Enforcement Section
MWR Midwest Region (now WVR)
NP Noise Pollution
NPDES National Pollutant Discharge Elimination System wastewater discharge permit.
NWR Northwest Region
FWO Frank Ostrander, Assistant Attorney General
OSS On-Site Sewage
P Litigation over permit or its conditions
Prtys All parties involved
Rem Order Remedial Action Order
Resp Code Source of next expected activity in case
SW Solid Waste Division
SWR Southwest Region
T Litigation over tax credit matter
Transcr Transcript being made of case
Underlining New status or new case since last month's contested case log
WVR Willamette Valley Region
WQ Water Quality Division

December 1982

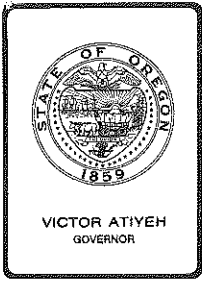
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
POWELL, Ronald	11/77	11/77	RLH	01/23/80	Prtys	\$10,000 Fld Brn 12-AQ-MWR-77-241	Stipulated settlement proposal to be drafted for presentation to EQC.
WAH CHANG	04/78	04/78	RLH		Prtys	16-P-WQ-WVR-78-2849-J NPDES Permit Modification	Current permit in force. Hearing deferred.
WAH CHANG	04/78	04/78	RLH		Prtys	08-P-WQ-WVR-78-2012-J NPDES Permit Modification	Current permit in force. Hearing deferred.
M/V TOYOTA MARU No. 10	12/10/79	12/12/79	RLH		Hrgs	17-WQ-NWR-79-127 Oil Spill Civil Penalty of \$5,000	Ruling due on requests for partial summary judgment.
HAYWORTH, John W. dba/HAYWORTH FARMS INC.	12/02/80	12/08/80	LMS	04/28/81	Resp	33-AQ-WVR-80-187 Field burning civil penalty of \$4,660	Resp. appealed hearings officer's order. Brief & exceptions due <u>1/12/83.</u>
PULLEN, Arthur W. dba/Foley Lakes Mobile Home Park	07/15/81	07/15/81	RLH		Prtys	16-WQ-CR-81-60	Dept. does not wish to actively pursue further enforcement action pending expected progress in establishing a community sewage facility.
FRANK, Victor	09/23/81	09/23/81	LMS	06/08/82	Hrgs	19-AQ-FB-81-05 FB civil penalty of \$1,000	Decision due.
GATES, Clifford	10/06/81		LMS		Hrgs	21-SS-SWR-81-90	To be scheduled.
SPERLING, Wendell dba/Sperling Farms	11/25/81	11/25/81	LMS	<u>02/01/83</u>	Prtys	23-AQ-FB-81-15 FB Civil Penalty of \$3,000	<u>Hearing date subject to confirmation.</u>
NOFZIGER, Leo	12/15/81	01/06/82	LMS	06/29/82	Hrgs	26-AQ-FB-81-18 FB Civil Penalty of \$1,500.	Decision due.
OLD MILL MARINA		03/04/82	LMS	01/06/83	Prtys	27-AQOB-NWR-82-01 Open Burning Civil Penalty	<u>Decision due.</u>
PULLEN, Arthur	03/16/82		RLH		Prtys	28-WQ-CR-82-16	See companion case above.
BOWERS EXCAVATING & FENCING, INC.	05/20/82		LMS		Hrgs	30-SW-CR-82-34	To be scheduled.
ADAMS, Gailen			VAK	08/25/82	Resp	31-SS-NWR-82-51	<u>To be reviewed by EQC at April, '83 meeting.</u>
OLINGER, Bill INC.	09/10/82	09/13/82	RLH		Prtys	33-WQ-NWR-82-73	Discovery.
TOEDTEMEIER, Norman	09/10/82	09/13/82	LMS		Hrgs	34-AQOB-WVR-82-65	To be scheduled.
SYLER, Richard E.	09/20/82	09/28/82	VAK		Hrgs	35-AQOB-WVR-82-76 OB civil penalty of \$100.	To be scheduled.
LOGSTON, Howard	09/23/82	09/28/82	LMS		Hrgs	36-AQ-ER-82-72 AQ civil penalty of \$2,000.	To be scheduled.
FRIENDS OF THE EARTH/OREGON	09/14/82	09/21/82		10/15/82		37-NWR-82 Petition to Amend OAR 340-14-025(5)	<u>Final order issued 1/7/83.</u>
FIREBALL CONSTRUCTION CORP. & Glenn Dorsey	09/27/82				Resp	38-SS-SWR-82-85	<u>Preliminary Issues</u>
MOORE, Dale	12/06/82	12/08/82		01/14/82		40-SS-NWR-82 Appeal of variance denial	<u>To be before EQC at 1/14/83 meeting.</u>
TIPPET, James	12/02/82	12/06/82	LMS		Prtys	39-AQ-FB-82-AG1 Ag. Burning civil penalty of \$50	Preliminary Issues
GIANELLA, Vermont	12/17/82					41-AQ-FB-82-08	<u>Preliminary Issues</u>

December 1982

DEQ/EQC Contested Case Log

<u>Pet/Resp Name</u>	<u>Hrng Rqst</u>	<u>Hrng Rfrl</u>	<u>DEQ Atty</u>	<u>Hrng Date</u>	<u>Resp Code</u>	<u>Case Type & No.</u>	<u>Case Status</u>
<u>ROPP, Jess E. dba/Ropp Seed & Manufacturing Co.</u>	<u>12/20/82</u>	<u>12/28/82</u>	<u>VAK</u>			<u>42-AQ-FB-82-04</u>	<u>Preliminary Issues</u>
<u>SCHLEGEL, George L.</u>	<u>12/30/82</u>	<u>01/03/83</u>	<u>VAK</u>			<u>43-AQ-FB-82-05</u>	<u>Preliminary Issues</u>
<u>FAXON, Jay dba/Faxon Farms</u>	<u>01/03/83</u>					<u>44-AQFB-82-07 FB Civil Penalty of \$1,000</u>	<u>Preliminary Issues</u>



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

TO: Environmental Quality Commission
FROM: Director
SUBJECT: Agenda Item No. C, February 25, 1983, EQC Meeting

TAX CREDIT APPLICATIONS

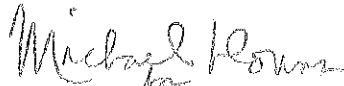
Director's Recommendation

It is recommended the Commission take the following actions:

1. Approve tax relief applications:

Appl. No.	Applicant	Facility
T-1568	International Telephone and Telegraph Corp.	Electroplating wastewater pretreatment system
T-1575	Publishers Paper Co.	Reconstruction of scrubber and collection sump
T-1582	Tektronix, Inc.	Heavy metal pretreatment system
T-1583	Tektronix, Inc.	Heavy metal removal system
T-1585	Cascade Construction Co.	Asphalt grinder
T-1597	International Paper Co.	Oil and bark removal system

2. Deny Application T-1572, Linnton Plywood Association, under solid waste and approve it under air quality (see review report).
3. Deny Application T-1578, Georgia-Pacific Corporation, under solid waste with permission for applicant to reapply under water quality (see review report).


William H. Young

CASplettstaszer
229-6484
2/3/83
Attachments

PROPOSED FEBRUARY 1983 TOTALS

Air Quality	\$ 355,941
Water Quality	11,110,959
Solid/Hazardous Waste	96,474
Noise	-0-
	<hr/>
	\$11,563,374

CALENDAR YEAR 1983 TOTALS

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

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

International Telephone & Telegraph Corporation
Phillips Drill Division - Construction Fastening Operation
5209 S.E. International Way
Milwaukie, OR 97222

The applicant owns and operates a manufacturing facility which produces heat treated, zinc coated metal fasteners at Milwaukie.

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 electroplating waste water pre-treatment system consisting of tanks, mixers, pumps, electrical control instrumentation, a clarifier, sludge press, and sampling equipment.

Request for Preliminary Certification for Tax Credit was made June 24, 1981, and approved July 17, 1981. Construction was initiated on the claimed facility August, 1981, completed December, 1981, and the facility was placed into operation January 4, 1982.

Facility Cost: \$154,806.79 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, the electroplating waste waters were discharged to a neighboring industrial treatment system under contract. The applicant was informed the contract would expire on February 28, 1982 and it would not be renewed. Therefore, the applicant developed plans to treat their own wastes on-site and discharge the treated effluent to Clackamas County's Service District No. 1 sewerage system. The new system removes chromium and zinc from the waste waters below levels required by Clackamas County. The metal sludges produced in the system are hauled to a DEQ approved disposal site. The system functions as designed and has resulted in no return on investment.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$154,806.79 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1568.

CKA:g
(503) 229-5325
WG1715

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

1. Applicant

Publishers Paper Company
4000 Kruse Way Place
Lake Oswego, Oregon 97034

The applicant owns and operates a pulp and paper manufacturing facility on Wynooski Street, Newberg, Oregon.

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

2. Description of Claimed Facility

The facility described in this application amounts to reconstruction of the cooling venturi-type gas scrubber and collection sump with corrosion resistant tile liner, loops and associated piping which are elements of the overall SO₂ absorption system for the existing sulfite recovery furnace.

Request for Preliminary Certification for Tax Credit was made on March 1, 1982, and approved on March 30, 1982.

Construction was initiated on the claimed facility on July 3, 1982, completed on July 10, 1982, and the facility was placed into operation on July 10, 1982.

Facility Cost: \$355,941 (Accountant's Certification was provided).

3. Evaluation of Application

The facility claimed in this application is a significant element of the overall sulfur recovery system at Publishers Paper Company's sulfite process pulp mill. It functions as both process equipment and pollution control equipment.

Reconstruction of the original venturi and related equipment was necessary to maintain compliance with permit emission limits due to extensive structural and operational deterioration. The claimed equipment is capable of adequately controlling SO₂ and particulate emissions. The overall absorption efficiency for SO₂ is 95 plus percent.

The applicant indicated that the claimed facility contributes to the formation of magnesium bi-sulfite (weak solution). Although not saleable, this material is used by the applicant in the pulp production process to reduce sulfur make-up. Annual value of recovered material, operating expenses, and net annual profit (before taxes) are estimated to be \$323,000, \$69,000, and \$254,000, respectively.

In accordance with procedures set forth in the DEQ Tax Credit Guidance Handbook, these figures yield an internal rate of return greater than 50 percent. Therefore, the portion of the claimed facility cost that is properly allocable to pollution control is less than 20 percent.

The original facility (SO₂ adsorption unit) and the recovery furnace was previously certified for tax credit purposes on August 13, 1971. (Certificate No. 181.) This certificate has expired, i.e., all of the tax credits have been used. Therefore, there is no need to modify Certificate No. 181.

The application was received on November 8, 1982, additional information was received on November 18, 1982, and the application was considered complete on November 18, 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 less than 20 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$355,941 with less than 20 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1575.

FASkirvin:ahe
(503) 229-6414
December 29, 1982

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 a circuit board manufacturing facility at Forest Grove.

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 heavy metal pretreatment system consisting of storage tanks, pumps, piping, manual and motor control valves, mixers, ion exchange columns and filters, a plate clarifier, a sand filter, electrical equipment, computer, and instrumentation control panels.

Request for Preliminary Certification for Tax Credit was made March 24, 1982, and approved May 25, 1982. Construction was initiated on the claimed facility April 5, 1982, completed December 1, 1982, and the facility was placed into operation December 1, 1982.

Facility Cost: \$2,286,790 (Accountant's Certification was provided).

3. Evaluation of Application

This facility was installed at the new Tektronix Forest Grove plant to comply with the pretreatment requirements of the Unified Sewerage Agency. The system relies on separate sewers to allow for individual treatment of each pollutant. Chromium wastes are removed from the water through reduction and precipitation. Fluoride concentrate is treated with lime while the fluoride rinse passes through cation

exchange columns. Cyanide rinses are also passed through ion exchange columns. The entire system is controlled by a programmable computer system. To minimize upsets, surge tanks have been provided on each sewer. Alarms have also been installed on pump motors, valves and tanks. The system easily complies with the pretreatment requirements. There is no return on investment from this facility. Solids removed from the treatment facility are disposed of at a local landfill.

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 \$2,286,790 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1582.

CKA:g
WG1988
(503) 229-5325
January 26, 1983

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 Beaverton.

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 heavy metal removal system consisting of storage tanks, pumps, piping, manual and motor control valves, mixers, ion exchange columns, two plate clarifiers and two sand filters. Also included is a building which houses the wastewater control analytical laboratory, a control area for a Foxboro Computer, electrical instrumentation control panels, an oil/water separation system, two belt filter presses, a sonic sludge dryer and solids handling equipment.

Request for Preliminary Certification for Tax Credit was made November 18, 1980, and approved June 7, 1982. Construction was initiated on the claimed facility December 1, 1980, completed December 1, 1982, and the facility was placed into operation December 1, 1982.

Facility Cost: \$8,524,661 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility is a modification of the existing treatment system at the Beaverton complex. The new system provides a much higher degree of removal of chromium, fluoride, copper, and cyanide. The facility is highly automated and has reduced treatment plant upsets through the control of hydraulic surges. The entire pretreatment system is controlled by a computer which automatically feeds control chemicals and warns operators of upset conditions. The system currently discharges treated effluent to the Unified Sewerage Agency's sewerage system. Waste dryer solids are hauled to the hazardous waste disposal site at Arlington. There has been no return on investment from this project.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$8,524,661 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1583.

CKA:g
WG1987
(503) 229-5325
January 26, 1983

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Cascade Construction Company, Inc.
P.O. Box 4267
Portland, OR 97208

The applicant owns and operates an asphalt plant at Portland.

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

2. Description of Claimed Facility

The facility described in this application grinds used asphalt chunks to a size consistent with road construction specifications for inclusion in new asphalt mix.

Major items include:

Used Crusher	\$52,650.00
Used Pioneer Jaw	18,208.52
Installation	17,733.54
Miscellaneous	<u>7,882.58</u>
Total	96,474.64

Request for Preliminary Certification for Tax Credit was made on January 7, 1982, and approved on February 9, 1982.

Construction was initiated on the claimed facility in March, 1982, completed in June, 1982, and the facility was placed into operation in April, 1982.

Facility Cost: \$96,474.64 (Accountant's Certification was provided).

3. Evaluation of Application

Since the facility has been placed in operation, 28,430 tons of asphalt has been diverted from landfilling and incorporated into usable asphaltic pavement. Also 1475 tons (354,000 gallons) of liquid asphalt has been reclaimed. The facility is the only known plant in Oregon processing used asphalt pavement in a hot mix operation.

Value of the reclaimed material is \$369,600 annually.

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 mechanical process; through the production, processing, or use of materials for their heat content or other forms of energy or materials which have useful chemical or physical properties;
 - (2) The end product of the utilization is a usable source of power or other item of real economic value;
 - (3) The end product of the utilization, other than a usable source of power, is competitive with an end product produced in another state; and
 - (4) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.
- c. In addition, the Commission finds that the facility will provide a new or different solution to a solid waste problem than has been previously used, or the facility is a significant modification and improvement of similar existing facilities;
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- e. 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 \$96,474.64 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1585.

R. L. Brown:b
(503) 229-5157
1/24/83
SB1758

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

International Paper Company
Wood Products & Resources Group
P. O. Box 43
Gardiner, OR 97441

The applicant owns and operates a lumber mill at Gardiner.

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 oil and bark removal system consisting of three concrete in-ground oil/water separators. Two of the separators have circulating tube oil removal mechanisms while the third has a floating skimmer. Bar screens have also been provided on each separator for the removal of bark.

Request for Preliminary Certification for Tax Credit was made January 27, 1981, and approved April 7, 1981. Construction was initiated on the claimed facility February 1981, completed December 1981, and the facility was placed into operation September 1982.

Facility Cost: \$134,702.08 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant recently completed an enlargement and modernization of its sawmill. The site was regraded for drainage to common points to allow for collection and removal of contaminants. The three oil/water separators have been located where the potential exists for the release of oil or floating debris. Bar screens remove bark and wood debris while skimmers remove floating oil. The collected materials are stored in barrels and are periodically blended with the hogged fuel and burned in the boiler to generate steam.

The return of investment from this facility is insignificant.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$134,702.08 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1597.

CKA:g
(503) 229-5325
January 24, 1983

WG1970

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Linnton Plywood Association
10504 N.W. St. Helens Road
Portland, OR 97231

The applicant owns and operates a plywood manufacturing plant at Portland.

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:

Georgia Pacific scrubber and burner	\$850,317.91
Engineering	29,212.80
Foundation, plumbing, electrical, ductwork & misc.	<u>204,679.77</u>
	\$1,084,210.48

Request for Preliminary Certification for Tax Credit was made on May 22, 1981, and approved on May 29, 1981.

Construction was initiated on the claimed facility on July 25, 1981, completed in March 1982, and the facility was placed into operation in September 1982.

Facility Cost: \$1,084,210.48 (Accountant's Certification was provided).

3. Evaluation of Application

The completed facility replaces an existing smaller facility and increases consumption of solid waste. Consumption has increased from 30 units/day to 48 units/day. Of the 18 additional units consumed, approximately 6 units is from waste previously disposed off-site and the remainder is purchased from various local firms. Heat generated from the facility replaces natural gas of 770,000 therms/year with an income of \$374,000. The facility replaced had previously received a tax credit under Application T-680. This certificate should be revoked. However, a portion of the certificate was for solid waste handling equipment which was 100% eligible at the time of initial certification and is still eligible for the remaining life of that certificate (\$221,529). A new certificate for that amount should be the remaining eligible life.

To qualify as a solid waste tax credit, the facility would have to meet one of the conditions under ORS 468.170(9)(b). The facility clearly does not meet (A) or (C).

There are two interpretations of Condition (B) which states:

"(B) That the facility will provide a new or different solution to a solid waste, hazardous waste or used oil problem than has been previously used, or the facility is a significant modification and improvement of similar existing facilities; or"

The first interpretation is that when discussing a significant modification to similar facilities, the statute is talking of the "new or different solution" listed at the first part of (B). This is the position taken by staff.

A broader second interpretation would be any facility which significantly modifies and improves a similar facility would be eligible. Under the first category, this facility would not be eligible for solid waste tax credit, under the second, it would.

The policy adopted by the EQC effective December 31, 1980 states: "2. Wood waste, with few exceptions is no longer considered to be a severe solid waste problem . . ." (Attached Agenda Item Q, November 21, 1980 EQC meeting). It is the further opinion of the staff that the legislature intended to scale back tax credits by the language of ORS 468.170(9)(b). The broader interpretation of eligibility appears to leave wide open the replacement or expansion of existing facilities.

The preliminary certification was granted in air quality and the facility is clearly eligible as follows: The modification to the source of heat for the two veneer dryers and the addition of a Georgia-Pacific emission eliminator system (wet scrubber) at Linnton Plywood has resulted in visual compliance of dryer emissions. Compliance of the dryers for mass particulate emissions has not yet been demonstrated by source test.

Linnton Plywood submitted a cost analysis for that portion of the project which was considered to be entirely for veneer dryer air pollution control. Because the company's accounting or contracted costs were not in detail as to process or pollution control, the company applied various calculations to individual segments of the project in order to develop a total cost for air pollution control. For example: costs for foundations were allocated according to the volume and surface area of concrete used for the air pollution scrubber base and the heat cell/boiler base. Engineering services, electrical, and miscellaneous were proportioned to the other pollution control and process related costs of the new facilities.

Project costs and indicated percent of the listed project segment claimed for air pollution control is as follows:

	<u>Amount Claimed for AQC</u>	<u>% of Item Cost</u>
Emission eliminator (scrubber)	\$291,125	100
Foundation	6,089	34
Water plumbing	9,968	50
Air ducts (dryer to heat cell & scrubber)	105,231	66.7
Air ducts (dryer #2 to dryer #1 return)	39,229	33
Electrical	17,527	45
Engineering Services	13,146	45
Miscellaneous	7,014	45
Power pole relocate at scrubber	<u>5,444</u>	100
	\$489,329	

The methods of arriving at the air pollution related costs for the individual project segments are believed by the Department to be acceptable. Considering the certified costs of comparable veneer dryer air pollution control systems installed by other companies, the Department notes that the \$489,329 claimed by Linnton Plywood is reasonable. For example, Ceilcote scrubbers installed at two Southwest Forest Industries plants on two dryers each were certified at \$555,966 and \$430,577 respectively.

The primary purpose of the emission eliminator and associated facilities was for air pollution control, and therefore 80% or more of the costs are allocable to pollution control.

There are two alternatives available to the EQC dependent on interpretation of legislative intent of (B).

1. Deny the solid waste tax credit and approve an air quality tax credit.
2. Approve the solid waste tax credit.

One of the two should be decided at this meeting as the applicant's tax year ends March 31.

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, 1975, and

(1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste by burning; through the production, processing, or use of materials for their heat content 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 Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.

c. There are two alternatives available in this tax credit:

(1) Deny the solid waste tax credit and approve an air quality tax credit and make the following finding:

The tax credit does not meet the intent of ORS 468.170(9)(b)(B). The facility will provide a new or different solution to a solid waste problem than has been previously used, or the facility is a significant modification and improvement of similar existing facilities (Interpretation preferred by staff).

(2) Approve the solid waste tax credit and make the following finding:

The facility will provide a new or different solution to a solid waste problem than has been previously used, or the facility is a significant modification and improvement of similar existing facilities.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.

e. Dependent upon the alternatives chosen, the percent allocable will be:

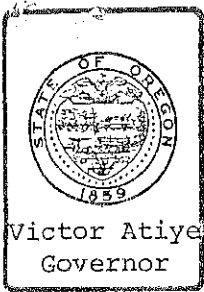
Air Quality - greater than 80% of \$489,329

Solid Waste - 100% of \$1,084,210.48

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that Alternative 1 be chosen and a Pollution Control Facility Certificate bearing the cost of \$489,329 with greater than 80% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1572. It is further recommended that the certificate granted under Application No. 680 be cancelled and a new certificate be issued for 100% of \$221,529 (solid waste portion of Application No. 680) for the remaining life of that tax credit.

R. L. Brown:b
(503) 229-5157
January 28, 1983
SB1648



Victor Atiyeh
Governor

Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. Q, November 21, 1980, EQC Meeting

Informational Report: Solid Waste Tax Credits

Background

December 31, 1980, is a significant date relative to the Department's tax credit program for solid waste management facilities. On that date legislation takes effect that apparently was intended to significantly reduce the number and types of facilities being certified for tax credit as solid waste pollution control facilities. (Note: the Department is currently reviewing the legislative record to confirm legislative intent.)

In order to properly implement these new requirements, some policies must be established relative to the key words in the statute as underlined below. To that end, the staff has drafted a series of statements describing the positions which the Department would prefer to take when evaluating applications for solid waste tax credit after December 31, 1980. The intent of this report is to advise you of this impending statute change and to present our draft policy statements for your review and consideration. The Department will be returning next month to formally seek Commission approval of this proposed course of action.

Statute Summary

ORS 468.170(8)(b) states, in part, that a facility commenced after December 31, 1980, and prior to December 31, 1983, shall only be certified for tax credit if it meets one or more of the following conditions:

1. The facility is necessary to assist in solving a severe or unusual solid waste, hazardous waste or used oil problem;
2. The facility will provide a new or different solution to a solid waste, hazardous waste or used oil problem than has been previously used, or the facility is a significant modification and improvement of similar existing facilities; or

3. The Department has recommended the facility as the most efficient or environmentally sound method of solid waste, hazardous waste or used oil control.

Proposed Policy Statements

1. "Commenced" means the date construction started, rather than the date the facility was placed into operation. Note that facilities which have received Preliminary Certification but have not begun construction will be affected. The Department will report the exact number of those potentially affected at the December meeting.
2. Wood waste, with a few exceptions, is no longer considered to be a severe solid waste problem. Accordingly, facilities associated with wood waste utilization (e.g., hog fuel boilers, heat sources, hogs, chippers, particle board plants, log yard paving and assorted hog fuel handling equipment) will normally no longer be certified. Also, the Department will not consider any of the facilities described above to be a new or different solution to a solid waste problem.
3. In determining if a facility provides the most efficient or environmentally sound method of producing energy or a salable product from solid waste, the Department shall consider the facility's cost effectiveness. Those facilities which represent the least costly means of diverting material from the solid waste stream shall be considered to be the most efficient.
4. Waste cardboard and newsprint no longer represent a severe disposal problem. Balers, deinking and repulping equipment are no longer a new or different solution.
5. Grass straw, plastics, and tires, especially large truck tires, continue to represent severe disposal problems.
6. The reprocessing of used motor oil into clean fuel or lubricants represents the most efficient and environmentally sound method of control for that material.
7. Virtually any hazardous waste management facility may be considered to be a new or different solution, since none have been certified to date.

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Georgia-Pacific Corporation
Toledo Paper Division
900 S.W. Fifth Avenue
Portland, OR 97204

The applicant owns and operates an integrated kraft pulp and paper production facility at Toledo, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a 160 foot diameter Dorr Oliver wastewater clarifier, a raw wastewater pumping station and pipeline, a Parkson traveling screen, an underflow sludge pumping station and associated electrical equipment and instrumentation. The costs are summarized below:

Clarifier and rake assembly	\$1,389,447.00
Solids pumps (#1 and #2) to waste plant	49,837.00
Mill and storm sewers	133,930.00
Traveling bar screen	130,294.00
Clear effluent lines	494,646.00
Associated sumps and lines	286,840.00
Electrical equipment and instrumentation	<u>160,191.00</u>
Total	\$2,645,185.00

Request for Preliminary Certification for Tax Credit was made on March 3, 1981, and approved on March 10, 1981 as a water quality tax credit.

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

Facility Cost: \$2,645,185.00 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to the installation of the 160 foot diameter clarifier and the associated screen and piping system, Georgia Pacific Corp. used a 70 foot diameter clarifier at the Toledo Paper Division. This small clarifier was hydraulically overloaded and removed only 2,000 to 4,000 pounds of solids per day. Fifty percent of these removed solids were useful fiber, used as a raw material in the paper manufacturing process.

Completion of the new system allows the plant to recover between 35,000 to 43,000 pounds of useful fiber per day. Thus the new system recovers between 17 tons and 22 tons per day of useful fiber valued at \$382,000 per year. This material originally entered the lagoon and was periodically removed to the plant landfill.

To qualify as a solid waste tax credit, the facility would have to meet one of the conditions under ORS 468.170(9)(b). The facility clearly does not meet (A) or (C).

There are two interpretations of Condition (B) which states:

"(B) That the facility will provide a new or different solution to a solid waste, hazardous waste or used oil problem than has been previously used, or the facility is a significant modification and improvement of similar existing facilities; or"

The first interpretation is that when discussing a significant modification to similar facilities, the statute is talking of the "new or different solution" listed at the first part of (B). This is the position taken by staff.

A second and broader interpretation would be any facility which significantly modifies and improves a similar facility would be eligible. Under the first category, this facility would not be eligible for solid waste tax credit, under the second, it would.

It is the staff opinion that the legislature intended to scale back tax credits by the language of ORS 468.170(9)(b). The broader interpretation of eligibility appears to leave wide open the replacement or expansion of existing facilities.

There are two alternatives available to the EQC dependent on interpretation of legislative intent of (B).

1. Deny the solid waste tax credit and allow the company to reapply for a water quality tax credit.
2. Approve the solid waste tax credit.

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 mechanical process through the production, processing, or use of materials for their heat content or other forms of energy or materials which have useful chemical or physical properties;
 - (2) The end product of the utilization is a usable source of power or other item of real economic value;
 - (3) The end product of the utilization, other than a usable source of power, is competitive with an end product produced in another state; and
 - (4) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.
- c. There are two alternatives available in this tax credit:
 - (1) Deny the solid waste tax credit, permit the applicant to reapply for a water quality tax credit and make the following finding:

The tax credit does not meet the intent of ORS 468.170(9)(b)(B). The facility will provide a new or different solution to a solid waste problem than has been previously used, or the facility is a significant modification and improvement of similar existing facilities (Interpretation preferred by staff).
 - (2) Approve the solid waste tax credit and make the following finding:

The facility will provide a new or different solution to a solid waste problem than has been previously used, or the facility is a significant modification and improvement of similar existing facilities.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that the solid waste tax credit be denied and that the applicant be permitted to reapply for a water quality tax credit.

R. L. Brown:b
(503) 229-5157
February 1, 1983
SB1782

IN THE COURT OF APPEALS OF THE STATE OF OREGON

LINNTON PLYWOOD ASSOCIATION,)
)
 Petitioner,)
)
 vs.)
)
 DEPARTMENT OF ENVIRONMENTAL)
 QUALITY,)
 Respondent.)
 _____)

CA A27813

SUPPLEMENT TO THE RECORD
BY RESPONDENT

PARTIAL TRANSCRIPT OF FEBRUARY 25, 1983, EQC MEETING - ITEM C

Richards: Agenda Item "C" is the tax credits. We have two people who have signed up to testify on that. I assume, Mr. Young, that you don't wish to make any additional staff presentation. We have representatives from Linnton Plywood and Georgia-Pacific, and I assume it would be your preference that we just simply call upon those people to present their--

Young: Surely, Mr. Chairman. We do have staff here that can respond to any questions that the Commission may have.

Richards: Well then, we'll call on those in the order in which they appear on the agenda. First, having to do with the Agenda Item "C" and, number two, the application of Linnton Plywood Association under Solid Waste. It's been recommended that it be denied and that it be approved under the Air Quality. And to testify on that matter, Ron Elsner and Jack Payne of Linnton Plywood Association. Just come right up to the microphone here, if you will, please.

Elsner: Mr. Chairman and Commissioners: My name is Ron Elsner, I am purchasing agent and part owner, along with 190 other members, of Linnton Plywood Cooperative Association. We at Linnton Plywood are asking that you give special consideration to our application for

Elsner: tax relief purposes under the Solid Waste proposal. You well know what an effect the economy has had on the small plywood mills. Having to meet DEQ compliance in this low plywood market couldn't have come at a worse time for us. And having to raise \$1,084,000 on the low plywood market hit us very hard. And having to go out and borrow that kind of money is no easy task. We are asking that you give our small company all the consideration you possibly can. With market conditions being what they are and being a small company, we need all the help we can get. I would like Mr. Payne of CH₂M Hill to present to you why we believe our application is eligible for Solid Waste. Thank you.

Richards: Thank you, are there questions of Mr. Elsner? Thank you very much, Mr. Elsner. Mr. Payne.

Payne: Mr. Chairman, Commissioners, good morning. My name is Jack Payne, I work for CH₂M Hill. We have been retained by Linnton Plywood to assist them in obtaining pollution control tax credit. From our discussions with DEQ staff and our understanding of your Solid Waste tax credit program, we believe the clean facility is eligible for tax credit certification under Solid Waste status under Condition B of ORS 468.179(b), regardless of the interpretation of, and I'll quote, "or the facility is a significant modification and

Payne:

improvement of similar existing facilities." We believe this for the following reasons: if you take the narrow interpretation as the staff has indicated that the significant portion of facility is a modification and improvement of an existing facility and the existing facility was new or innovative, we believe we are eligible because in 1974, Linnton Plywood installed a wood-fired system, of which the DEQ and your Commission here gave them a pollution control certification. In 1974, Linnton Plywood replaced one of two steam-heated veneer dryers with a new direct wood-fired veneer dryer, complete with an Energex and dry wood waste burner system and a dry wood waste preparation system. At the time, this system was one of the first direct wood-fired systems in the state; it was a new or different solution to previously natural gas-fired veneer dryers, which was the only other alternative the plywood plant had; and it allowed the plant to solve its solid waste problems, which previously, natural gas-fired plywood plants had no way of getting rid of their wood waste. As a result of that facility in 1974, Linnton Plywood discontinued disposal of approximately 30 units per day of dry wood waste at the St. Johns Landfill. In September of 1980, Linnton Plywood initiated a program to evaluate the latest state-of-the-art wood-fired heat source and emission control systems. This was needed because the previous wood-fired suspension burner only provided

Payne:

heat from one veneer dryer, the emissions from that wood-fired system, and the existing steam-heated veneer dryer were not in compliance with the DEQ visible and particulate emissions standards. And their existing natural gas and sander dust boiler emissions were uncontrolled. They installed in 1982 the Georgia-Pacific direct-fired wood heat system and associated emission control scrubber system, which represented a significant modification and improvement of the existing 1974 facilities by maximizing the efficient use of dry wood residuals as a fuel to provide heat for two veneer dryers and a waste heat boiler and to control the emission from both veneer dryers while increasing Linnton Plywood's consumption of dry wood residuals by over 1,000 units per day. This is why we believe that, regardless of how you interpret that Part B, we are eligible for Solid Waste tax credits. Thank you.

Richards:

Are there questions of Mr. Payne? Mr. Payne, I've looked again at the informational report that was an agenda item back in November of 1980--it's attached to the tax credit analysis that's made in our packet here. I assume you're familiar with that and have gone over the proposed policy statements that the Commission adopted there just a little over two years ago.

Payne: Yes, I have.

Richards: You've looked at that. Are you saying that your particular situation constitutes an exception to the policy that's been laid down by the Commission, or are you asking the Commission, basically, to revise its policy to accommodate this application?

Payne: We believe that Linnton Plywood's situation complies with the policy as you've defined this Item B here. I understand your policy statement here.

Richards: Well--

Payne: But I believe that what Linnton Plywood has done has been an improvement to a new or different solution to a solid waste problem.

Richards: Well, then, take me through the step again because I'm still missing how you feel that you comply with that policy. Where is it in that policy that you think the staff is relying on the policy but that you are exempt from the policy, in effect? I'm still having some trouble.

Payne: If you're looking at Item 2 the of proposed policy... correct?

Richards: Yes, that's what I'm looking at.

Payne: We took it, I guess, one step further from the standpoint of you developing the interpretation of Condition B of ORS 468, where you went into further defining a significant modification of improvement. In that policy statement that you mention in November of 1980, you don't go on and explain the significant improvement aspects. So we assumed that that was an addition or that was included later on.

Richards: Well, do you believe this is some new or different solution? Are you claiming you--

Payne: The facility originally put in a new or different solution to the industry in 1974 when there were very few wood-fired dryer systems; I think there were one or two in the state. This company went ahead instead of going with a natural gas system, they went ahead and they had solid waste to dispose of at the landfill, they went ahead and used the Energex wood-fired system, which was one of the newest out. At that time, the Georgia-Pacific system was not commercially available, so they went ahead and invested some money to do that, about \$1 million total for that system, which included a new dryer. Fortunately, over the years the systems got better, and the Georgia-Pacific system for dry wood system probably represents the state-of-the-art

Payne:

as maximizing the use of wood, providing heat for the dryer, and also controlling the emissions. So this is definitely an improvement over what they did in 1974, but in 1974 they thought they had one of the better systems that was available.

Richards:

Well, the problem I'm having--and I'm trying to do more than just make this an exercise in logic, of course-- we certainly sat up and took notice with the legislation that was effective that made some pretty drastic changes in the tax credit. Obviously, there was legislative intent and narrow eligible facilities. So the thing we have to struggle with is, what is the new or different solution? Now, my guess is you take "new or different," which was new or different at the time of legislation, not new or different at the time it was, basically, in the case of your company, new or different in 1974. So, you know, maybe it's certainly a question of fact here, but it's hard for me to see that something that might be new and different in 1974 is still encompassed within that language that's adopted by the Legislature and effective six years later, or so. So, that's the part I'm struggling with. I never even get to the question about significant...well, okay, maybe this is what I'm thinking about: are you saying there's two ways to meet Section B, that it could either be "new or different" or a significant modification of an existing

Richards: facility, or does it have to meet both tests? Which are you--

Payne: I think the way the staff and ourselves have looked at that, all you have to do is meet that "or" condition of B. There are two ways that that "or" condition can be addressed. One is, if you have an existing wood-fired system and you make a significant improvement to it, whatever it is, you would be eligible--which I guess is what we call the broad interpretation--or the second interpretation is that your improvement is an improvement to a new or different system...if you look at that under narrow interpretation and you've looked at the legislative intent, which was in 1980, I guess is when this came into effect, and it goes through December of 1983, that gives you approximately a three-year window that, one, you'd have to put in something new or different, and then you'd have to modify it to be eligible. Again, under this narrow interpretation, it doesn't seem realistic that someone would put in a new and different system and be eligible for a tax credit after 1980 and then turn around before 1983 and modify it. It doesn't seem practical. So, that's why we didn't think that the narrow interpretation was totally appropriate and we felt that under the broader interpretation--I understand where you're coming from, it seems like you're penalizing because of time of

Payne: a project, and especially if you look at the market conditions nowadays and some of the wood waste problems that maybe it's not appropriate to think that the solid waste problems have gone away now for the industry.

Richards: My struggle here, of course, is that I never feel in interpreting a statute like this that we've been given very much discretion. I mean, this does not look like a discretion area--yes, you can find out and interpret what is, for example, "new or different," but the main thing is to find out what the Legislature intended. The Legislature really says to us, "You carry out our intent; of course, you've got to figure out what the intent is." And that's what I'm struggling with here, not from a policy standpoint, what we think is better or not as good, but to find out what was actually intended by these words and I'm still struggling a little bit. Any other questions of Mr. Payne? Thank you very much, Mr. Payne. Bill, I'd like to ask again what kind of analysis has been made the way that subsection B has been adopted. It looks like it's been adopted in the alternative, but I assume that from looking at page 2 of the report here is that, even though it's a significant modification, you have to find out that it's a significant modification of a new or different solution, and I'm still a little bit bothered by that particular paragraph and if that could be explained to me.

Young: Maybe--Bob Brown's here from Solid Waste, is the one who has worked most on this tax credit, I think, on the Solid Waste side--perhaps he can respond to that.

Brown: Bob Brown, Solid Waste staff. I guess our interpretation is somewhat the same as the Chairman made in that we felt that this legislation was designed to narrow the amount of tax credits being given. In other words, hog fuel boilers were no longer ...they were being put in because they were more economical and tax credits were not needed. I guess staff's interpretation of that Section B is that if the two parts were not connected by the "or," the Legislature would have made a separate section for the second half of the--in other words, if they wanted that to stand on its own, they would've had an additional letter there to say, "if it meets this test, then it's eligible." The one thing on both of these tax credits that we're talking about was Linnton Plywood, the preliminary application for certification was filed in Air. With the third one, the preliminary certification was filed with Water. The final certifications came in under Solid Waste. And so, Solid Waste staff had no opportunity to examine these to make a recommendation of the denial or acceptance on either one.

Richards: At least this applicant really isn't claiming that that's a factor, that they were misled, or something like that. I think they're struggling as staff is to interpret the statutes.

Brown: Essentially, that's why we tried to get both of these on the agenda at the same time, so the Commission could make an interpretation of the legislation.

Richards: Then, let me ask you. What you're saying--when you read the second half of B and you use the words "the facility is a significant modification and improvement of similar existing facilities," (I'm going to underline for emphasis here the word "similar")--are you saying that the "similar," in effect, has to still be something new and different?

Brown: "Similar" has to tie back to a new or different solution. I can probably give you an example; the best example I can think of is a tire shredder that we have in North Portland, installed by Waste By-Products. They've gone through a process of evolution--we'll have this probably as a tax credit later on--it was a new technology; they've had to make modifications to it; as far as we're concerned, those modifications, the significant modifications, have improved the equipment. They've been able to process more tires, process them into a size more usable, and that would

Brown: be what we were looking at under Section B, in the second part.

Richards: When do you think the facility had to be new and different. That is, and use the years in this case, would you agree that in 1974 when this was put in that it was new and different at that time?

Brown: I'm not really certain on that; I couldn't speak to that. The one thing I could say is that burner at that time was an Air Quality tax credit.

Richards: It was what?

Brown: An Air Quality tax credit. There were some solid waste side handling facilities that were included in the tax credit, but it was granted in--

Richards: So the original was in Air Quality?

Brown: The original burner. There was Solid Waste handling facilities added on that were included.

Richards: Are there questions? Jim?

Petersen: Well, Mr. Chairman, I think that that second reference to improvement of similar existing facilities definitely ties in to the "new and improved," in my

Petersen: view anyway, and I think the thing does turn on whether the original was, in fact, a new or improved way of handling this problem. I don't know if we've gotten any testimony to that effect. I don't think, for example, this policy statement that we're looking at here, paragraph 2, does not deal with the modification and improvement of similar existing facilities. It does say that in 1980, a woodwaste facility such as this is not considered "new or improved". I don't know whether that helps us in relating back to...can we do that ex post facto, if you will, and say that, therefore, in 1974, it wasn't new and improved.

Richards: Well, and Mr. Payne and Mr. Elsner are saying this was new in 1974, as an approach, and so that's what I'm kind of asking from staff, have they made an analysis? So then, if you decide, as a Commissioner, that all they have to do is modify those facilities which were new at the time they were installed. And that's kind of the problem I'm having with the concept. You're not ready to address, or you don't have an opinion on either--

Brown: I could not address that, possibly somebody from Air Quality could.

Richards: Mr. Burgess.

Burgess:

I'm just thinking, I guess. I guess I have trouble with that because that, in essence, says you can go back ad infinitum into history into anything that's been done and if it was new and different at the time, it precedes this policy statement. You could simply go back to something you did twenty years ago and add a couple of new nuts to it and claim a tax credit because it was new and different twenty years ago. I don't think that's the intent of this at all. I just think it says as of 1980, we're on a new track, we have a new basis for making this determination, and after that time woodwaste, as it says, is no longer considered to be a severe solid waste problem.

Richards:

Mr. Haskins, have you addressed the legislative intent aspect of this or come to some conclusion of your own about--that you can help us in this interpretation?

Haskins:

Well, based on the language that was adopted and the timing of the legislation of when it was adopted, it would be my opinion that it was speaking as of that particular date. As of then, anything new or different would be speaking of things that were new or different as of the date of adoption of the legislation, and then of the modifications of a new or different facility from then on.

Richards: So your interpretation is that if the facility had gone in before that time and people modify it, that's really not new and different.

Haskins: It would have to, at some time after adoption of the legislation, it would have to be new or different, or a modification of a new something that was after 1980, I believe it was--whenever the date of that legislation was--new or different.

Burgess: That's certainly my sense.

Richards: Other questions of staff? Thank you very much.

Young: Mr. Chairman, I would recommend that rather than trying to deal with this issue, you may want to hear the next item. The issues, as you noted from reviewing the staff reports, are very much the same kind of issue raised and perhaps by hearing the testimony on that other item, you may get a more complete picture of the circumstances.

Richards: I agree. We have, as representatives of Georgia-Pacific Corporation, Mr. Oswald, if I have this correctly, Mr. McLoughlin, Mr. Thompson, if you would come forward please.

Oslund:

Good morning, Commissioners. Thank you for this opportunity to hear us this morning on a review of a proposed denial of Solid Waste exemption that has been recommended by your staff. My name is Robert Oslund. For the past 27 years, I've been Property and Timber Tax Manager for Georgia-Pacific. The title isn't exactly fully descriptive because the taxes of this nature also fall under my general supervision, and that's one of the reasons I'm here, plus the fact that I just happen to be in the area and also wanted to learn a little bit more about this. After some discussion with your staff, I realized that perhaps I didn't know as much about this exemption as I should have. Anyway, in addition also this morning, my two colleagues, Jim Thompson, who is General Manager of our Toledo Pulp and Paper facility, and Darrell McLoughlin, who is Environmental and Energy Supervisor-- they are both engineers and very well-versed in the technicalities of the facility that we're talking about. But, as a layman, I'd like to give you a little brief overview of the way I see it. Now, it may be--I think your Chairman put it aptly earlier this morning--an exercise in what I consider logic, but it may not be the way the law says it, I don't know. But, going back, I was with the company when the plant was originally constructed in 1958, and, at the time, it was a relatively small paper mill, producing about 500 tons a day. And the solid waste problem that we're

Oslund:

talking about was handled in the typical fashion at that time by running the waste water into lagoons where the solids would precipitate to the bottom. The water was aerated until it reached a satisfactory DEQ levels of organics and then pumped by eight- or nine-mile pipelines to the Pacific Ocean. But things didn't remain static, and the plant was expanded until, now, where it was originally about 500 tons a day, it's now operating around 1,300 or 1,400 tons a day. Where it had one machine, it now has three. With the increase in the water quality standards, we could no longer use what we call (I'm sure you're familiar with it) a sludge pond to accumulate these solids that were the residue from our waste operations. We had to take a 40-acre sludge pond and convert it to a water treatment facility. And then, to alleviate that problem, we utilized a landfill across the river, dredged the sludge pond, and started moving the residues over into the landfill. And so, I'm citing this to point out that water quality wasn't our problem and never has been. We always have met the water quality standards, but what to do with the solid waste that we're accumulating--that was becoming a problem, inasmuch much as we were running out of places to put it. So, as of about the late 70's, it became apparent that we were just going to run out of space. We started looking for a new solid waste dump and anything else we could do to alleviate the problem. And that's

Oslund:

when we struck upon the concept of putting in a new clarifier, a 170-foot clarifier, which is normally considered to be a water treatment facility, but not in the sense that we were using it. The clarifier was used to recycle the sludge where we recaptured a major portion of the fibers that were in the sludge and, since we had converted one of the paper machines to what we call a corrugated medium machine (it's the machine that makes the inner core of a corrugated container) that particular type of material can be of a low quality, and the fibers that are left in the sludge is of a low quality, and if you mix it with... About 1974 or 1975, we started cutting hardwoods and we could mix those two together and make a suitable core. So, with that possibility, then, we were able to capture a large quantity of these sludges and utilize them and extend the life of our sludge ponds by roughly 100%. Still not great, probably maybe, we're guessing now, but from three to five years to maybe six to ten, something of that nature. We're not sure. But that, in essence, is the point we're making, that solid waste was our problem and this is the way we coped with it. And we feel, as a consequence, that we qualify under A (b) because we were approaching a serious problem under Solid Waste. Anyone who's familiar with the Oregon Coast knows how difficult it is to--and I'm sure you gentlemen know (excuse me, ladies, also) know how difficult it is to

Oslund: find a solid waste site. It's just almost impossible. But we're scouring around for them; but in the interim, this is the way that we were able to extend the life of our existing site, our solid waste disposal. Then, as far as the A and B thing, we're utilizing a fiber, we're recapturing a fiber that was not utilized before, where we're coping with an immediate problem. Within a very brief period of time, we got to the point we had to do something or shut the mill down so far as solid waste was concerned. And, three, that this was a unique and a greatly modified, improved method of recapturing solid waste. Thank you. Mr. Thompson and Mr. McLoughlin are here, probably can add a great deal to that because of their technical knowledge. Thank you very much.

Richards: Questions of Mr. Oslund.

Petersen: Are the other gentlemen planning to testify?

Oslund: They're here, yes.

Richards: Are they here to respond to questions or are they here--

Oslund: I can, but I'll probably most of the time refer you to them.

Richards: Mr. Oslund, I apologize to you for mispronouncing your name when I first introduced you; I didn't read that well off the sign-up sheet here.

Oslund: I didn't hear that you had.

Richards: All right.

Oslund: I've got a rather bad cold, so I didn't catch it.

Richards: Well, I've got kind of bad eyesight, so that's why I think I mispronounced it. Are there questions of any of staff or do Mr. McLoughlin or Mr. Thompson wish to supplement in any way what's been stated by Mr. Oslund? One thing I guess I'd like to ask you and you might comment on, I noticed that the original preliminary certification apparently was requested and approved as a Water Quality tax credit rather than Solid Waste, and could you comment on that, please?

Oslund: I wouldn't mind and Darrell can expand on it. I guess it's simply an oversight. We got so used to identifying this thing--in most of our applications--as water quality, and we just didn't read the law carefully enough to realize what we were asking for, that's just a mistake.

Richards: That's fine. So, any other questions then of the company representatives?

Petersen: Let me make sure I understand, Mr. Chairman. Essentially your position is that we really don't have a water quality situation, here, we're really talking about solid waste. The fact that this waste is suspended in water is not the important thing, it's the fact that what do you do with it after you take it out of the water, is that correct?

Oslund: Yes.

Petersen: That's kind of an interesting approach. Thank you.

Richards: Other questions of company staff? Thank you very much. Do you have questions of our staff?

Petersen: Excuse me, Mr. Chairman.

Richards: Mr. Petersen.

Petersen: Are we to assume that because a Water Quality credit was approved on initial application that if they were allowed to reapply that it would be approved again, is that a fair assumption? I notice that the Director's Recommendation is that they be allowed to--

Young:

Yes, I think that is a fair assumption. I think our interpretation regularly has been that when there's a discharge that's water-borne, there's some requirement to improve the quality of that discharge. There are always sludges generated of some sort or another, so I think we're much more inclined to view that as a water kind of an activity than a solid waste and I've no reason to suppose that, you know, it would not be received in Water and be analyzed. The reason that in one case we've tried to make the recommendation on the case of Linnton as to the kind of credit they would get and in the other case we did not is my understanding that Linnton's close to the end of their year and the final decision on the tax credit is important to them. In the case of GP, there's enough time that they could make that reapplication without disadvantaging them for whatever credit might be available in Water.

Richards:

I had a question in the Summation prepared by staff on page 3 of this report and subsection C gives two alternatives, one to deny and one to approve. But in the back-up information, like in the second paragraph of C(1), it cites the identical language as cited under C(2). Now I'm confused. Is there something missing from C(1) where it says under C(1) and puts in parentheses the interpretation preferred by staff, unless I'm missing a word here, it's the identical

Richards: language used in both of these paragraphs and I'm...

Brown: Can I explain that?

Richards: Yes.

Brown: Bob Brown again, Solid Waste staff. That just may be a wording fault in that the leading in, the tax credit does not meet the intent and then I just cited "of that section." And in 2, you have to make the finding if you decide that it does meet the intent that it does. So the first sentence, I tried to make that qualify and talked to counsel last night and it sort of confused him also. But the statement was that the tax credit does not meet the intent of the following, and...

Richards: But are you saying then, that the facility does not provide a new or different solution, or that it is not a significant modification or improvement of a similar existing facility? Is that what you intend to say?

Brown: That again is based on the strict interpretation that staff has taken of the statute.

Richards: All right. Now, I take it that what you call a "strict interpretation" is that not because the Legislature

Richards: gave you the choice of either interpreting it strictly or loosely, but you feel that they're looking at the history of what the statute was before and then what it looked like after the amendment. I think what you're saying is that you've had a directive from the Legislature to give it a strict interpretation.

Brown: Yeah, narrow the number of tax credits given, essentially. One other point I'd like to make is we met with members of the company yesterday afternoon, and they are also saying there is a possibility that they would qualify under "A" also, and I had discounted that on page 2, that the facility clearly does not meet A or C. That came from our Solid Waste Permit file. We did not have the information that that site was in the problem that the company seems to think that it is.

Richards: What would be the possibility then of taking no action on this particular permit at this time until you had a chance to analyze A, that is compliance with A, or maybe I've misunderstood you. Are you saying that you would like more time to see whether it did comply with A, or have you already made a judgment about that?

Brown: Well, I guess it's Solid Waste staff opinion that a wastewater treatment facility is not a solid waste

Brown: facility eligible for tax credit.

Richards: So it's either one or the other; it's not eligible under both, is your opinion.

Brown: That's our opinion. And, again, this is another one we brought to the Commission for an interpretation. We were having problems with the statute.

Richards: Further questions of staff.

Petersen: Yes, Mr. Brown.

Brown: Mr. Petersen.

Petersen: Once again, is it the staff's opinion that woodwaste can never be a severe solid waste problem?

Brown: No, that is not staff opinion. Woodwaste, in some instances, probably could be a severe solid waste problem, but it would have to be established as such.

Petersen: But is it possible in this instance that the woodwaste that we're talking about could be a severe solid waste problem?

Brown: The fiber?

Petersen: Yeah.

Brown: It's possible if the site were to be filled in a year and six months they had expended a major effort to locate a new site and could not find it, this was the only way that they could keep from closing the mill because they were just plain running out of room, then that would probably qualify under "A," but from the information that we have at present in the Solid Waste file, that is not the case.

Richards: Further questions of staff.

Burgess: I guess I've got a little problem with that issue of separating out the solid waste from the water, whether it's eligible under Water or Solid Waste. If you, say, apply for tax credit under Water, you're treating something and you get a sludge, you obviously got to get rid of that, somehow. It seems to me that's a part of the whole project and so, that comes as a credit under Water. It's eligible under Solid Waste, that's a different sort of thing. So I was having a little difficulty, I guess, separating out those costs, assessable costs. I don't see in a Water facility that somehow or other you could stop when you get to the point when you paid for the clarifier and say "We're going to disallow getting rid of the sludge." I guess that's the issue. How do you make

Burgess: that decision?

Petersen: Well, but--

Richards: Mr. Petersen.

Petersen: But that apparatus to get rid of the sludge should be a Water Quality credit, is that what you're saying?

Burgess: Yeah, but you still gotta--

Petersen: In other words, it's all part of the problem and if it's eligible for credit, I don't think that's the question, it's whether it's Water or Solid Waste.

Burgess: Yeah. Well, I guess I was having trouble with that issue and reapply under Water with the assumption that somehow or other that was going to be okay. Whereas, you can say that as a solid waste thing, it really isn't okay. I'm having difficulty sorting that out in my mind.

Young: Mr. Chairman, if I am correct, the reason this becomes an issue is because if it qualifies as a Solid Waste credit, then there's a 100% credit given. If it qualifies under a Water credit, there is some kind of a percent allocable given. And it's the staff's view that, in fact, that has not been our past practice

Young:

to deal with a Water Pollution Control tax credit, as Commissioner Burgess was suggesting, stop at that point and say, "From this point forward, now, we're going to be talking about a solid waste," or lump the entire thing as a solid waste. We, in fact, in this case, I think we are talking about a water treatment process, the result of which is the generation of some sludges that can, in fact, be a solid waste as almost any other sludge can. So that's, of course, why the issue is a matter of concern to the company, and I suppose a matter of concern to the staff as we try to interpret what the Legislature meant when they adopted the statute in 1979 or whenever it was that, from our point of view, was a deliberate effort to narrow the amount of tax credit that was given.

(BREAK IN RECORDING AT CHANGE IN TAPES)

Schmidt:

I'd like to make the observation that this is another circumstance where the preliminary certification process becomes important. If the request had been made for the a preliminary certification as a Solid Waste facility, then we would've had the opportunity to make the evaluation of that clarifier and determine whether, in fact, it was a solid waste facility or a water quality facility. So, the point being that the importance of the original filing again has been made, that we really need to look at these things early

Schmidt: in the process so that both the Company and the Department is on the same track.

Richards: I have two questions on that score. Have you had instances before where it was made on one track, that is, let's say, through a misunderstanding but in the staff analysis you've reminded somebody that it really ought to be a different kind of preliminary certification. I assume you've done that before. We've given technical assistance, and we help people, remind them that this, under our existing policies, qualifies for something.

Schmidt: I'm sure that's true.

Richards: The second thing is on the Linnton Plywood Association, it just says "request was made for preliminary certification." Was that for a Solid Waste credit or an Air? I thought the witness said "Air."

Brown: (inaudible)

Richards: Okay. Other questions of staff? Thank you very much. Mr. Payne.

Payne: Mr. Richards, I'd just like to comment that when the application was being submitted to the agency for the claimed facility, not the preliminary, but the

Payne: application, and in talking with the DEQ staff, the DEQ staff advised Linnton Plywood that they should file for this from Air and go under Solid Waste. They did recommend it will get approval under Solid Waste, but the DEQ staff advised them that they should proceed under Solid Waste with the application, even though it was preliminarily approved under Air.

Richards: I think that was just one of the examples I was trying to recall. Thank you. What's the wish of the Commission?

Burgess: Well, I sure have sympathy, of course, with the industry and these hard times but, on the other hand, I don't think we have that option. The statute says what we have to interpret it as saying, so I move the Director's Recommendation.

Bishop: I second it.

Richards: It's been moved and seconded. Fred, I think I agree with you, but subsection B is not well worded. If we took literally the language of Subsection B of the statute, I think I would agree with Linnton Plywood in the sense that it could technically comply with a significant modification of a similar facility; but I was on the Commission at the time that this legislation was adopted. I really feel that we got,

Richards: from the Legislature, a set of marching orders. A set of marching orders was, in just every respect, every subsection of that law was changed and it was changed dramatically, and I think that oftentimes you have to look at not what was actually said but what was intended. Courts do it when they look for legislative intent. I just know what the intent was because of the discussions at the time, and I don't feel that unless I exercised my personal opinion here, (because, personally, I sympathize with Linnton) I did not favor all of these, I'm probably the "raging liberal" on this committee as far as tax credits. I think they've been a fine thing for all of the people of the state of Oregon, not just particular industries or particular companies, that have benefited. On the other hand, the job I've been given here is to carry out legislative intent and, to the best I can discern that, I'll continue to and, in this case, I think there's no question in my mind that I would have to deny that credit based on the legislative intent. Do we have any further discussion? Mr. Haskins.

Haskins: I was wondering whether or not there would be a motion regarding findings. The point that you brought out earlier about the discrepancy or actually the agreement between alternative findings in 1 and 2.

Haskins

Richards: Oh, you mean the GP?

Haskins: Actually, it applies to both.

Richards: Pardon?

Haskins: There's a similar choice of findings in the Linnton Plywood--

Richards: Okay, I see what you're saying. I believe that then on the denial on part C(1) you're correct, Robb. We'd have to say that the facility will not provide a new or different solution, nor is it a significant modification. I believe...

Burgess: I would amend my motion to include that.

Richards: And the second as well? Further discussion? Call the roll.

Haskins: Commissioner Petersen?

Petersen: Yes.

Haskins: Commissioner Bishop?

Bishop: Aye.

Haskins: Commissioner Brill?

Brill: Yes.

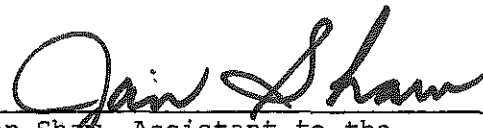
Haskins: Commissioner Burgess?

Burgess: Yes.

Haskins: Chairman Richards?

Richards: Aye. The motion is adopted. Thank you very much for your help on that.

I hereby certify that this is a true and correct copy of the original taped record of this matter.



Jan Shaw, Assistant to the
Environmental Quality Commission

Date: November 29, 1983

CERTIFICATE OF MAIL SERVICE

STATE OF OREGON)
) ss.
County of Multnomah)

I hereby certify that I served the foregoing Partial Transcript

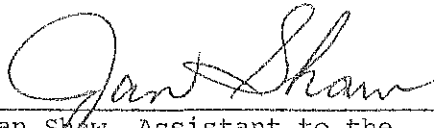
on: Richard Wasserman, Esq.
 100 Justice Building
 Salem, OR 97310

Attorney for Respondent

and Neale E. Creamer, Esq.
 333 S. W. Taylor
 Portland, OR 97204

Attorney for Petitioner

by mailing to said attorneys a full, true and correct copy thereof.
I further certify that said copy was contained in a sealed envelope
with postage thereon prepaid, addressed as above stated, the last
known address of said attorneys, and deposited in the post office at
Portland, Oregon, on the 30 day of November, 1983.



Jan Shaw, Assistant to the
Environmental Quality Commission



DEPARTMENT OF JUSTICE

APPELLATE DIVISION
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4402

November 10, 1983

Jan Shaw
Management Assistant
Dept. of Environmental Quality
522 SW 5th
Portland, OR 97204

Dear Ms. Shaw:

Enclosed for your information is a copy of the Order received
in this office yesterday.

Please contact me if you have questions.

Sincerely yours,

Richard D. Wasserman
Assistant Attorney General

RW/lw

Attachment

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
NOV 14 1983

OFFICE OF THE DIRECTOR

IN THE COURT OF APPEALS OF THE STATE OF OREGON

LINNTON PLYWOOD ASSOCIATION,)

Petitioner,)

v.)

DEPARTMENT OF ENVIRONMENTAL)
QUALITY,)

Respondent.)

CA A27813

ORDER

Respondent has moved for an order to supplement the record. The Court of Appeals has today allowed the motion.

George M. Toop
Chief Judge

November 9, 1983

Date

cc: ✓ Richard D. Wasserman
Neale E. Creamer

REPLIES SHOULD BE DIRECTED TO THE STATE COURT ADMINISTRATOR,
RECORDS DIVISION, SUPREME COURT BUILDING, SALEM, OR 97310.

sv

COURT ACTION:

December 7, 1983

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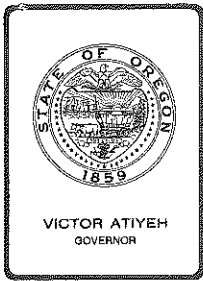
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ATTORNEY GENERAL

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additional



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 , February 25, 1983, EQC Meeting

Authorization to Hold a Public Hearing to Consider Proposed
Increases in Air Contaminant Discharge Permit Fees (OAR
340-20-155, Table 1, and OAR 340-20-165.)

Background

The permit fee revenues are used to support a portion of the permit program. As required by ORS 468.065(2), the fees are set in accordance with the cost to the Department of filing and investigating the application, issuing or denying the permit, and determining compliance or non-compliance with the permit. As part of the proposed budget for the 1983-85 biennium, the Department has proposed to increase permit revenues to partially offset inflationary costs by increasing the compliance determination fees by an average of 7.8% and increasing the filing fee \$25.00.

In addition to these modifications of permit fees, it is proposed to exempt small oil-fired boilers (less than 10×10^6 BTU/hr) and small non-pathological incinerators (less than 500 lbs/hr) from the permit program. The Department considers these sources to have negligible air quality impact, thus permit activities for these sources are not cost effective.

The proposed revisions to the fee structure were presented to the Air Contaminant Discharge Permit Fee Task Force, a group representing, industry, agriculture, general public, and the Department. It was their feeling that any increase during the present economic climate is inappropriate.

At this time, the Legislature is considering the Department's proposed budget as submitted by the Governor. A copy of the proposed fee schedule, Table 1, with proposed rule revisions consistent with the proposed budget are attached. The "Statement of Need for Rulemaking" is also attached.

Alternatives and Evaluation

The Air Contaminant Discharge Permit Fees are comprised of three parts: a non-refundable filing fee, presently \$50, submitted with all applications; an application processing fee submitted only with applications for new or modified sources; and a compliance determination fee submitted either annually by holders of regular permits or once every five years by holders of minimal source permits. The latter two types of fees differ between source categories depending upon the relative time required to draft and issue permits and to determine compliance with the permit.

The revenue for the 1983-85 biennium is projected to be \$737,625. This projection was developed in the following manner:

Projected Fee Income	\$724,200
(present fee schedule)	
Proposed exemption of Small Boilers and Non-Pathological Incinerators	(28,325)
Projected Fee Increases	
Filing Fee \$25	22,425
ACDP fee 7.8%	54,120
Estimated revenue Loss due to permanent shutdowns	<u>(34,795)</u>
Projected revenue for 1983-85 Biennium	\$737,625

Revenue from filing and processing fees resulting from new or modified sources cannot be anticipated or forecasted. Therefore, the Department historically has not included these fees in any revenue projections.

In accordance with the proposed budget, revenues for the 1983-85 biennium should be increased to \$737,625 to cover inflated operating costs. This amount will be generated by compliance determination fees and the increase in the filing fee. Compliance determination fee revenue would be increased by approximately 7.8%. These fees would then range from \$110 to \$3,235.

The Department intends to review costs of processing permit applications for new and modified sources. Upon completion of the review, the results with appropriate proposed modifications of processing fees, if warranted, will be presented to the Commission for its consideration. Although processing fees were raised approximately 15% on July 1, 1981, they may not adequately represent present Department costs to draft and issue permits.

Filing fees have not been adjusted since July 1, 1979. Compliance determination fees were last adjusted on July 1, 1981.

Summation

1. The Department's proposed budget contains projected revenues of \$737,625 from the Air Contaminant Discharge Permit program.
2. In preparing the budget, revenue losses from exempting some small sources and permanent shutdowns were considered.
3. The Department has proposed a fee schedule (Table 1) with associated rule revisions which would generate approximately \$737,625 by increasing filing fees \$25 and increasing compliance determination fees an average of 7.8%.
4. The Department proposes to review permit application processing costs with the intent of appropriately modifying the processing fees based upon Departmental costs, if warranted.
5. In order to consider modification of OAR 340-20-155, Table 1, and OAR 340-20-165 as proposed, EQC authorization for a public hearing is required.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize a public hearing to obtain testimony on proposed changes to Air Contaminant Discharge Fees, OAR 340-20-155, Table 1, and OAR 340-20-165.

Bill

William H. Young

Attachments (2)

- 1) Proposed amendments to OAR 340-20-155, Table 1, and OAR 340-20-165(1).
- 2) Statement of Need for Rulemaking and Public Hearing Notice.

WJFuller:z
229-5749
February 1, 1983
AZ50

Fees

340-20-165(1) All persons required to obtain a permit shall be subject to a three part fee consisting of a uniform non-refundable filing fee of [~~\$50.00~~] \$75.00, an application processing fee, and an annual compliance determination fee which are determined by applying Table 1.

(4) Applications for multiple-source permits received pursuant to OAR 340-20-160 shall be subject to a single [~~\$50.00~~] \$75.00 filing fee.

TABLE 1
AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

(340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fee for 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	Fee to be Submitted with Application to Modify Permit
1. Seed cleaning located in special control areas, commercial operations only (not elsewhere included)	0723	[50] <u>75</u>	100	[175] <u>190</u>	[325] <u>365</u>	[225] <u>265</u>	[150] <u>175</u>
2. Smoke houses with 5 or more employees	2013	[50] <u>75</u>	100	[125] <u>135</u>	[275] <u>310</u>	[175] <u>210</u>	[150] <u>175</u>
3. Flour and other grain mill products in special control areas	2041						
a) 10,000 or more t/y		[50] <u>75</u>	325	[350] <u>375</u>	[725] <u>775</u>	[400] <u>450</u>	[375] <u>400</u>
b) Less than 10,000 t/y		[50] <u>75</u>	250	[150] <u>160</u>	[450] <u>485</u>	[200] <u>235</u>	[300] <u>325</u>
4. Cereal preparations in special control areas	2043	[50] <u>75</u>	325	[250] <u>270</u>	[625] <u>670</u>	[300] <u>345</u>	[375] <u>400</u>
5. Blended and prepared flour in special control areas	2045						
a) 10,000 or more t/y		[50] <u>75</u>	325	[250] <u>270</u>	[625] <u>670</u>	[300] <u>345</u>	[375] <u>400</u>
b) Less than 10,000 t/y		[50] <u>75</u>	250	[125] <u>135</u>	[425] <u>460</u>	[175] <u>210</u>	[300] <u>325</u>
6. Prepared feeds for animals and fowl in special control areas	2048						
a) 10,000 or more t/y		[50] <u>75</u>	325	[350] <u>375</u>	[725] <u>775</u>	[400] <u>450</u>	[375] <u>400</u>
b) Less than 10,000 t/y		[50] <u>75</u>	200	[275] <u>295</u>	[525] <u>570</u>	[325] <u>370</u>	[250] <u>275</u>

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for 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	Fee to be Submitted with Application to Modify Permit
7. Beet sugar manufacturing	2063	[50] <u>75</u>	425	[1725] <u>1860</u>	[2200] <u>2360</u>	[1775] <u>1935</u>	[475] <u>500</u>
8. Rendering plants	2077						
a) 10,000 or more t/y		[50] <u>75</u>	250	[425] <u>460</u>	[725] <u>785</u>	[475] <u>535</u>	[300] <u>325</u>
b) Less than 10,000 t/y		[50] <u>75</u>	250	[250] <u>270</u>	[550] <u>595</u>	[300] <u>345</u>	[300] <u>325</u>
9. Coffee roasting	2095	[50] <u>75</u>	200	[225] <u>245</u>	[475] <u>520</u>	[275] <u>320</u>	[250] <u>275</u>
10. Sawmill and/or planing	2421						
a) 25,000 or more bd.ft./shift		[50] <u>75</u>	200	[350] <u>375</u>	[600] <u>650</u>	[400] <u>450</u>	[250] <u>275</u>
b) Less than 25,000 bd.ft./shift		[50] <u>75</u>	75	[250] <u>270</u>	[375] <u>420</u>	[300] <u>345</u>	[125] <u>150</u>
11. Hardwood mills	2426	[50] <u>75</u>	75	[225] <u>245</u>	[350] <u>395</u>	[275] <u>320</u>	[125] <u>150</u>
12. Shake and shingle mills	2429	[50] <u>75</u>	75	[275] <u>295</u>	[400] <u>445</u>	[325] <u>370</u>	[125] <u>150</u>
13. Mill work with 10 employees or more	2431	[50] <u>75</u>	150	[275] <u>295</u>	[475] <u>520</u>	[325] <u>370</u>	[200] <u>225</u>
14. Plywood manufacturing	2435 & 2436						
a) Greater than 25,000 sq.ft./hr, 3/8" basis		[50] <u>75</u>	625	[700] <u>755</u>	[1375] <u>1455</u>	[750] <u>830</u>	[675] <u>700</u>
b) Less than 25,000 sq.ft./hr, 3/8" basis		[50] <u>75</u>	450	[475] <u>510</u>	[975] <u>1035</u>	[525] <u>585</u>	[500] <u>525</u>
15. Veneer manufacturing only (not elsewhere included)	2435 & 2436	[50] <u>75</u>	100	[250] <u>270</u>	[400] <u>445</u>	[300] <u>345</u>	[150] <u>175</u>
16. Wood preserving	2491	[50] <u>75</u>	150	[250] <u>270</u>	[450] <u>495</u>	[300] <u>345</u>	[200] <u>225</u>
17. Particleboard manufacturing	2492	[50] <u>75</u>	625	[825] <u>890</u>	[1500] <u>1590</u>	[875] <u>965</u>	[675] <u>700</u>

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for 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	Fee to be Submitted with Application to Modify Permit
18. Hardboard manufacturing	2499	[50] <u>75</u>	625	[675] <u>730</u>	[1350] <u>1430</u>	[725] <u>805</u>	[675] <u>700</u>
19. Battery separator mfg.	2499	[50] <u>75</u>	100	[500] <u>540</u>	[650] <u>715</u>	[550] <u>615</u>	[150] <u>175</u>
20. Furniture and fixtures	2511						
a) 100 or more employees		[50] <u>75</u>	200	[350] <u>375</u>	[600] <u>650</u>	[400] <u>450</u>	[250] <u>275</u>
b) 10 employees or more but less than 100 employees		[50] <u>75</u>	125	[225] <u>245</u>	[400] <u>445</u>	[275] <u>320</u>	[175] <u>200</u>
21. Pulp mills, paper mills, and paperboard mills	2611 2621 2631	[50] <u>75</u>	1250	[3000] <u>3235</u>	[4300] <u>4560</u>	[3050] <u>3310</u>	[1300] <u>1325</u>
22. Building paper and building-board mills	2661	[50] <u>75</u>	200	[225] <u>245</u>	[475] <u>515</u>	[275] <u>320</u>	[250] <u>275</u>
23. Alkalies and chlorine mfg.	2812	[50] <u>75</u>	350	[600] <u>645</u>	[1000] <u>1070</u>	[650] <u>720</u>	[400] <u>425</u>
24. Calcium carbide manufacturing	2819	[50] <u>75</u>	375	[600] <u>645</u>	[1025] <u>1095</u>	[650] <u>720</u>	[425] <u>450</u>
25. Nitric acid manufacturing	2819	[50] <u>75</u>	250	[300] <u>325</u>	[600] <u>650</u>	[350] <u>400</u>	[300] <u>325</u>
26. Ammonia manufacturing	2819	[50] <u>75</u>	250	[350] <u>375</u>	[650] <u>700</u>	[400] <u>450</u>	[300] <u>325</u>
27. Industrial inorganic and organic chemicals manufacturing (not elsewhere included)	2819	[50] <u>75</u>	325	[425] <u>460</u>	[800] <u>860</u>	[475] <u>535</u>	[375] <u>400</u>
28. Synthetic resin manufacturing	2819	[50] <u>75</u>	250	[350] <u>375</u>	[650] <u>700</u>	[400] <u>450</u>	[300] <u>325</u>
29. Charcoal manufacturing	2861	[50] <u>75</u>	350	[725] <u>780</u>	[1125] <u>1205</u>	[775] <u>855</u>	[400] <u>425</u>
30. Herbicide manufacturing	2879	[50] <u>75</u>	625	[3000] <u>3235</u>	[3675] <u>3935</u>	[3050] <u>3310</u>	[675] <u>700</u>

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for 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	Fee to be Submitted with Application to Modify Permit
31. Petroleum refining	2911	[50] <u>75</u>	1250	[3000] <u>3235</u>	[4300] <u>4560</u>	[3050] <u>3310</u>	[1300] <u>1325</u>
32. Asphalt production by distillation	2951	[50] <u>75</u>	250	[350] <u>375</u>	[650] <u>700</u>	[400] <u>450</u>	[300] <u>325</u>
33. Asphalt blowing plants	2951	[50] <u>75</u>	250	[450] <u>485</u>	[750] <u>810</u>	[500] <u>560</u>	[300] <u>325</u>
34. Asphaltic concrete paving plants	2951						
a) Stationary		[50] <u>75</u>	250	[275] <u>295</u>	[575] <u>620</u>	[325] <u>370</u>	[300] <u>325</u>
b) Portable		[50] <u>75</u>	250	[350] <u>375</u>	[650] <u>700</u>	[400] <u>450</u>	[300] <u>325</u>
35. Asphalt felts and coating	2952	[50] <u>75</u>	250	[525] <u>565</u>	[825] <u>890</u>	[575] <u>640</u>	[300] <u>325</u>
36. Blending, compounding, or refining of lubricating oils and greases	2992	[50] <u>75</u>	225	[325] <u>350</u>	[600] <u>650</u>	[375] <u>425</u>	[275] <u>300</u>
37. Glass container manufacturing	3221	[50] <u>75</u>	250	[425] <u>460</u>	[725] <u>785</u>	[475] <u>535</u>	[300] <u>325</u>
38. Cement manufacturing	3241	[50] <u>75</u>	800	[2200] <u>2370</u>	[3050] <u>3245</u>	[2250] <u>2445</u>	[850] <u>875</u>
39. Redimix concrete	3273	[50] <u>75</u>	100	[150] <u>160</u>	[300] <u>335</u>	[200] <u>235</u>	[150] <u>175</u>
40. Lime manufacturing	3274	[50] <u>75</u>	375	[225] <u>245</u>	[650] <u>695</u>	[275] <u>310</u>	[425] <u>450</u>
41. Gypsum products	3275	[50] <u>75</u>	200	[250] <u>270</u>	[500] <u>545</u>	[300] <u>345</u>	[250] <u>275</u>
42. Rock crusher	3295						
a) Stationary		[50] <u>75</u>	225	[275] <u>295</u>	[550] <u>595</u>	[325] <u>370</u>	[275] <u>300</u>
b) Portable		[50] <u>75</u>	225	[350] <u>375</u>	[625] <u>675</u>	[400] <u>450</u>	[275] <u>300</u>

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for 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	Fee to be Submitted with Application to Modify Permit
43. Steel works, rolling and finishing mills, electrometallurgical products	3312 & 3313	[50] <u>75</u>	625	[600] <u>645</u>	[1275] <u>1345</u>	[650] <u>720</u>	[675] <u>700</u>
44. Incinerators							
a) 1000 lbs/hr and greater capacity		[50] <u>75</u>	375	[225] <u>245</u>	[650] <u>695</u>	[275] <u>320</u>	[425] <u>450</u>
b) [40] <u>500</u> lbs/hr to 1000 lbs/hr capacity		[50] <u>75</u>	125	[175] <u>190</u>	[350] <u>390</u>	[225] <u>265</u>	[175] <u>200</u>
c) <u>40 lbs/hr to 500 lbs/hr capacity pathological waste only</u>		<u>75</u>	<u>125</u>	<u>190</u>	<u>390</u>	<u>265</u>	<u>200</u>
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] <u>75</u>	625	[525] <u>565</u>	[1200] <u>1265</u>	[575] <u>640</u>	[675] <u>700</u>
b) Less than 3,500 t/y production		[50] <u>75</u>	150	[275] <u>295</u>	[475] <u>520</u>	[325] <u>370</u>	[200] <u>225</u>
46. Primary aluminum production	3334	[50] <u>75</u>	1250	[3000] <u>3235</u>	[4300] <u>4560</u>	[3050] <u>3310</u>	[1300] <u>1325</u>
47. Primary smelting of zirconium or hafnium	3339	[50] <u>75</u>	6250	[3000] <u>3235</u>	[9300] <u>9560</u>	[3050] <u>3310</u>	[6300] <u>6325</u>

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for 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 Applications	Fees to be Submitted with Renewal Application	Fee to be Submitted with Application to Modify Permit
48. Primary smelting and refining of ferrous and nonferrous metals (not elsewhere classified)	3339						
a) 2,000 or more t/y production		[50] <u>75</u>	625	[1300] <u>1400</u>	[1975] <u>2100</u>	[1350] <u>1475</u>	[675] <u>700</u>
b) Less than 2,000 t/y production		[50] <u>75</u>	125	[500] <u>540</u>	[675] <u>740</u>	[550] <u>615</u>	[175] <u>200</u>
49. Secondary smelting and refining of nonferrous metals	3341	[50] <u>75</u>	300	[350] <u>375</u>	[700] <u>750</u>	[400] <u>450</u>	[350] <u>375</u>
50. Nonferrous metals foundries	3361 3362	[50] <u>75</u>	150	[300] <u>325</u>	[500] <u>550</u>	[350] <u>400</u>	[200] <u>225</u>
51. Electroplating, polishing, and anodizing with 5 or more employees	3471	[50] <u>75</u>	125	[225] <u>245</u>	[400] <u>445</u>	[275] <u>320</u>	[175] <u>200</u>
52. Galvanizing and pipe coating--exclude all other activities	3479	[50] <u>75</u>	125	[225] <u>245</u>	[400] <u>445</u>	[275] <u>320</u>	[175] <u>200</u>
53. Battery manufacturing	3691	[50] <u>75</u>	150	[300] <u>325</u>	[500] <u>550</u>	[350] <u>400</u>	[200] <u>225</u>
54. Grain elevators--intermediate storage only, located in special control areas	4221						
a) 20,000 or more t/y		[50] <u>75</u>	225	[475] <u>510</u>	[750] <u>810</u>	[525] <u>585</u>	[275] <u>300</u>
b) Less than 20,000 t/y		[50] <u>75</u>	125	[225] <u>245</u>	[400] <u>445</u>	[275] <u>320</u>	[175] <u>200</u>

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for 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	Fee to be Submitted with Application to Modify Permit
55. Electric power generation	4911 *						
A) Wood or Coal Fired - Greater than 25MW		[50] <u>75</u>	5000	[3000] <u>3235</u>	[8050] <u>8310</u>	[3050] <u>3310</u>	[5050] <u>5075</u>
B) Wood or Coal Fired - Less than 25 MW		[50] <u>75</u>	3000	[1500] <u>1615</u>	[4550] <u>4690</u>	[1550] <u>1690</u>	[3050] <u>3075</u>
C) Oil Fired		[50] <u>75</u>	450	[725] <u>780</u>	[1225] <u>1305</u>	[775] <u>855</u>	[500] <u>525</u>
56. Gas production and/or mfg.	4925	[50] <u>75</u>	475	[350] <u>375</u>	[875] <u>925</u>	[400] <u>450</u>	[525] <u>550</u>
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] <u>75</u>	625	[600] <u>645</u>	[1275] <u>1345</u>	[650] <u>720</u>	[675] <u>700</u>
b) Less than 20,000 t/y		[50] <u>75</u>	175	[225] <u>245</u>	[450] <u>495</u>	[275] <u>320</u>	[225] <u>250</u>
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] <u>75</u>	200	[225] <u>245</u>	[475] <u>520</u>	[275] <u>320</u>	[250] <u>275</u>
b) Residual or distillate oil fired, [5] <u>10</u> or more but less than 250 million btu/hr (heat input)		[50] <u>75</u>	125	[125] <u>135</u>	[300] <u>335</u>	[175] <u>210</u>	[175] <u>200</u>
[c) Residual oil fired, less than] [5 million btu/hr (heat input)]		[50]	[50]	[100]	[200]	[150]	[100]

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for 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
59. Fuel burning equipment within the 4961 ** boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area***							
* 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.							
a) Wood or coal fired, 35 million or more Btu/hr (heat input)		[50] <u>75</u>	200	[225] <u>245</u>	[475] <u>520</u>	[275] <u>320</u>	[250] <u>275</u>
b) Wood or coal fired, less than 35 million Btu/hr (heat input)		[50] <u>75</u>	50	[125] <u>135</u>	[225] <u>260</u>	[175] <u>185</u>	[100] <u>125</u>
60. Fuel burning equipment outside 4961** the boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area.				(Fees will be based on the total aggregate heat input of all boilers at the site.)			
All wood, coal and oil fired greater than 30 x 10 ⁶ Btu/hr (heat input)		[50] <u>75</u>	125	[125] <u>135</u>	[300] <u>335</u>	[175] <u>210</u>	[175] <u>200</u>

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for 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	Fee to be Submitted with Application to Modify Permit
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.		[*****]	[*****]	[*****]	[*****]	[*****]	[*****]
a) <u>Low cost</u>		75	*****	150	*****	225	*****
b) <u>Medium cost</u>		75	*****	350	*****	425	*****
c) <u>High cost</u>		75	*****	2000	*****	2075	*****
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.		[*****]	[*****]	[*****]	[*****]	[*****]	[*****]
a) <u>Low cost</u>		75	*****	150	*****	225	*****
b) <u>Medium cost</u>		75	*****	350	*****	425	*****
c) <u>High cost</u>		75	*****	2000	*****	2075	*****
63. Existing sources not listed herein for which an air quality problem is identified by the Department or Regional Authority.		[*****]	[*****]	[*****]	[*****]	[*****]	[*****]
a) <u>Low cost</u>		75	*****	150	*****	225	*****
b) <u>Medium cost</u>		75	*****	350	*****	425	*****
c) <u>High cost</u>		75	*****	2000	*****	2075	*****

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for 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
64. Bulk Gasoline Plants	5100 *****	[50] <u>75</u>	55	[150] <u>160</u>	[255] <u>290</u>	[200] <u>235</u>	[105] <u>130</u>
65. Bulk Gasoline Terminals	5171 *****	[50] <u>75</u>	1000	[500] <u>540</u>	[1550] <u>1615</u>	[550] <u>615</u>	[1050] <u>1075</u>
66. Liquid Storage Tanks, 39,000 gallons or more capacity, not elsewhere included	4200 *****	[50] <u>75</u>	50/tank	[100] <u>110</u> /tank			
67. Can Coating	3411 *****	[50] <u>75</u>	1500	[900] <u>970</u>	[2450] <u>2545</u>	[950] <u>1045</u>	[1550] <u>1575</u>
68. Paper Coating	2641 or 3861 *****	[50] <u>75</u>	1500	[900] <u>970</u>	[2450] <u>2545</u>	[950] <u>1045</u>	[1550] <u>1575</u>
69. Coating Flat Wood	2400 *****	[50] <u>75</u>	500	[300] <u>325</u>	[850] <u>900</u>	[350] <u>400</u>	[550] <u>575</u>
70. Surface Coating, Manufacturing	2500, 3300, 3400, 3500, 3600, 3700, 3800, 3900 *****						
a) 1-20 tons VOC/yr		[50] <u>75</u>	25	[85] <u>90</u>	[160] <u>190</u>	[135] <u>165</u>	[75] <u>100</u>
b) 20-100 tons VOC/yr		[50] <u>75</u>	100	[200] <u>215</u>	[350] <u>390</u>	[250] <u>290</u>	[150] <u>175</u>
c) over 100 tons VOC/yr		[50] <u>75</u>	500	[400] <u>430</u>	[950] <u>1005</u>	[450] <u>505</u>	[550] <u>575</u>
71. Flexographic or Roto-gravure Printing over 60 tons VOC/yr per plant	2751, 2754 *****	[50] <u>75</u>	50/press	[150] <u>160</u> /press			

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for 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	Fee to be Submitted with Application to Modify Permit
72. New sources of VOC not listed herein which have the capacity or are allowed to emit 10 or more tons per year VOC	*****	[50]	[*****]	[*****]	[*****]	[*****]	[*****]
a) <u>Low cost</u>		<u>75</u>	*****	<u>150</u>	*****	<u>225</u>	*****
b) <u>Medium cost</u>		<u>75</u>	*****	<u>350</u>	*****	<u>425</u>	*****
c) <u>High cost</u>		<u>75</u>	*****	<u>2000</u>	*****	<u>2075</u>	*****

**** 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.

***** Permit for sources in categories 64 through 72 are required only if the source is located in the Portland AQMA, Medford-Ashland AQMA or Salem SATS.

RULEMAKING STATEMENTS

for

PROPOSED INCREASES IN
AIR CONTAMINANT DISCHARGE
PERMIT FEES

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 340-20-155, Table 1, and 340-20-165. It is proposed under authority of ORS Chapter 468, including Sections 065, 310.

Need for the Rule

Additional funds are needed to offset inflationary costs of administering the Air Contaminant Discharge Permit Program included in the Department's 1983-85 budget.

Principal Documents Relied Upon

- 1) OAR 340-20-155, Table 1, and 340-20-165.
- 2) Proposed DEQ budget for the 1983-85 biennium.

FISCAL AND ECONOMIC IMPACT STATEMENT:

The proposal would be very beneficial to small businesses and industries having small boilers and small non-pathological incinerators by exempting those boilers and incinerators from the permit requirements. The effect upon all other holders of Air Contaminant Discharge Permits, including some small businesses, would be slightly adverse as a result of the increased fees.

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.

STMT (9/82)
AZ63

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

PROPOSED INCREASES IN AIR CONTAMINANT DISCHARGE PERMIT FEES
Public Hearing

April 15, 1983

- WHO IS AFFECTED:** Industrial and commercial facilities in Oregon who are required to obtain Air Contaminant Discharge Permits.
- WHAT IS PROPOSED:** The Department of Environmental Quality is proposing to amend OAR 340-20-155, Table 1 and 340-20-165 to increase Compliance Determination and Filing Fees and to exempt certain small sources from Air Contaminant Discharge Permit requirements. A hearing will be held in the 14th floor conference room at 522 S. W. Fifth Avenue, Portland, Oregon on April 15, 1983 at 1:00 p.m.
- WHAT ARE THE HIGHLIGHTS:** Compliance Determination Fees would be increased by approximately 7.8%. The Filing Fee would be increased by \$25. Small oil-fired boilers less than 10×10^6 BTU/hr and small non-pathological incinerators would become exempt from the Air Contaminant Discharge Permit requirements.
- 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:
- 1:00 p.m.
Friday, April 15, 1983
Yeon Building, Room 1400, 522 S. W. Fifth Avenue,
Portland, Oregon
- Oral and written comments will be accepted at the public hearing. Written comments may be sent to William Fuller of the Air Quality Department in Portland, but must be received by no later than 5:00 p.m., April 15, 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.

PUBN. AH (9/82)
AZ62



P.O. Box 1760
Portland, OR 97207

8/10/82

FOR FURTHER INFORMATION:

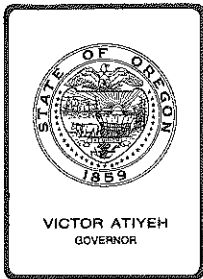
Contact the person or division identified in the public notice by calling 229-5696 in the Portland area. To avoid long distance charges from other parts of the state, call 1-800-452-7813, and ask for the Department of Environmental Quality.



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 May 20, 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)
AZ62



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, February 25, 1983, EQC Meeting

Request for Authorization to Hold a Public Hearing on a Proposed Amendment of Water Quality Permit Fees (OAR 340-45-070, Table 2) to Increase Revenues for the 83-85 Biennium.

Background and Problem Statement

The Water Quality Permit Fees were originally adopted by the Commission April 30, 1976, following enactment of a fee requirement by the Legislature in 1975. A three-part fee was adopted, consisting of a fixed filing fee of \$25, an application processing fee which ranged from \$25 to \$500, and an annual compliance determination fee. The annual compliance determination fee varied from \$50 per year for simple sources to \$950 per year for complex industrial sources. When the fees were established, the Department was instructed to increase the fees as necessary so that fee revenues continue to support approximately the same proportion of permit related costs.

On August 31, 1979, the Commission adopted an increase in the permit processing fees. The annual compliance determination fees were increased June 5, 1981.

For the 1983-85 biennium budget, the Department has projected fee revenues of \$369,400. This is an increase from 81-83 revenue levels of about \$28,000 or 8 percent.

With the increase in fee revenue needed, coupled with the loss in fee revenue from general permits, the total increase in fees required for the biennium is \$78,000.

Evaluation and Recommendations

For the 1983-85 biennium, a number of changes in the program create a need for a revision of the fee schedule beyond the normal "inflationary" increase. The Department is in the process of transferring many of the minor sources to general permits. This results in a reduction in paperwork and workload for the Department and the permittee. There is also a reduction in fee revenues, since there are no fees associated with general permits. A net reduction in revenue of about \$50,000 is projected for the biennium as a result.

The current fee schedule is based on some assumptions which are no longer valid. When the fee schedule was prepared, a reduced fee was assigned to land application projects because the time involved in processing the applications and making inspections was less than for an equivalent source with a discharge to public waters. However, with a greater emphasis on groundwater protection, the permit processing time and inspection time have increased so that they are now comparable to that of discharging facilities.

It is therefore proposed that the special reduced fees for non-discharging facilities be eliminated from the fee schedule with the exception of non-overflow sewage lagoons, small confined animal feeding operations and dairies. The change will affect primarily the large food processing type waste irrigators and the municipalities which dispose of waste by irrigation or seepage. The projected increased revenue from this change is about \$12,000 for the biennium.

The permit filing fee of \$25 has never been increased. The filing fee for air quality permits is currently \$50. It is proposed to increase the filing fee to \$50. That should provide increased revenues of about \$10,000 for the biennium.

The most significant changes are in the fee schedule for the annual compliance determination fees. As investigation of pretreatment programs, toxic pollutant occurrence, and the potential for groundwater pollution is added to the compliance determination process, costs will increase at a rate greater than the simple inflationary increase. Therefore, an increase of 10 percent to be rounded up to the nearest \$25 is proposed. This will mean a \$25 increase on small fees and a 10-13% increase on the major fees. The maximum increase would be \$125 per year for the largest sources.

The projected increase in revenue would be \$22,475 per year or \$44,950 for the biennium, as shown in the following table.

<u>Old Fee</u>	<u>New Fee</u>	<u>Increase</u>	<u>Number Affected</u>	<u>Increased Revenue</u>
\$ 75	\$ 100	\$ 25	276	\$ 6,900
100	125	25	159	3,975
200	225	25	218	5,450
375	425	50	35	1,750
575	650	75	6	450
750	825	75	7	525
950	1050	100	8	800
1200	1325	125	21	<u>2,625</u>
				\$22,475

With all of the proposed changes the projected net increase in revenue from existing permitted sources is about \$16,950 for the biennium. Although this is less than the \$28,000 projected in the budget, some additional revenue can be expected from new sources. The number of new sources will depend upon the State's economy. During the 1982 calendar year about \$9,000 in permit processing fees from new sources was received. A comparable level of growth is expected to occur over the next biennium.

The Department will take the revised fee schedule to the permittees and other segments of the public for review through the rulemaking process. The purpose of this proposal before the Commission at this time is to request authorization to hold a public hearing.

Summation

1. A three part water permit fee schedule was first adopted April 30, 1976. It consisted of a \$25 filing fee, permit processing fees ranging from \$25 to \$500, depending upon size and complexity, and an annual compliance determination fee which ranged from \$50 to \$950.
2. The Department has been instructed to increase fees as necessary so that fee revenues continue to support approximately the same proportion of permit related costs.
3. The current fee schedule shows a filing fee of \$25, processing fee range of \$50 to \$1,000 and annual compliance determination fees ranging from \$50 to \$1,200. The budgeted fee revenues under this schedule were \$341,422 for the 81-83 biennium.
4. For the 1983-85 biennium the Department has projected fee revenues of \$369,400, which is an increase of about 8 percent over the 1981-83 biennium.
5. The Department proposes to get this additional revenue by increasing the filing fee to \$50, changing fees charged permittees using land disposal to be equivalent to permittees discharging to public waters, and increasing the annual compliance fees to range from \$60 to \$1,325.

Director's Recommendation

Based on the summation, the Director recommends that the Commission authorize the Department to hold a public hearing on a proposed amendment of the Water Quality Permit Fee Schedule (OAR 340-45-070, Table 2).



William H. Young

Attachments:

1. Revised Fee Schedule
2. Draft Public Notice and Fiscal Impact Statement
3. Statement of Need

TABLE 2

(340-45-070)

PERMIT FEE SCHEDULE

- (1) Filing Fee. A filing fee of [~~\$25~~] \$50 shall accompany any application for issuance, renewal, modification, or transfer of an NPDES Waste Discharge Permit or Water Pollution Control Facilities Permit. This fee is non-refundable and is in addition to any application processing fee or annual compliance determination fee which might be imposed.
- (2) Application Processing Fee. An application processing fee varying between \$50 and \$1,000 shall be submitted with each application. The amount of the fee shall depend on the type of facility and the required action as follows:
- (a) New Applications
- (A) Major industries¹ -- \$1000
 - (B) Minor industries -- \$500
 - (C) Major domestic² -- \$500
 - (D) Minor domestic -- \$250
 - (E) Agricultural -- \$250
 - [(F) Minor nondischarging -- \$175]
- (b) Permit Renewals (including request for effluent limit modification):
- (A) Major industries¹ -- \$500
 - (B) Minor industries -- \$250
 - (C) Major domestic² -- \$250
 - (D) Minor Domestic -- \$125
 - (E) Agricultural -- \$125
 - [(F) Minor nondischarging -- \$100]
- (c) Permit Renewals (without request for effluent limit modification):
- (A) Major industries¹ -- \$250
 - (B) Minor industries -- \$150
 - (C) Major domestic² -- \$150
 - (D) Minor domestic -- \$100
 - (E) Agricultural -- \$100
 - [(F) Minor nondischarging -- \$100]

(d) Permit Modifications (involving increase in effluent limitations):

- (A) Major industries¹ -- \$500
- (B) Minor industries -- \$250
- (C) Major domestic² -- \$250
- (D) Minor domestic -- \$125
- (E) Agricultural -- \$125
- [(F) Minor nondischarging -- \$100]

(e) Permit Modifications (not involving an increase in effluent limits): All categories -- [\$50] \$75

[(f) Department Initiated: Modifications³ -- \$25]

(3) Annual Compliance Determination Fee Schedule:

(a) Domestic Waste Sources (Select only one category per permit)
(Category, Dry Weather Design Flow, and Initial and Annual Fee):

- (A) Sewage Discharge -- 10 MGD or more -- [\$950] \$1050
- (B) Sewage Discharge -- At least 5 but less than 10 MGD --
[\$750] \$825
- (C) Sewage Discharge -- At least 1 but less than 5 MGD --
[\$375] \$425
- (D) Sewage Discharge -- Less than 1 MGD -- [\$200] \$225
- (E) [No scheduled discharge during at least 5 consecutive months
of the low stream flow period -- 1/2 of above rate]
Non-overflow sewage lagoons -- \$100
- (F) [Land disposal -- no scheduled discharge to public waters
-- 1/4 of above rate or \$75, whichever is greater.] On-Site
sewage disposal systems larger than 5000 gallons per day --
\$60
- [(G) Chlorinated septic tank effluent from facilities serving
more than 5 families and temporarily discharging to public
waters -- \$75]
- [(H) Chlorinated septic tank effluent from facilities serving
5 families or less and temporarily discharging to public
waters -- \$50]
- [(I) Chlorinated septic tank effluent from facilities serving
more than 25 families or 100 people and temporarily
discharging to waste disposal wells as defined in OAR
340-44-005(4) -- \$50]

(b) Industrial, Commercial and Agricultural Sources (Source and
Initial and Annual Fee :^[4]

(For multiple sources on one application select
only the one with highest fee)

- (A) Major pulp, paper, paperboard, hardboard, and other fiber pulping industry [discharging process waste water other than log pond overflow] -- [\$1200] \$1325
- (B) Major sugar beet processing, potato and other vegetable processing, and fruit processing industry [discharging process waste water] -- [\$1200] \$1325
- (C) Fish Processing Industry:
 - (i) Bottom fish, crab, and/or oyster processing -- [\$100] \$125
 - (ii) Shrimp processing -- [\$125] \$150
 - (iii) Salmon and/or tuna canning -- [\$200] \$225
- (D) Electroplating industry [with discharge of process water] (excludes facilities which do anodizing only):
 - (i) Rectifier output capacity of 15,000 Amps or more -- [\$1200] \$1325
 - (ii) Rectifier output capacity of less than 15,000 Amps, but more than 5000 Amps -- [\$575] \$650
- (E) Primary Aluminum Smelting -- [\$1200] \$1325
- (F) Primary smelting and/or refining of non-ferrous metals utilizing sand chlorination separation facilities -- [\$1200] \$1325
- (G) Primary smelting and/or refining of ferrous and non-ferrous metals not elsewhere classified above -- [\$575] \$650
- (H) Alkalies, chlorine, pesticide, or fertilizer manufacturing with discharge of process waste waters -- [\$1200] \$1325
- (I) Petroleum refineries with a capacity in excess of 15,000 barrels per day discharging process waste water -- [\$1200] \$1325
- (J) Cooling water discharges in excess of 20,000 BTU/sec. -- [\$575] \$650
- (K) Milk products processing industry which processes in excess of 250,000 pounds of milk per day [and discharges process waste water to public waters] -- [\$1200] \$1325

- (L) [Fish hatching and rearing facilities -- \$100] Major mining operators -- \$1325
- (M) Small [placer] mining operations [which process less than 50 cubic yards of material per year and] which:
 - (i) Discharge directly to public waters -- [\$75] \$150
 - (ii) Do not discharge to public waters -- [\$None] \$100
- (N) All facilities not elsewhere classified with [discharge] disposal of process waste water [to public waters] -- [\$200] \$225
- (O) All facilities not elsewhere classified which [discharge from point sources to public waters] dispose of non-process waste waters (i.e. small cooling water discharges, boiler blowdown, filter backwash, etc.) -- [\$100] \$125
- (P) [All facilities not specifically classified above (A-M) which dispose of all waste by an approved land irrigation or seepage system -- \$75] Dairies and other confined feeding operations -- \$100

1 Major Industries Qualifying Factors:

- 1- Discharges large BOD loads; or
- 2- Is a large metals facility; or
- 3- Has significant toxic discharges; or
- 4- Has a treatment system which, if not operated properly, will have a significant adverse impact on the receiving stream; or
- 5- Any other industry which the Department determines needs special regulatory control.

2 Major Domestic Qualifying Factors:

- 1- Serving more than 10,000 people; or
- 2- Serving industries which can have a significant impact on the treatment system.

[3 Those Department initiated modifications requiring payment of fees are those requiring public notice such as:

- 1- Addition of new limitations promulgated by EPA or the Department.
 - 2- Addition of conditions necessary to protect the environment.
- Changes in format, correction of typographical errors, and other modifications not requiring public notice, require no fee.]

[⁴ For any of the categories itemized above (A-O) which have no discharge for at least five consecutive months of the low stream flow period, the fee shall be reduced to 1/2 of the scheduled fee or \$75 whichever is greater.]

[For any specifically classified categories above (A-L) which dispose of all waste water by land irrigation, evaporation, and/or seepage, the fee shall be reduced to 1/4 of the scheduled fee or \$75, whichever is greater.]

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Increase in Water Quality Permit Fees

PUBLIC HEARING

WHO IS AFFECTED: All municipalities, industries, and other persons with wastewater disposal or discharge permits.

WHAT IS PROPOSED: The Water Quality Division is proposing an increase in permit fees, as follows:

- (1) Increase \$25 filing fee to \$50
- (2) Increase fees for wastewater irrigation systems to the same level as those which discharge to public waters.
- (3) Increase annual compliance determination fees by an amount ranging from \$25 per year for small minor disposal systems to \$125 per year for large major disposal systems.

NOTE: Copies of the revised fee schedule are available upon request.

HOW TO COMMENT: PUBLIC HEARING

Friday, April 15, 1983 - 10 a.m.
Portland DEQ Office, 14th Floor Conference Room
522 S.W. Fifth Ave.
Portland, Oregon

Written comments should be sent to the Department of Environmental Quality, Water Quality Division, P. O. Box 1760, Portland, Oregon 97207. Comment period will close at 5 p.m. April 18, 1983.

WHAT IS THE NEXT STEP: After the hearing record has been evaluated, the fee schedule as proposed, or revised, will be presented for Commission approval at their May 20, 1983, Commission meeting.

FISCAL AND ECONOMIC IMPACTS:

The fee increases range from \$25 per year for the small disposal systems up to \$125 per year for the large disposal systems. Although this impacts small businesses, the \$25 per year increase should not be an economic hardship. The application filing fee is to be increased by \$25 but there is no across-the-board increase in permit processing fees so the impact on new businesses trying to get a permit should be minimal.

LAND USE CONSISTENCY This rule change does not affect land use.



P.O. Box 1760
Portland, OR 97207

4/10/82

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.H (8/82)
WG2018



STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(7), this statement provides information on the Environmental Quality Commission's intended action to adopt a rule change.

(1) Legal Authority

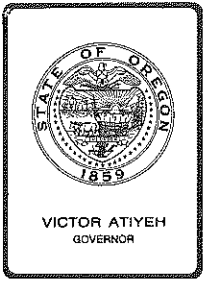
ORS 468.065(2) authorizes the Commission to establish a schedule of permit fees.

(2) Need for the Rule

The Water Quality Permit Fees were originally adopted by the Commission as a rule on April 30, 1976. When the fees were established the Department was instructed to increase the fees as necessary so that the fee revenues would continue to support approximately the same proportion of permit related costs. There have been some changes in the fee schedule each biennium. For the 1983-85 biennium budget, the fee revenue levels are projected to be increased by about 8 percent. This requires a rule change. In addition, other portions of the fee schedule, which are no longer applicable, will be removed or changed.

(3) Principal Documents Relied Upon in this Rulemaking

- a. OAR 340-45-070, Table 2 - Permit Fee Schedule
- b. ORS 468.065(2)
- c. Current printout of water quality permittees



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, February 25, 1983, EQC Meeting

Request for Authorization to Conduct Public Hearings On Proposed Amendments to Rules Governing On-Site Sewage Disposal (Including Proposed Fee Increases), OAR 340-71-100 through 340-71-600 and 340-73-080.

Background and Problem Statement

ORS 454.625 provides that the Commission, after hearing, may adopt rules for on-site sewage disposal. ORS 454.745(4) provides that the Commission may, by rule, increase the maximum fees contained in ORS 454.745(1), provided the fees do not exceed actual costs for efficiently conducted minimum services.

On July 17, 1981, the Commission adopted several amendments to the on-site sewage disposal rules, including revisions to the fee schedule. Since that time the Department finds it necessary to increase fees in order to continue to provide an adequate level of minimum services. Funding for the program comes from two sources (state general fund revenue, and income derived from fees for services). The contribution from the general fund has been continually shrinking, while inflation has caused the overall costs to rise. The proposed fees include an increase due to inflation and an increase due to the shift in the funding base. Using the Roseburg Branch Office as an example, staff have analyzed the various field activities from which fees are generated and determined the proposed fees more closely approximate actual costs for those activities occurring twenty miles from the office. The cost of a permit to repair a failing system is an exception in that the fee collected is approximately one half the estimated cost to the program. Beginning with the July 1, 1984 license period the sewage disposal service license fee is proposed to be increased by fifty percent. This fee has not been adjusted since first adopted by the Commission in 1974.

In addition, the Department has found that several substantive and housekeeping rule amendments are needed to correct identified deficiencies and inconsistencies to allow smoother rule administration. The proposed housekeeping amendments will not change how a particular rule has been applied. Many of the housekeeping amendments concern terminology changes. The proposed substantive amendments will generally affect how an existing rule is interpreted and implemented. The rules being proposed for substantive amendments are as follows:

1. Existing System Evaluation Report. A new rule is proposed to address an oversight in the existing rules. Many banks and other home loan institutions require an inspection of the on-site sewage disposal system serving a home or business before a loan is granted. An inspection performed by the Department or Agreement County would result in a report being issued rather than a permit or Authorization Notice. The proposed rule provides the tool to do this.
2. Authorization Notice. Generally, an Authorization Notice must be issued before an existing system is placed into service, the use of the system is changed, or the sewage flow into the system is increased (to a limit). Criteria for issuing the Authorization Notice is missing when a system is proposed to be placed into service. The proposed amendment would correct for this deficiency.
3. Alteration of Existing Systems. Alterations are accomplished by making physical changes to the existing system, and may result in an increase in the system's design capacity. The proposed amendments would affect alterations that increase the system's design capacity by more than three hundred gallons per day or fifty percent of the existing design capacity, whichever is less. All other system alterations are not impacted.
4. Manhole Riser on Septic Tank. Installation of a manhole riser to the ground surface is required when a septic tank has more than eighteen inches of backfill or when it is part of a sand filter system. Septic tanks without risers are not readily accessible for necessary periodic maintenance, and when buried their location is easily forgotten. The proposed amendment would add pressurized systems and systems serving commercial facilities. Pressurized systems use small diameter piping and are susceptible to clogging if the septic tank is not pumped periodically. Systems serving commercial facilities may also require frequent septic tank maintenance due to the nature of the sewage being discharged.
5. Seepage Trench Systems. Use of this system is limited to lots created prior to January 1, 1974, that have insufficient area to physically locate a standard subsurface system. The proposed

amendments would place a maximum limit on the design flow (three hundred gallons per day, equivalent to a two bedroom home) and allow deeper disposal trenches.

6. Sand Filter Systems. The substantive amendment would allow the Agent to determine the construction sequence when use of a capping fill is necessary.
7. Steep Slope Systems. Staff have determined the length of disposal trench required on this system is excessive. The proposed amendment would reduce the trench length by twenty-five percent.
8. Tile Dewatering System. The existing rule does not identify criteria to be used in determining how effective the field collection drainage tile is at lowering groundwater levels. The proposed amendments would establish the level of performance, and would allow for installation of shallow field collection drainage trenches at sites with high temporary groundwater levels.
9. Sewage Disposal Services. The sewage disposal service definition is proposed to be modified to clearly state that persons who place, pump out or clean, dispose of materials pumped or cleaned from, lease or rent portable toilets to another person are obligated to obtain a license from the Department. This amendment is considered to be housekeeping in nature because a portable toilet is a non-water carried system, which is one of several on-site sewage disposal systems that may be used in this state. The Department also proposes that a separate license application be submitted for each business. Proposed amendments will allow licenses to be amended or transferred, and provides a mechanism for reinstatement of suspended licenses.

Alternatives and Evaluation

The alternatives are as follows:

1. Authorize the Department to conduct public hearings on the proposed amendments.
2. Do not authorize public hearings.

Public hearings must be held before the Commission may adopt or amend rules. It is staff's opinion that the rules governing on-site sewage disposal need to be amended so that an adequate level of minimum services may continue to be provided, and so that identified rule deficiencies and inconsistencies may be corrected. It is through the hearing process that testimony from outside the Department is gathered on the question of whether the rules should be amended. This testimony frequently assists staff in preparing the proposed rule amendments to be presented for Commission consideration and possible adoption.


A presentation of the proposed amendments is contained in Attachment "C".

Summation

1. ORS 454.625 provides that the Commission, after hearing, may adopt rules for on-site sewage disposal.
2. ORS 454.745(4) provides that the Commission may, by rule, increase maximum fees contained in ORS 454.745(1), providing the fees do not exceed actual costs for efficiently conducted minimum services.
3. Several technical rule amendments are necessary to provide for smoother rule administration.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize public hearings, to take testimony on the question of amending OAR 340-71-100 through 340-71-600 and OAR 340-73-080, as presented in Attachment "C".


for
William H. Young

Attachments: (4)

- "A" - Hearing Notice
- "B" - Statement of Need and Fiscal Impact
- "C" - Proposed Rule Amendments
- "D" - Principal Documents Relied Upon

Sherman O. Olson, Jr.:g
229-6443
January 31, 1983

XG2014

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Proposed Amendments to the On-Site Sewage Disposal Rules, Including Proposed Fee Increases, OAR 340-71-100 through 340-71-600 and OAR 340-73-080.

April 5, 1983, 10 a.m.

- WHO IS AFFECTED:** Persons submitting applications for on-site sewage disposal activities and sewage disposal service licensees.
- WHAT IS PROPOSED:** The DEQ is proposing several substantive and housekeeping rule amendments. If adopted, the proposed amendments will correct specifically identified rule deficiencies and inconsistencies, thus allowing for smoother administration of the rules. Also, an adequate level of minimum services may continue to be provided if the proposed fee schedule amendments are adopted. A copy of the proposed amendments may be obtained by writing the Department of Environmental Quality, On-Site Sewage Systems Section, Box 1760, Portland, Oregon 97207.
- WHAT ARE THE HIGHLIGHTS:** The fees charged for on-site activities are proposed to be adjusted to cover a greater percentage of the costs of providing the services. The sewage disposal service license fee is proposed to be increased the first time since adopted in 1974. In addition to the fee for license, fees are being proposed for reinstating suspended licenses and amending or transferring licenses. A new rule addressing existing system evaluation reports is proposed, along with a fee for the service. Substantive amendments to several alternative systems (sand filters, seepage trenches, tile dewatering and steep slope) are suggested. The rule pertaining to sewage disposal services has several revisions, including new language addressing reinstatement of suspended licenses and license transfers or amendments.
- HOW TO COMMENT:** Public hearings are scheduled to begin at 10 a.m. on Tuesday, April 5, 1983, at the following locations:

Bend

State Office Bldg.
Conference Room
2150 NE Studio Rd.
Bend, Oregon

Newport

Lincoln Co. Public Service Bldg.
Public Meeting Room
210 S.W. Second Street
Newport, Oregon

Medford

Jackson County Courthouse
Room 300
10 South Oakdale
Medford, Oregon

Pendleton

State Office Bldg.
Suite 360
700 S.E. Emigrant
Pendleton, Oregon

Portland

Department of Environmental Quality
Room 1400
522 S.W. Fifth Avenue
Portland, Oregon

PUBN.H (8/82)
XG2027



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.



Contains
Recycled
Materials

A Department of Environmental Quality staff member or an Environmental Quality Commission Hearing Officer will be named to preside over and conduct the hearings.

Written comments may be sent to the Department of Environmental Quality, On-Site Sewage Systems Section, Box 1760, Portland, Oregon 97207, but must be received by April 5, 1983.

WHAT IS THE NEXT STEP: The Environmental Quality Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments as a result of the hearing testimony, or decline to adopt rule amendments.

Statements of Need, Fiscal Impact, Land Use Consistency, Statutory Authority, and Principal Documents Relied Upon are filed with the Secretary of State.

PUBN.H (8/82)
XG2027

ATTACHMENT B

Before the Environmental Quality Commission
of the State of Oregon

In the Matter of Amendment
to Rules OAR 340-71-100
through 71-600 and
OAR 340-73-080, On-Site
Sewage Disposal Rules

Statutory Authority
Statement of Need
Fiscal and Economic Impacts
Land Use Consistency Statement
Principal Documents Relied Upon

1. Citation of Statutory Authority

ORS 454.625, which requires the Environmental Quality Commission to adopt rules pertaining to On-Site Sewage Disposal.

2. Statement of Need

The Department of Environmental Quality requires an increase in fees for permits and services in the On-site Sewage Disposal Program in order to carry on an efficient and effective level of service. In addition, some technical rule amendments are necessary to provide smoother administration of the On-Site Sewage Disposal rules.

3. Fiscal and Economic Impacts

Fiscal and economic impacts would affect persons applying for a permit or service under the statewide rules for on-site sewage disposal. Such applicants would pay an increased fee for a permit or service. In addition, the new fee schedule will result in additional revenue for the Department and Contract Counties to use for program operation. Small businesses will be impacted by the increased fees at the time they apply for the permits and services. Further, the increased license fee and associated fees for transfer of license, amendment of license, and reinstatement of suspended license will impact all sewage disposal service businesses.

4. Land Use Consistency Statement

The proposed rule amendments will not generally affect land use. However, the proposed rule amendments to several alternative systems may allow installation of some systems that could not have been installed previously.

5. Principal Documents Relied Upon

- A. Letter of February 17, 1982, to Sherman Olson (Department of Environmental Quality) from Anne Cox (Columbia County).
- B. Letter of September 28, 1982, to Sherman Olson (Department of Environmental Quality) from Douglas Marshall (Tillamook County).
- C. Interoffice Memo of October 26, 1982, to Sherman Olson (Department of Environmental Quality) from Don Bramhall (Department of Environmental Quality).
- D. Letter of November 17, 1982, to Jack Osborne (Department of Environmental Quality) from D. C. Mace (Yamhill County).
- E. Letter of January 4, 1983, to Sherman Olson (Department of Environmental Quality) from Roy Eastwood (Columbia County).
- F. Letter of January 17, 1983, to Sherman Olson (Department of Environmental Quality) from Richard Polson (Clackamas County).
- G. Letter of January 21, 1983, to Sherman Olson (Department of Environmental Quality) from Daniel Bush (Clackamas County).

The documents may be viewed at the Department of Environmental Quality, 522 S.W. Fifth Avenue, Portland, Oregon, during regular business hours, 8 a.m. to 5 p.m. Monday through Friday.

ATTACHMENT C

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Rule Amendments

OAR 340-71-100 through OAR 340-71-600

and

OAR 340-73-080

February 25, 1983

Amend OAR 340-71-100(17) as follows:

- (17) "On-Site Sewage Disposal System [(System)]" means any [installed] existing or proposed on-site sewage disposal [facility] system including, but not limited to a standard subsurface, alternative, experimental or non-water carried sewage disposal system, installed or proposed to be installed on land of the owner of the system or on other land as to which the owner of the system has the legal right to install the system.

Amend OAR 340-71-105(3) as follows:

- (3) "Alternative System" means any Commission approved on-site sewage disposal system used in lieu of [, including modifications of] the standard subsurface system.

Amend OAR 340-71-105(4) as follows:

- (4) "Authorization Notice" means a written document issued by the Agent which establishes that an existing on-site sewage disposal system appears adequate to serve the purpose for which a particular application is made.

Amend OAR 340-71-105(19) as follows:

- (19) "Curtain Drain" [(in excess of thirty (30) inches)] means a groundwater interceptor introduced upslope from a disposal field to intercept and divert groundwater or surface water from the absorption facility , which It may be required to be installed as a condition for approval of a system.

Amend OAR 340-71-105(23) as follows:

- (23) "Disposal Trench" means a ditch or trench with vertical sides and substantially flat bottom with a minimum of twelve (12) inches of clean, coarse filter material into which a single distribution [line] pipe has been laid, the trench then being backfilled with a minimum of six (6) inches of soil. (See Diagram 12)

Amend OAR 340-71-105(34) as follows:

- (34) "Emergency Repairs" means repair of a failing system where immediate action is necessary to relieve a situation in which sewage is backing up into a dwelling or building, or repair of a broken pressure sewer [line] pipe.

Amend OAR 340-71-105(43) as follows:

- (43) "Groundwater Interceptor" means any natural or artificial groundwater or surface water drainage system including agricultural drain tile, cut banks, and ditches. (See Diagram 13)

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

Amend OAR 340-71-105(55) as follows:

- (55) "Permanent Groundwater Table" means the upper surface of a saturated zone that exists for greater than nine (9) months each year [-round]. The thickness of the saturated zone, and, as a result, the elevation of the permanent groundwater table may fluctuate as much as twenty (20) feet or more annually; but the saturated zone and associated permanent groundwater table will be present at some depth beneath land surface [throughout the] for greater than nine (9) months each year.

Amend OAR 340-71-105(78) as follows:

(78) "Sewage Disposal Service" means:

- (a) The installation of on-site sewage disposal systems (including the placement of portable toilets) , or any part thereof; or
- (b) The pumping out or cleaning of on-site sewage disposal systems (including portable toilets) , or any part thereof; or
- (c) The disposal of material derived from the pumping out or cleaning of on-site sewage disposal systems (including portable toilets) ; or
- (d) Grading, excavating, and earth-moving work connected with the operations described in subsection (a) of this section, except streets, highways, dams, airports or other heavy construction projects and except earth-moving work performed under the supervision of a builder or contractor in connection with and at the time of the construction of a building or structure; or
- (e) The construction of drain and sewage lines from five (5) feet outside a building or structure to the service lateral at the curb or in the street or alley or other disposal terminal holding human or domestic sewage[.] ; or
- (f) Leasing or renting portable toilets to any person.

Amend OAR 340-71-130(4) as follows:

- (4) Discharges Prohibited. No cooling water, air conditioning water, water softener brine, ground water, oil, hazardous materials or roof drainage shall be discharged into any system.

Amend OAR 340-71-140 as follows:

340-71-140 FEES-GENERAL.

- (1) Except as provided in section (5) of this rule, the following nonrefundable fees are required to accompany applications for site

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

evaluations, permits, licenses and services provided by the Department.

ON-SITE
SEWAGE DISPOSAL SYSTEMS

MAXIMUM
FEE

(a) New Site Evaluation:

(A) Single Family Dwelling:

(i) First Lot..... \$ 150 [135]

(ii) Each Additional Lot Evaluated During Initial Visit \$ 130 [110]

(B) Commercial Facility System:

(i) For First One Thousand (1000) [1000] Gallons Projected Daily Sewage Flow \$ 150 [135]

(ii) Plus For Each Five Hundred (500) [500] Gallons or Part Thereof Above One Thousand (1000) [1000] Gallons for Projected Daily Sewage Flows up to Ten Thousand (10,000) Gallons \$ 50 [40]

(iii) Plus For Each One Thousand (1000) Gallons or Part Thereof Above, Ten Thousand (10,000) Gallons \$ 20

(C) Evaluation Denial Review \$ 60 [50]

(D) Fees for site evaluation applications made to an agreement county shall be in accordance with that county's fee schedule.

(E) Each fee paid entitles the applicant to as many site inspections on a single parcel or lot as are necessary to determine site suitability for a single system. The applicant may request additional site inspections within ninety (90) [90] days of the initial site evaluation, at no extra cost.

(F) Separate fees shall be required if site inspections are to determine site suitability for more than one (1) system on a single parcel of land.

(b) Construction-Installation Permit:

(A) For First One Thousand (1000) [1000] Gallons Projected Daily Sewage Flow:

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

(1) Standard On-Site System \$ 120 [50]

(ii) Alternative System:

- (I) Aerobic System..... \$ 120 [90]
- (II) Capping Fill \$ 240 [90]
- (III) Cesspool..... \$ 120 [50]
- (IV) Evapotranspiration-Absorption \$ 120 [90]
- (V) Gray Water Waste Disposal Sump \$ 60 [50]
- (VI) Holding Tank \$ 120 [90]
- (VII) Pressure Distribution \$ 120 [90]
- (VIII) Redundant \$ 120 [90]
- (IX) Sand Filter \$ 280 [130]
- (X) Seepage Pit \$ 120 [50]
- (XI) Seepage Trench \$ 120 [50]
- (XII) Steep Slope \$ 120 [50]
- (XIII) Tile Dewatering \$ 120 [90]

(iii) The permit fee required for standard, cesspool, seepage pit, steep slope and seepage trench systems may be reduced to sixty dollars (\$60), providing the permit application is submitted to the Agent within six (6) months of the site evaluation report date, the system will serve a single family dwelling, and a site visit is not required before issuance of the permit.

(B) For systems with projected daily sewage flows greater than one thousand (1000) [1000] gallons, the construction-installation permit fee shall be equal to the fee required in OAR 340-71-140 (1)(b)(A) plus \$10 for each five hundred (500) [500]gallons or part thereof above 1000 gallons.

Note: Fees for construction permits for systems with projected daily sewage flows greater than five thousand (5,000) [5000] gallons shall be in accordance with the fee schedule for WPCF permits.

(C) Commercial Facility System, Plan Review:

(i) For a system with a projected daily sewage flow of less than six hundred (600) gallons No Fee

[i] (ii) For a system with a projected daily sewage flow of six hundred (600) gallons, but not more than [For first] one thousand (1000) [1000] gallons projected daily sewage flow \$60 [\$ 50]

[(ii)] (iii) Plus for each five hundred (500) [500] gallons or part thereof above one thousand (1000) [1000] gallons, to a maximum sewage flow limit of 5,000 gallons per day \$15 [\$ 10]

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

[(iii)] (iv) Plan review for systems with projected sewage flows greater than five thousand (5,000) [5,000] gallons per day shall be pursuant to OAR 340, Division 52.

(D) [(E)] [Construction-Installation] Permit Renewal:

- (i) If Field Visit Required..... \$60 [\$ 50]
- (ii) No Field Visit Required..... \$ 10

NOTE: Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date. Refer to OAR 340-71-160(10).

(E) [(c)] Alteration Permit \$95 [\$ 50]

(F) [(d)] Repair Permit:

- (i) [(A)] Single Family Dwelling \$35 [\$ 25]
- (ii) [(B)] Commercial Facility ... The appropriate fee identified in paragraphs (1)(b) (A) and (B) of this rule applies.

(G) [(D)] Permit Denial Review..... \$60 [\$ 50]

(c) [(e)] Authorization Notice:

- (A) If Field Visit Required \$60 [\$ 50]
- (B) No Field Visit Required \$ 10
- (C) Authorization Denial Review \$ 60

(d) [(f)] Annual Evaluation of Alternative System (Where Required) \$ 60 [\$ 50]

(e) [(g)] Annual Evaluation of Large System (2501 to 5000 GPD) \$ 60 [\$ 50]

(f) [(h)] Annual Evaluation of Temporary Mobile Home..... \$ 60 [\$ 50]

(g) [(i)] Variance to On-Site System Rules \$225

Note: The variance application fee may be waived if the applicant meets the requirements of OAR 340-71-415(5).

[An applicant for a variance is not required to pay the application fee, if at the time of filing, the owner:

- (A) Is 65 years of age or older; and
- (B) Is a resident of the State of Oregon; and

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

(C) Has an annual household income, as defined in ORS 310.630, of \$15,000 or less.]

(h) [(j)] Rural Area Variance to Standard Subsurface Rules:

(A) Site Evaluation..... \$150 [\$135]

Note: In the event there is on file a site evaluation report for that parcel that is less than ninety days old, the site evaluation fee shall be waived.

(B) Construction-Installation Permit....The appropriate fee identified in subsection (1)(b) of this rule applies.

(i) [(k)] Sewage Disposal Service:

(A) Annual Business License \$150 [\$100]

Note: The application fee for a license valid during the period July 1, 1983 through June 30, 1984 shall be \$100.

(B) Transfer of or Amendments to License \$ 75

(C) Reinstatement of Suspended License \$100

[(B)] (D) Pumper Truck Inspection, Each Vehicle \$ 25

(j) [(1)] Experimental Systems:

Permit \$100

(k) Existing System Evaluation Report \$ 60

Note: The fee shall not be charged for an evaluation report on any proposed repair, alteration or extension of an existing system.

(2) Contract County Fee Schedules. Pursuant to ORS 454.745(4), fee schedules which exceed maximum fees in ORS 454.745(1), and Section (1) of this rule, are established for Contract Counties as follows:

(a) Lane County: See OAR 340-72-050.

(b) Clackamas County: See OAR 340-72-060.

(c) Multnomah County: See OAR 340-72-070.

(d) Jackson County: See OAR 340-72-080.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

(3) Contract County Fee Schedules, General:

- (a) Each county having an agreement with the Department under ORS 454.725 shall adopt a fee schedule for services rendered and permits and licenses to be issued.
- (b) A copy of the fee schedule and any subsequent amendments to the schedule shall be forwarded to the Department.
- (c) Fees shall not:
 - (A) Exceed actual costs for efficiently conducted services; or
 - (B) Exceed the maximum established in Section (1) of this rule, unless approved by the Commission pursuant to ORS 454.745(4).

(4) Surcharge. In order to offset a portion of the administrative costs of the statewide on-site sewage disposal program, a surcharge for each activity, as set forth in the following schedule, shall be levied by the Department and by each Agreement County. Proceeds from surcharges collected by the Department and Agreement Counties shall be accounted for separately. Each Agreement County shall forward the proceeds to the Department as negotiated in the memorandum of agreement (contract) between the county and the Department.

Activity	Surcharge
(a) Site evaluation: per lot or site; or for each 1,000 gallons projected daily sewage flow or part thereof, whichever is greater, up to 5,000 gallons	\$ 15
(b) [New] Construction-Installation Permit	\$ 5
<u>Exception: Repair permits are not subject to a surcharge.</u>	
(c) Alteration Permit	\$ 5
(d) Authorization Notice	\$ 5

(5) Refunds. The Agent may refund a fee accompanying an application if the applicant withdraws the application before the Agent has done any field work or other substantial review of the application.

Amend OAR 340-71-150(4) as follows:

- (4) Approval or Denial:
 - (a) In order to obtain an approved site evaluation report the following conditions shall be met:

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (A) All criteria for approval as outlined in rules 340-71-220 and/or 340-71-260 shall be met.
- (B) Each lot or parcel must have [contain] sufficient usable area available to accommodate an initial and replacement system. The usable area may be located within the lot or parcel, or within the bounds of another lot or parcel if secured pursuant to OAR 340-71-130(11). Sites may be approved where the initial and replacement systems would be of different types, e.g., a standard subsurface system as the initial system and an alternative system as the replacement system. The site evaluation report shall indicate the type of the initial and type of replacement system for which the site is approved.

EXCEPTION: A replacement area is not required in areas under control of a legal entity such as a city, county, or sanitary district, provided the legal entity gives a written commitment that sewerage service will be provided within five (5) years.

- (b) A site evaluation shall be denied where the [above] conditions identified in subsection (4)(a) of this rule are not met.
- (c) Technical rule changes shall not invalidate a favorable site evaluation.

Amend OAR 340, Division 71 by adding a new rule, OAR 340-71-155, as follows:

340-71-155 EXISTING SYSTEM EVALUATION REPORT.

- (1) Any person, upon application, may request an evaluation report on an existing on-site sewage disposal system. The application shall be on a form provided by the Agent and approved by the Department.
- (2) The application is complete only when the form, on its face, is completed in full, signed by the owner or the owner's legally authorized representative, and is accompanied by all necessary exhibits including the fee. A fee shall not be charged for an evaluation report on any proposed repair, alteration or extension of an existing system.
- (3) The Agent shall:
 - (A) Examine the records, if available, on the existing system; and
 - (B) Conduct a field evaluation of the existing system; and
 - (C) Issue a report of findings to the applicant.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

Amend OAR 340-71-160(9) as follows:

- (9) A permit issued pursuant to these rules shall be effective for one (1) year from the date of issuance for the construction of the system. [and] The construction-installation permit is not transferable. Once a system is installed pursuant to the permit, and a Certificate of Satisfactory Completion has been issued for the installation, conditions imposed as requirements for permit issuance shall continue in force as long as the system is in use.

Amend OAR 340-71-160 by adding a new section as follows:

- (10) Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date. Application for permit renewal shall conform to the requirements of sections (2) and (4) of this rule. The permit shall be issued or denied consistent with sections (5), (6), (8), and (9) of this rule.

Amend OAR 340-71-205 as follows:

340-71-205 AUTHORIZATION TO USE EXISTING SYSTEMS.

- (1) For the purpose of these rules, "Authorization Notice" means a written document issued by the Agent which establishes that an existing on-site sewage disposal system appears adequate to serve the purpose for which a particular application is made. Applications for Authorization Notices shall conform to requirements of OAR 340-71-160(2) and (4).
- (2) Authorization Notice Required. No Person shall place into service, change the use of, or increase the projected daily sewage flow into an existing on-site sewage disposal system without obtaining an Authorization Notice . Construction-Installation Permit or Alteration Permit as appropriate.

Exceptions:

- a- An Authorization Notice is not required when there is a change in use (replacement of [mobile homes or] recreational vehicles with similar units) in [mobile home parks or] recreational vehicle facilities operated by a public entity or under a license or Certificate of Sanitation issued by the Oregon State Health Division . [or Oregon State Department of Commerce.]
- b- An Authorization Notice is not required for placing into service [use of] a previously unused system for which a Certificate of Satisfactory Completion has been issued within one (1) year of the date such system is placed into service, providing the projected daily sewage flow does not exceed the design flow.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (3) For placing into service or for changes in the use of an existing on-site sewage disposal system where no increase in sewage flow is projected, or where the design flow is not exceeded; an Authorization Notice shall be issued if:
- (a) The existing system is not failing; and
 - (b) All set-backs between [from] the existing system and the structure can be maintained; and
 - (c) In the opinion of the Agent the proposed use would not create a public health hazard[.] on the ground surface or in surface public waters.
- (4) If the condition s [(a) or (b)] of Section (3) of this rule cannot be met, an Authorization Notice shall be withheld until such time as the necessary alterations and/or repairs to the system are made.
- (5) For changes in the use of a system where projected daily sewage flow would be increased by not more than three hundred (300) gallons beyond the design capacity or by not more than fifty (50) percent of the design capacity for the system, whichever is less; an Authorization Notice shall be issued if:
- (a) The existing system is shown not to be failing; and
 - (b) All set-backs between [from] the existing system and the structure can be maintained; and
 - (c) Sufficient area exists so that a complete replacement area meeting all requirements of these rules (except those portions relating to soil conditions and groundwater) is available; and
 - (d) In the opinion of the Agent the proposed increase would not create a public health hazard or water pollution.
- (6) Only one (1) Authorization Notice for an increase up to three hundred (300) gallons beyond the design capacity, or increased by not more than fifty (50) percent of the design capacity, whichever is less, will be allowed per system.
- (7) For changes in the use of a system where projected daily sewage flows would be increased by more than three hundred (300) gallons beyond the design capacity, or increased by more than fifty (50) percent of the design capacity of the system, whichever is less, a Construction-Installation [an Alteration] Permit shall be obtained. [Such permit may be issued only if the proposed installation will be in full compliance with these rules.] Refer to rule 340-71-210.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

(8) Personal Hardship:

- (a) The Agent may allow a mobile home to use an existing system serving another dwelling, in order to provide housing for a family member suffering hardship, by issuing an Authorization Notice, if:
 - (A) The Agent receives satisfactory evidence which indicates that the family member is suffering physical or mental impairment, infirmity, or is otherwise disabled (a hardship approval issued under local planning ordinances shall be accepted as satisfactory evidence); and
 - (B) The system is not failing; and
 - (C) The application is for a mobile home; and
 - (D) Evidence is provided that a hardship mobile home placement is allowed on the subject property by the governmental agency that regulates zoning, land use planning, and/or building.
- (b) The Authorization Notice shall remain in effect for a specified period, not to exceed cessation of the hardship. The Authorization Notice is renewable on an annual or biennial basis. The Agent shall impose conditions in the Authorization Notice which are necessary to assure protection of public health.

(9) Temporary Placement:

- (a) The Agent may allow a mobile home to use an existing system serving another dwelling in order to provide temporary housing for a family member in need, and may issue an Authorization Notice provided:
 - (A) The Agent receives evidence that the family member is in need of temporary housing; and
 - (B) The system is not failing; and
 - (C) A full system replacement area is available; and
 - (D) Evidence is provided that a temporary mobile home placement is allowed on the subject property by the governmental agency that regulates zoning, land use planning, and/or building.
- (b) The Authorization Notice shall authorize use for no more than two (2) years and is not renewable. The Agent shall impose conditions in the Authorization Notice necessary

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

to assure protection of public health. If the system fails during the temporary placement and additional replacement area is no longer available, the mobile home shall be removed from the property.

(10) An Authorization Notice denied by the Agent shall be reviewed at the request of the applicant. The application for review shall be submitted to the Department in writing within thirty (30) days of the authorization notice denial, and be accompanied by the denial review fee. The denial review shall be conducted and a report prepared by the Department.

Amend OAR 340-71-210 as follows:

340-71-210 ALTERATION OF EXISTING ON-SITE SEWAGE DISPOSAL SYSTEMS.

(1) Permit Required:

(a) No person shall alter, or increase the design capacity of, an existing on-site sewage disposal system without first obtaining an Alteration Permit or Construction-Installation Permit, as appropriate. [See] Refer to rule 340-71-160.

(b) No person shall increase the projected daily sewage flow into an existing on-site sewage disposal system by more than three hundred (300) gallons beyond the design capacity or increase by more than fifty (50) percent of the design capacity of the system, whichever is less, until [an Alteration] a Construction-Installation Permit is obtained. [Such permit may be issued only if the proposed installation will be in full compliance with these rules.] Refer to rule 340-71-160.

(2) An application for an Alteration Permit shall be submitted to the Agent for proposed alterations to an existing system that do not increase the existing system's design capacity, or do not exceed the existing system's design capacity by more than three hundred (300) gallons per day or fifty (50) percent, whichever is less. The permit may be issued if:

(a) The existing system is not failing; and

(b) The setbacks in Table 1 can be met; and

(c) In the opinion of the Agent, use of the on-site system would not create a public health hazard or water pollution.

(3) An application for a Construction-Installation Permit shall be submitted to the Agent when the existing system's design capacity is proposed to be exceeded by greater than three hundred (300) gallons per day or greater than fifty (50) percent, whichever is less. The permit may be issued if:

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (a) The existing system is not failing; and
- (b) A favorable site evaluation report has been obtained from the Agent (refer to rule 340-71-150); and
- (c) The proposed installation will be in full compliance with these rules.

(4) [(2)] Certificate of Satisfactory Completion Required. Upon completion of installation of that part of a system for which an Alteration Permit or Construction-Installation Permit has been issued, the permittee shall obtain a Certificate of Satisfactory Completion from the Agent pursuant to rule 340-71-175. An increase in the projected daily sewage flow into the system shall be prohibited until the Certificate is issued.

[(3)] Criteria for Permit Issuance. Except as provided in subsection (1)(b) of this rule the Agent may issue an Alteration Permit if:

- (a) The existing system is not failing; and
- (b) In the opinion of the Agent use of the on-site system would not create a public health hazard or water pollution.]

Amend OAR 340-71-220(2)(b)(C) as follows:

- (C) Curtain Drains. (Diagram 13) A curtain drain may be used to intercept and/or drain temporary water from a disposal area, however, it may be required to demonstrate that the site can be de-watered prior to issuing a construction installation permit. Curtain drains may be used only on sites with adequate slope to permit proper drainage. Where required, curtain drains are an integral part of the [disposal] system[.] but do not need to meet setback requirements to property lines, streams, lakes, ponds or other surface water bodies.

Amend OAR 340-71-220(2)(c)(Exception -b-) as follows:

- b- A layer of non-gravelly (less than 15% gravel) soil with sandy loam texture or finer at least eighteen (18) inches thick occurs between the bottom of the disposal trenches and the groundwater table; or

Amend OAR 340-71-220(4)(c)(C) as follows:

- (C) All septic tanks installed with the manhole access deeper than eighteen (18) inches , or when used within a sand filter system, commercial system, or pressurized [or as part of a sand filter] system shall be provided with a water tight riser extending to the ground surface or above. The riser shall have a minimum inside dimension equal to or greater than that of the tank manhole. The cover shall be securely fastened or weighted to prevent easy removal.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

Amend OAR 340-71-265(3)(c) and (d) as follows:

- (c) The disposal area [drainfield] and the borrow site shall be scarified to destroy the vegetative mat.
- (d) The system [Drainfield] shall be installed as specified in the construction permit. There shall be a minimum ten (10) feet of separation between the edge of the fill and the absorption facility [nearest trench sidewall].

Amend OAR 340-71-265(4)(a) and (b) as follows:

- (a) Both the disposal area [drainfield site] and borrow material must be inspected for scarification, soil texture, and moisture content, prior to cap construction.
- (b) Pre-cover inspection of the installed absorption facility [drainfield].

Amend OAR 340-71-275(4)(d)(B) as follows:

- (B) The effective seepage area shall be based on the bottom area of the seepage bed. The minimum area shall be not less than two hundred (200) square feet per one hundred fifty (150) gallons projected daily sewage flow. [that specified in Table 9.]

Amend OAR 340-71-275(4)(c)(B) as follows:

- (B) Disposal [Drainfield] trenches shall be constructed using the specifications for the standard disposal [drainfield] trench unless otherwise allowed by the Department on a case-by-case basis.

Amend OAR 340-71-280 as follows:

- (1) For the purpose of these rules "Seepage Trench System" means a system with disposal trenches with more than six (6) inches of filter material below the distribution pipe.
- (2) Criteria for Approval. Construction permits may be issued by the Agent for seepage trench systems on lots created prior to January 1, 1974, for sites that meet all the following conditions:
 - (a) Groundwater degradation would not result.
 - (b) Lot or parcel is inadequate in size to accommodate standard subsurface system disposal trenches[.] with a projected flow of three hundred (300) gallons per day.
 - (c) All other requirements for standard subsurface systems can be met , except as provided in section 3 of this rule .

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

(3) Design Criteria:

(a) The seepage trench may have a maximum depth of forty-two (42) inches;

(b) The seepage [Seepage] trench system [dimensions] shall be sized according to [determined by] the following formula:

Length of seepage trench = (4) (length of disposal trench) [/] divided by (3+ 2D), where D = depth of filter material below distribution pipe in feet. Maximum depth of filter material (D) shall be two (2) feet.

(c) The projected sewage flow shall be limited to three hundred (300) gallons per day, maximum.

Amend OAR 340-71-290(3)(a)(B) as follows:

(B) Twelve (12) inches or more below ground surface on sites requiring serial distribution where distribution trenches are covered by a capping fill, provided: trenches are excavated twelve (12) inches into the original soil profile, slopes are twelve (12) percent or less, and the capping fill is constructed according to provisions under OAR 340-71-265(3) and 340-71-265(4)(a) through (c)[. A construction-installation permit shall not be issued until the fill is in place and approved by the Agent]; or

Amend OAR 340-71-290(3)(b) as follows:

(b) The highest level attained by a permanent water table would be equal to or more than distances specified as follows:

Soil Groups	*Minimum Separation Distance from Bottom Effective Seepage Area
(A) Gravel, sand, loamy sand, sandy loam	24 inches
(B) Loam, silt loam, sandy clay loam, clay loam	18 inches
(C) Silty clay loam, silty clay, clay, sandy clay	12 inches

*NOTE: Shallow disposal trenches (placed not less than twelve (12) inches into the original soil profile) may be used with a capping fill to achieve separation distances from permanent groundwater. The fill shall be placed in accordance to the provisions of OAR 340-71-265(3) and 340-71-265(4)(a) through (c). [A construction-installation permit shall not be issued until the fill is in place and approved by the Agent.]

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

Amend OAR 340-71-290(4) and (5) as follows:

- (4) [Minimum Length Disposal Trench Required.] The minimum [seepage area] length of disposal trench required for sand filter absorption facilities is indicated in the following table:

<u>Soil Groups</u>	<u>Minimum Length (Linear Feet) Disposal Trench Per One Hundred Fifty (150) Gallons Projected Daily Sewage Flow</u>
(a) Gravel, sand, loamy sand, sandy loam	35
(b) Loam, silt loam, sandy clay loam, clay loam	45
(c) Silty clay loam, silty clay, sandy clay, clay	50
(d) Saprolite or fractured bedrock	50
(e) High shrink-swell clays (Vertisols)	75 *

* NOTE: Disposal trenches in Vertisols shall contain twenty-four (24) inches of filter material and twenty-four (24) inches of soil backfill.

- (5) [NOTE:] Sites with saprolite, fractured bedrock, gravel or soil textures of sand, loamy sand, or sandy loam in a continuous section at least two (2) feet thick in contact with and below the bottom of the sand filter, that meet all other requirements of section 340-71-290(3), may utilize either a conventional sand filter without a bottom or a sand filter in a trench that discharges biologically treated effluent directly into those materials. The application rate shall be based on the design sewage flow in OAR 340-71-295(1) and the basal area of the sand in either type of sand filter. A minimum twenty-four (24) inch separation shall be maintained between a water table and the bottom of the sand filter.

(6) [(5)] Materials and Construction:

- (a) All materials used in sand filter system construction shall be structurally sound, durable and capable of withstanding normal installation and operation stresses. Component parts subject to malfunction or excessive wear shall be readily accessible for repair and replacement.
- (b) All filter containers shall be placed over a stable level base.
- (c) In areas of temporary groundwater at least twelve (12) inches of unsaturated soil shall be maintained between the bottom of the sand filter and top of the disposal trench.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (d) Piping and fittings for the sand filter distribution system shall be as required under pressure distribution systems, OAR 340-71-275.
- (e) The specific requirements for septic tanks, dosing tanks, etc. are found in OAR 340-71-220.

Amend OAR 340-71-310(2) as follows:

- (2) Construction requirements:
 - (a) Seepage trenches shall be installed at a minimum depth of thirty (30) inches and at a maximum depth of thirty-six (36) inches below the natural soil surface on the downhill side of the trench, and contain a minimum of eighteen (18) inches of filter material and twelve (12) inches of native soil backfill.
 - (b) The system shall be sized at a minimum of [one hundred (100)] seventy-five (75) linear feet per one hundred fifty (150) gallons projected daily sewage flow.

Amend OAR 340-71-315 as follows:

340-71-315 TILE DEWATERING SYSTEM.

- (1) General conditions for approval. On-site system construction permits may be issued by the Agent for tile dewatering systems provided the following requirements can be met:
 - (a) The site has a natural outlet that will allow a field tile [(installed on a proper grade around the proposed [drainfield] absorption facility [area at a depth of not less than sixty-six (66) inches] to daylight above annual high water.
 - (b) Soils must be silty clay loam or coarser textured and be drainable, with a minimum effective soil depth of at least [sixty-six (66) inches.] thirty (30) inches in soils with temporary groundwater, and at least seventy-two (72) inches in soils with permanent groundwater.
 - (c) Slope does not exceed three (3) percent.
 - (d) All other requirements for the system [standard on-site systems], except depth to groundwater, can be met. However, after the field collection drainage tile is installed, the groundwater levels shall conform to the requirements of OAR 340-71-220(2) or 340-71-290(3).

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

(2) Construction Requirements:

- (a) Field collection drainage tile shall be installed [a minimum of sixty-six (66) inches deep] on a uniform grade of two-tenths to four-tenths (0.2-0.4) feet of fall per one hundred (100) feet . [.] and either
(A) A minimum of thirty-six (36) inches deep in soils with temporary groundwater, or
(B) A minimum of sixty-six (66) inches deep in soils with permanent groundwater.
- (b) Maximum drainage tile spacing shall be seventy (70) feet center to center.
- (c) Minimum horizontal separation distance [of] between the drainage tile [from] and [disposal trenches] absorption facility shall be twenty (20) feet [center to center].
- (d) Field collection drainage tile shall be rigid smooth wall perforated pipe with a minimum diameter of four (4) inches.
- (e) Field collection drainage tile shall be enveloped in clean filter material to within thirty (30) inches of the soil surface in soils with permanent groundwater, or to within twelve (12) inches of the soil surface in soils with temporary groundwater. Filter material shall be covered with filter fabric, treated building paper or other nondegradable material approved by the Agent.
- (f) Outlet tile shall be rigid smooth wall solid PVC pipe with a minimum diameter of four (4) inches. The outlet end shall be protected by a short section of Schedule 80 PVC or ABS or metal pipe, and a flap gate[.] or grill to exclude rodents.
- (g) A silt trap with a thirty (30) inch minimum diameter shall be installed between the field collection drainage tile and the outlet pipe[.] unless otherwise authorized by the Department. The bottom of the silt trap shall be a minimum twelve (12) inches below the invert of the drainage [line] pipe outlet.
- (h) The discharge pipe and [dewatering] tile drainage system [is an] are integral parts [part] of the system[.] . but do not need to meet setback requirements to property lines, streams, lakes, ponds or other surface water bodies.
- (i) The Agent has the discretion of requiring demonstration that a proposed tile dewatering site can be drained prior to issuing a construction installation permit.
- (j) The absorption facility shall use equal or pressurized distribution.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

Amend OAR 340-71-320(2)(b) as follows:

- (2) Criteria for Approval. In split waste systems wastes may be disposed of as follows:
 - (a) Black wastes may be disposed of by the use of state Department of Commerce approved nonwater-carried plumbing units such as recirculating oil flush toilets or compost toilets.
 - (b) Gray water may be disposed of by discharge to:
 - (A) An existing on-site system which is not failing; or
 - (B) A new on-site system with a soil absorption system two-thirds (2/3) normal size. A full size initial [drainfield] disposal area and replacement disposal area of equal size are required; or
 - (C) A public sewerage system.

Amend OAR 340-71-345(4) as follows:

- (4) [Drainfield] Disposal field Sizing. [Drainfields] Disposal fields serving systems employing aerobic sewage treatment facilities shall be sized according to Tables 4 and 5 of these rules. Where a NSF Class I plant is installed, the linear footage of [drainfield] disposal trench installed may be reduced by twenty (20) percent, provided a full sized standard system replacement area is available.

Amend OAR 340-71-520(2) as follows:

- (2) Special Design Requirements. Unless otherwise authorized by the Department, large systems shall comply with the following requirements:
 - (a) Large system [drainfields] absorption facilities shall be designed with pressure distribution.
 - (b) [Drainfield] The disposal area shall be divided into relatively equal units with a maximum of six hundred (600) linear feet of drainfield per unit. Each unit shall receive no more than twelve hundred fifty (1250) gallons of effluent per day.
 - (c) [Drainfield] The replacement (repair) disposal area shall be divided into similar units with a replacement disposal area unit located adjacent to an initial [drainfield] disposal area unit.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (d) Effluent distribution shall alternate between the [drainfield] disposal area units.
- (e) Each [distribution] system shall have at least two (2) pumps or siphons.
- (f) The applicant shall provide a written assessment of the impact of the proposed system upon the quality of public waters and public health.

Amend OAR 340-71-600 as follows:

340-71-600 SEWAGE DISPOSAL SERVICE.

- (1) For the purpose of these rules "Sewage Disposal Service" means:
 - (a) The installation of on-site sewage disposal systems (including the placement of portable toilets), or any part thereof; or
 - (b) The pumping out or cleaning of on-site sewage disposal systems (including portable toilets) , or any part thereof; or
 - (c) The disposal of material derived from the pumping out or cleaning of on-site sewage disposal systems (including portable toilets); or
 - (d) Grading, excavating, and earth-moving work connected with the operations described in subsection (1) (a) of this rule, except streets, highways, dams, airports or other heavy construction projects and except earth-moving work performed under the supervision of a builder or contractor in connection with and at the time of the construction of a building or structure; or
 - (e) The construction of drain and sewage lines from five (5) feet outside a building or structure to the service lateral at the curb or in the street or alley or other disposal terminal holding human or domestic sewage[.] ; or
 - (f) Leasing or renting portable toilets to any person.
- (2) No person shall perform sewage disposal services or advertise or represent himself/herself as being in the business of performing such services without first obtaining a license from the Department. [Licenses are not transferable.] Unless suspended or revoked at an earlier date, a Sewage Disposal Service license issued pursuant to this rule expires on July 1 next following the date of issuance.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (3) Those persons [making application for] seeking a new sewage disposal service license shall:
- (a) Submit a [Complete an] complete license application form to [supplied by] the Department for each business ;
and
 - (b) File and maintain with the Department original evidence of surety bond, or other approved equivalent security, in the penal sum of two thousand five hundred dollars (\$2,500) for each business ; and
 - (c) Shall have pumping equipment inspected by the Agent annually if intending to pump out or clean systems and shall complete the "Sewage Pumping Equipment Description/Inspection" form supplied by the Department. An inspection performed after January 1st shall be accepted for licensing the following July 1st; and
 - [(d) Provide evidence of registration of business name with State Department of Commerce.]
 - (d) [(e)] Submit the appropriate fee as set forth in Subsection 340-71-140(1) (i) [(k)] for each business.

(4) A Sewage Disposal Service license may be transferred or amended during the license period to reflect changes in business name, ownership, or entity (i.e. individual, partnership, or corporation), providing:

- (a) A complete application to transfer or amend the license is submitted to the Department with the appropriate fee as set forth in subsection 340-71-140(1)(i); and
- (b) The Department is provided with a rider to the surety, or a new form of security as required in subsection (3)(b) of this rule; and
- (c) A valid Sewage Disposal Service license (not suspended, revoked, or expired) is returned to the Department; and
- (d) If there is a change in the business name, a new "Sewage Pumping Equipment Description/ Inspection" form for each vehicle is submitted to the Department.

[(4)] (5) The type of security to be furnished pursuant to OAR

340-71-600(3)(b) may be:

- (a) Surety bond executed in favor of the State of Oregon on a form approved by the Attorney General and provided by the Department. The bond shall be issued by a surety company

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

licensed by the Insurance Commissioner of Oregon. Any surety bond shall be so conditioned that it may be cancelled only after forty five (45) days notice to the Department, and to otherwise remain in effect for not less than two (2) years following termination of the sewage disposal service license, except as provided in subsection (e) of this section; or

- (b) Insured savings account irrevocably assigned to the Department, with interest earned by such account made payable to the depositor; or
- (c) Negotiable securities of a character approved by the State Treasurer, irrevocably assigned to the Department, with interest earned on deposited securities made payable to the depositor.
- (d) Any deposit of cash or negotiable securities under ORS 454.705 shall remain in effect for not less than two (2) years following termination of the sewage disposal service license except as provided in subsection (e) of this section. A claim against such security deposits must be submitted in writing to the Department, together with an authenticated copy of:
 - (A) The court judgment or order requiring payment of the claim; or
 - (B) Written authority by the depositor for the Department to pay the claim.
- (e) When proceedings under ORS 454.705 have been commenced while the security required is in effect, such security shall be held until final disposition of the proceedings is made. At that time claims will be referred for consideration of payment from the security so held.

[(5)] (6) Each licensee shall:

- (a) Be responsible for any violation of any statute, rule, or order of the Commission or Department pertaining to his licensed business.
- (b) Be responsible for any act or omission of any servant, agent, employee, or representative of such licensee in violation of any statute, rule, or order pertaining to his license privileges.
- (c) Deliver to each person for whom he performs services requiring such license, prior to completion of services, a written notice which contains:

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (A) A list of rights of the recipient of such services which are contained in ORS 454.705(2); and
- (B) Name and address of the surety company which has executed the bond required by ORS 454.705(1); or
- (C) A statement that the licensee has deposited cash or negotiable securities for the benefit of the Department in compensating any person injured by failure of the licensee to comply with ORS 454.605 to 454.745 and with OAR Chapter 340, Divisions 71 and 73.
- (d) Keep the Department informed on company changes that affect the license, such as[,] business name change, change from individual to partnership, change from partnership to corporation, change in ownership, etc.

[(6)] (7) Misuse of License:

- (a) No licensee shall permit anyone to operate under his license, except a person who is working under supervision of the licensee.
- (b) No person shall:
 - (A) Display or cause or permit to be displayed, or have in his possession any license, knowing it to be fictitious, revoked, suspended or fraudulently altered.
 - (B) Fail or refuse to surrender to the Department[, upon demand,] any license which has been suspended or revoked.
 - (C) Give false or fictitious information or knowingly conceal a material fact or otherwise commit a fraud in any license application.

[(7)] (8) Personnel Responsibilities:

- (a) Persons performing the service of pumping or cleaning of sewage disposal facilities shall avoid spilling of sewage while pumping or while in transport for disposal.
- (b) Any accidental spillage of sewage shall be immediately cleaned up by the operator and the spill area shall be disinfected.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

[(8)] (9) License Suspension or Revocation:

- (a) The Department may suspend, revoke, or refuse to grant, or refuse to renew, any sewage disposal service license if it finds:
 - (A) A material misrepresentation or false statement in connection with a license application; or
 - (B) Failure to comply with any provisions of ORS 454.605 through 454.785, the rules of this Division, or an order of the Commission or Department; or
 - (C) Failure to maintain in effect at all times the required bond or other approved equivalent security, in the full amount specified in ORS 454.705; or
 - (D) Nonpayment by drawee of any instrument tendered by applicant as payment of license fee.
- (b) Whenever a license is suspended, revoked or expires, the [operator] licensee shall remove the license from display and remove all Department identifying labels from equipment. A suspended or revoked license shall be surrendered to the Department within fourteen (14) days after suspension or revocation.
- (c) A sewage disposal service may not be considered for relicensure for a period of at least one (1) year after revocation of its license.
- (d) A suspended license may be reinstated, providing:
 - (A) A complete application for reinstatement of license is submitted to the Department, accompanied by the appropriate fee as set forth in Subsection 340-71-140(1)(i); and
 - (B) The grounds for suspension have been corrected; and
 - (C) The original license would not have otherwise expired.

[(9)] (10) Equipment Minimum Specifications:

- (a) Tanks for pumping out of sewage disposal facilities shall comply with the following:
 - (A) Have a liquid capacity of at least five hundred fifty (550) gallons.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

pumping chemical toilets not exceeding fifty (50) gallons capacity, shall have a liquid capacity of at least one hundred fifty (150) gallons.

- (B) Be of watertight metal construction;
 - (C) Be fully enclosed;
 - (D) Have suitable covers to prevent spillage.
- (b) The vehicle shall be equipped with either a vacuum or other type pump which will not allow seepage from the diaphragm or other packing glands and which is self priming.
 - (c) The sewage hose on vehicles shall be drained, capped, and stored in a manner that will not create a public health hazard or nuisance.
 - (d) The discharge nozzle shall be:
 - (A) Provided with either a camlock quick coupling or threaded screw cap.
 - (B) Sealed by threaded cap or quick coupling when not in use.
 - (C) Located so that there is no flow or drip onto any portion of the vehicle.
 - (D) Protected from accidental damage or breakage.
 - (e) No pumping equipment shall have spreader gates.
 - (f) Each vehicle shall at all times be supplied with a pressurized wash water tank, disinfectant, and implements for cleanup.
 - (g) Pumping equipment shall be used for pumping sewage disposal facilities exclusively unless otherwise authorized in writing by the Agent.
 - (h) Chemical toilet cleaning equipment shall not be used for any other purpose.

[(10)] (11) Equipment Operation and Maintenance:

- (a) When in use, pumping equipment shall be operated in a manner so as not to create public health hazards or nuisances.
- (b) Equipment shall be maintained in a reasonably clean condition at all times.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

[(11)] (12) Vehicles shall be identified as follows:

- (a) Display the name or assumed business name on each vehicle cab and on each side of a tank trailer:
 - (A) In letters at least three (3) inches in height; and
 - (B) In a color contrasting with the background.
- (b) Tank capacity shall be printed on both sides of the tank:
 - (A) In letters at least three (3) inches in height; and
 - (B) In a color contrasting with the background.
- (c) Labels issued by the Department for each current license period shall be displayed at all times at the front, rear, and on each side of the "motor vehicle" as defined by United States Department of Transportation Regulations, Title 49 U.S.C.

[(12)] (13) Disposal of Pumpings. Each licensee shall:

- (a) Discharge no part of the pumpings upon the surface of the ground unless approved by the Department in writing.
- (b) Dispose of pumpings only in disposal facilities approved by the Department.
- (c) Possess at all times during pumping, transport or disposal of pumpings, origin-destination records for sewage disposal services rendered.
- (d) Maintain on file complete origin-destination records for sewage disposal services rendered. Origin-Destination records shall include:
 - (A) Source of pumpings on each occurrence, including name and address.
 - (B) Specific type of material pumped on each occurrence.
 - (C) Quantity of material pumped on each occurrence.
 - (D) Name and location of authorized disposal site, where pumpings were deposited on each occurrence.
 - (E) Quantity of material deposited on each occurrence.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (e) Transport pumpings in a manner that will not create a public health hazard or nuisance.

Amend OAR 340-73-080(1)(h) as follows:

- (h) An inspection port, not less than six (6) inches across its shortest dimension shall provide access at the top of the seepage pit over the inlet. (See Division 71, Diagrams [14 and 15] 16 and 17.)

Amend OAR 340-73-080(2) as follows:

- (2) Gray Water Waste Disposal Sumps. A gray water waste disposal sump shall consist of a receiving chamber, settling chamber, and either a seepage chamber or disposal trench. Gray water waste disposal sumps shall be constructed of materials approved by the Department. (See Division 71, Diagrams [13 and] 14 and 15.)

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

Amend OAR 340 Division 71
by deleting Table 9.

TABLE 9

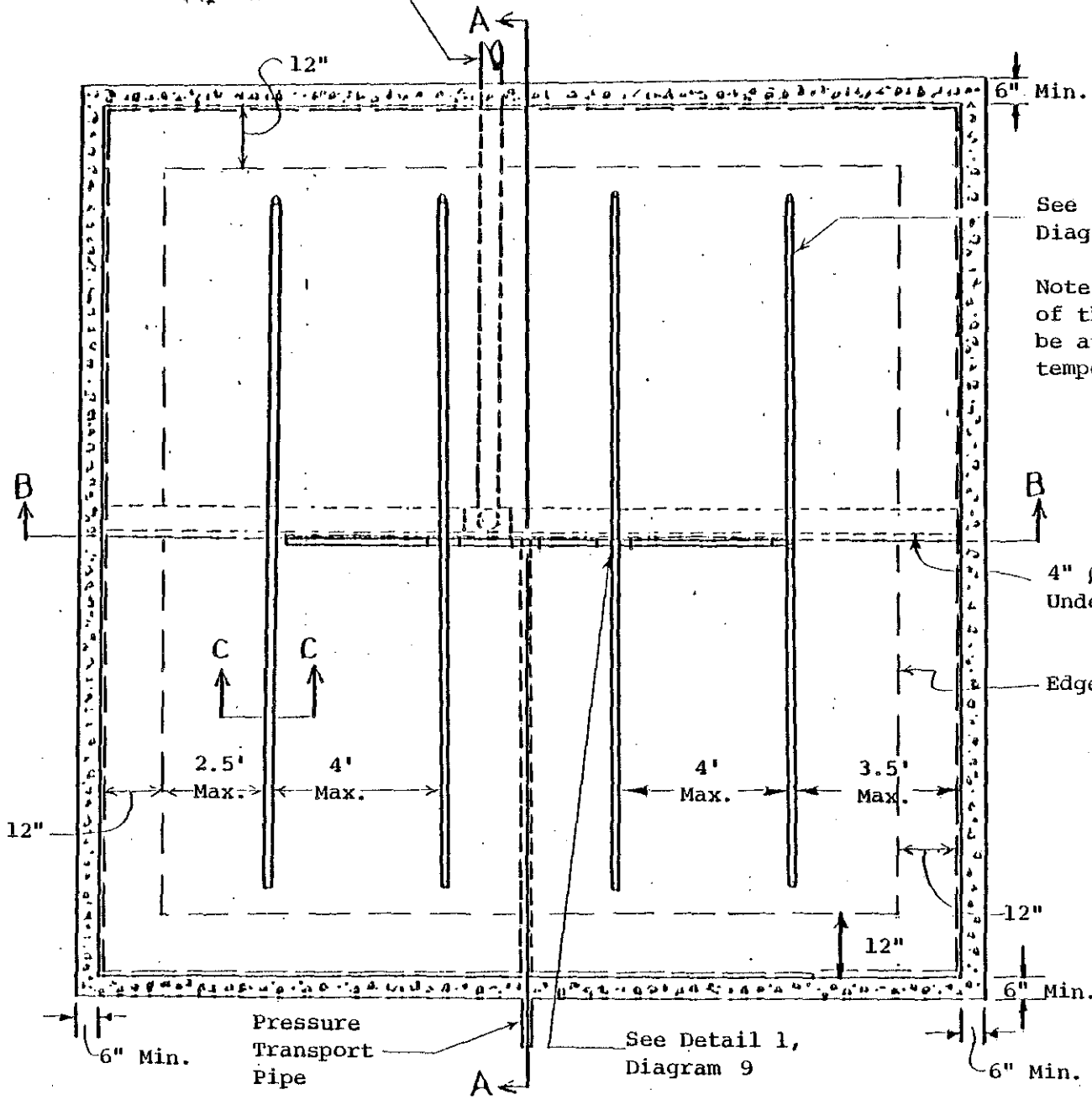
Minimum effective seepage area required for seepage beds per one hundred fifty (150) gallons projected daily sewage flow.

EFFECTIVE SOIL DEPTH	SEEPAGE AREA REQUIRED
30" to 54"	300 square feet
More than 54"	200 square feet

DEPTH TO TEMPORARY GROUNDWATER	SEEPAGE AREA REQUIRED
24" to 48"	300 square feet
More than 48"	200 square feet

4" Smooth-wall Pipe
under Drain to
Disposal Trenches

DIAGRAM 8
SAND FILTERS



Replace Diagram 8
with Revised Diagram 8

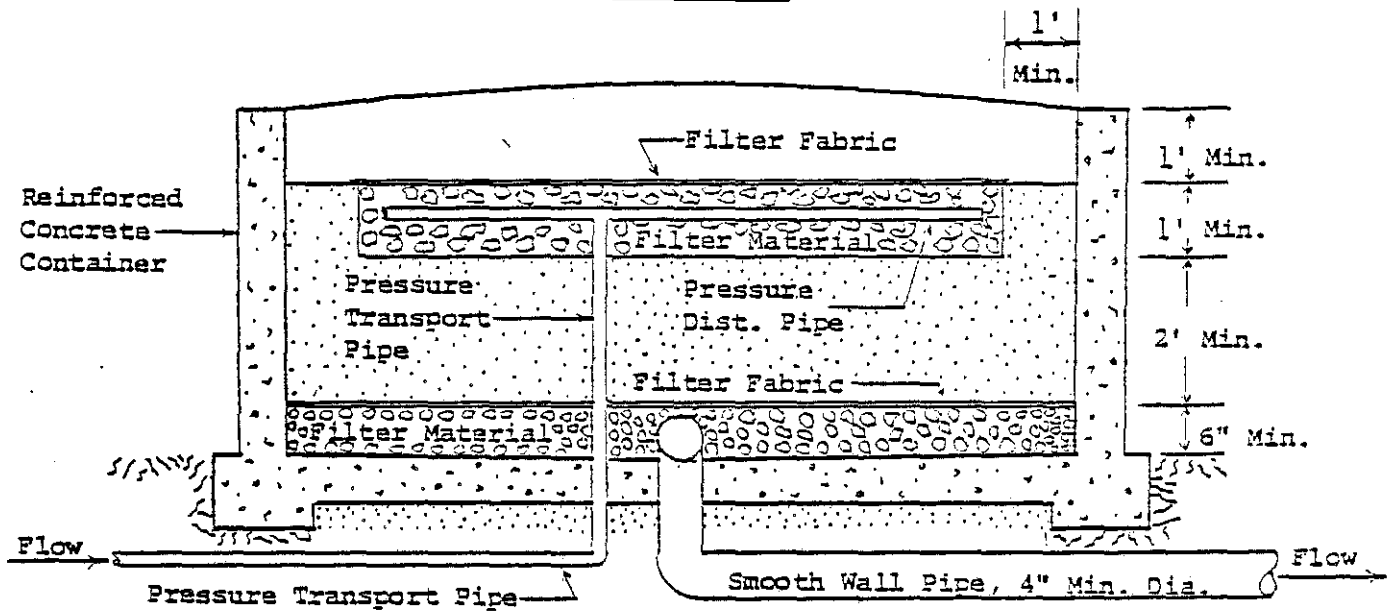
Revised 2-25-83

DIAGRAMS-8

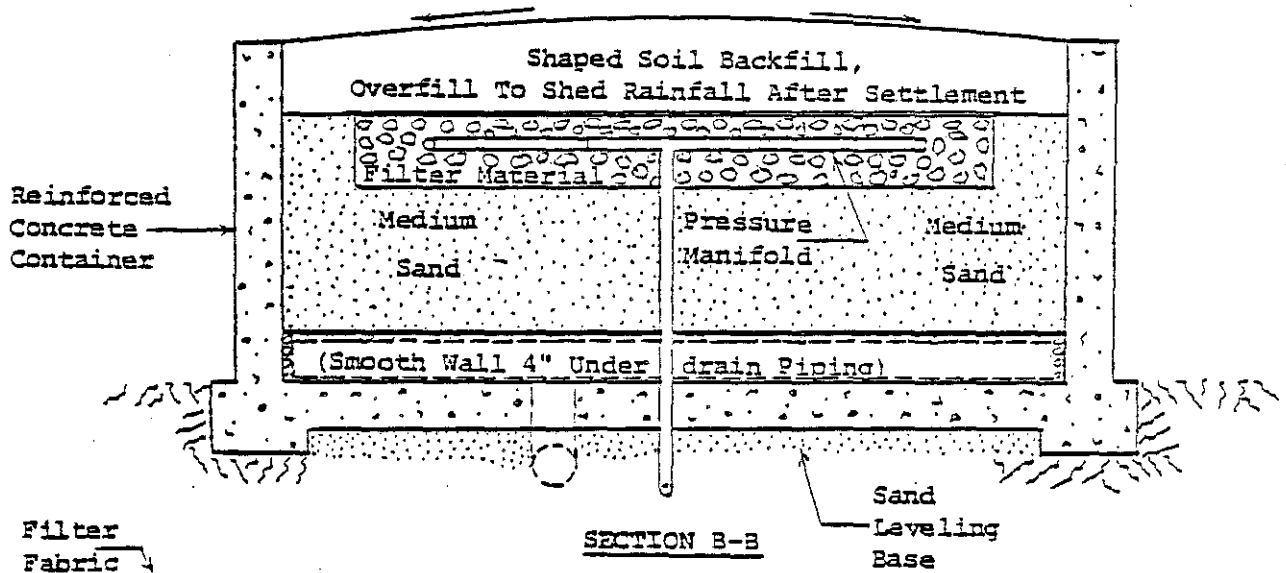
Note: A thirty (30) mil. (min.) sheet membrane liner, a reinforced concrete container, or other approved material shall be used where infiltration into the filter is likely.

Replace Diagram 9
with Revised Diagram 9.

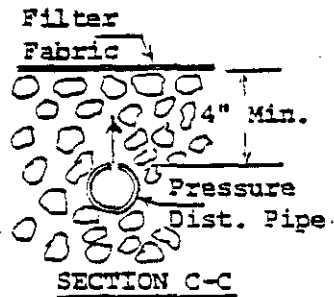
DIAGRAM 9
SAND FILTER



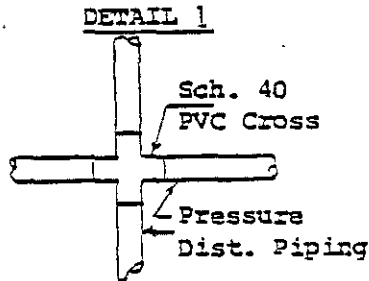
SECTION A-A



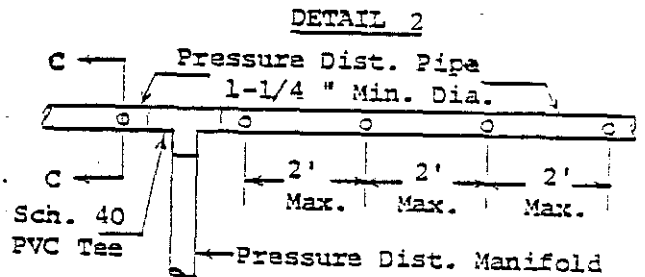
SECTION B-B



SECTION C-C



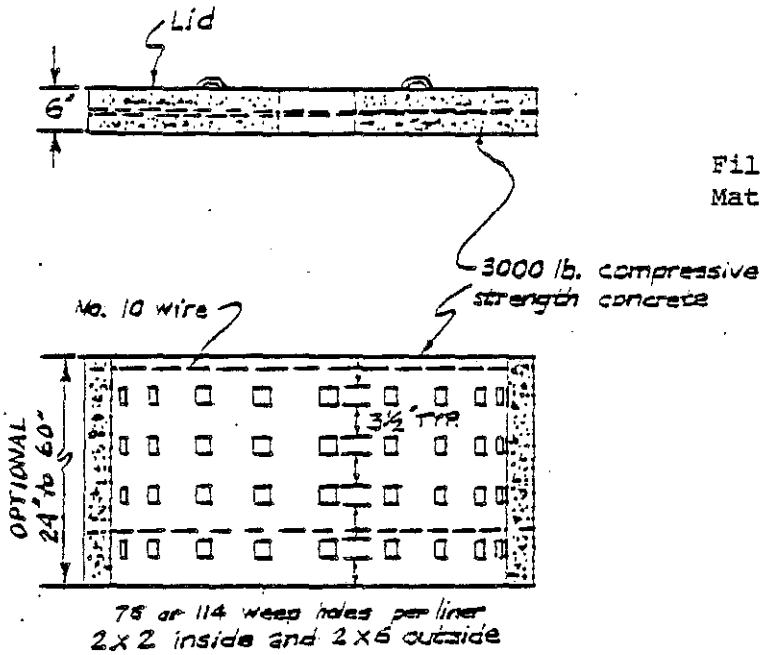
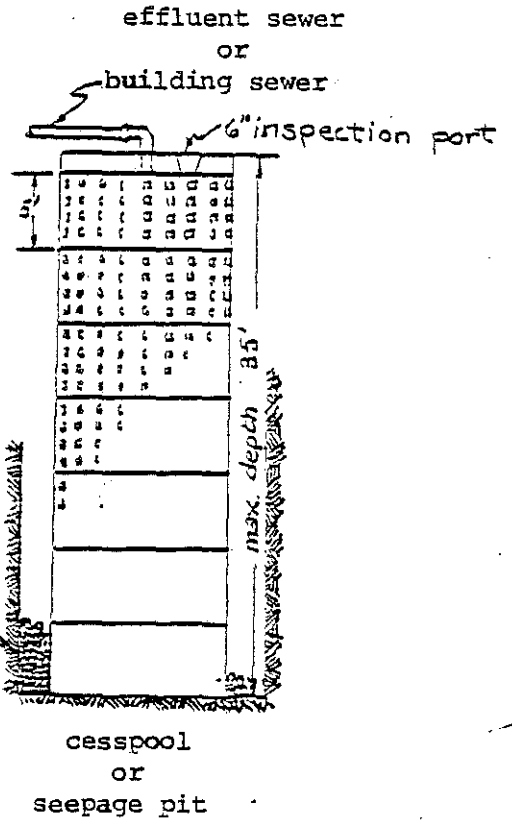
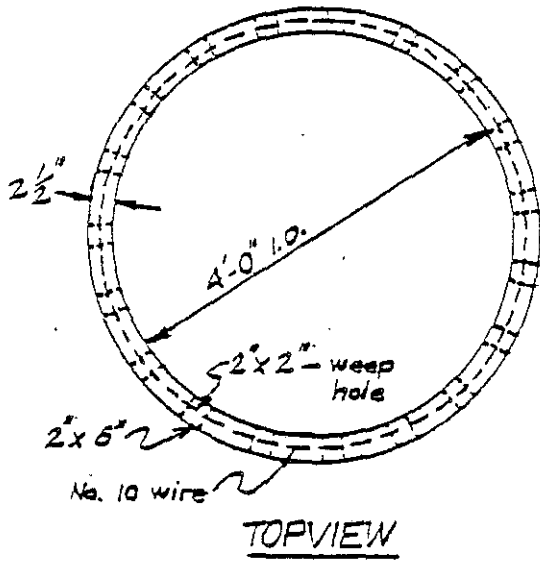
DETAIL 1



DETAIL 2

Replace diagram 16 with revised diagram 16.

DIAGRAM 16

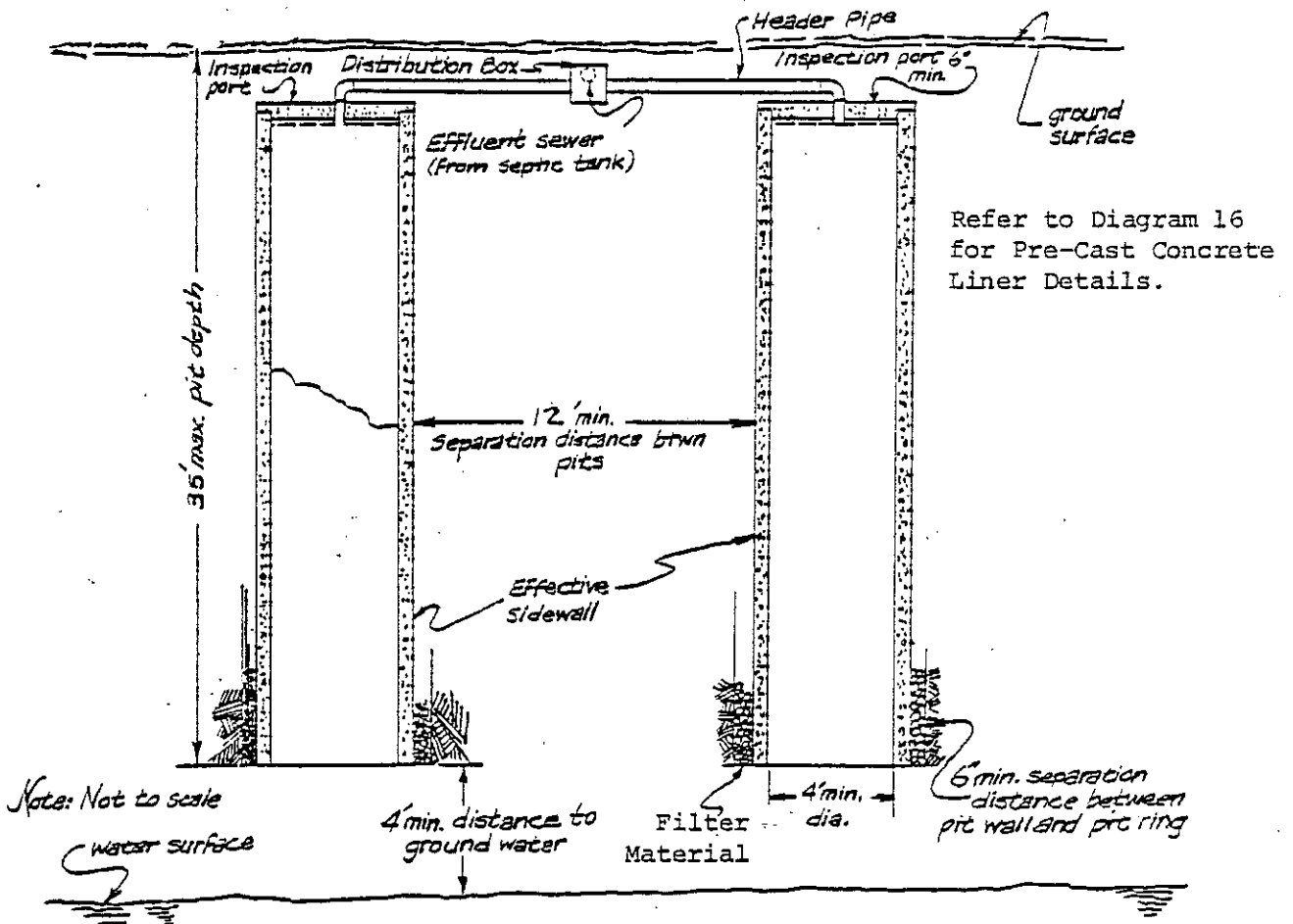
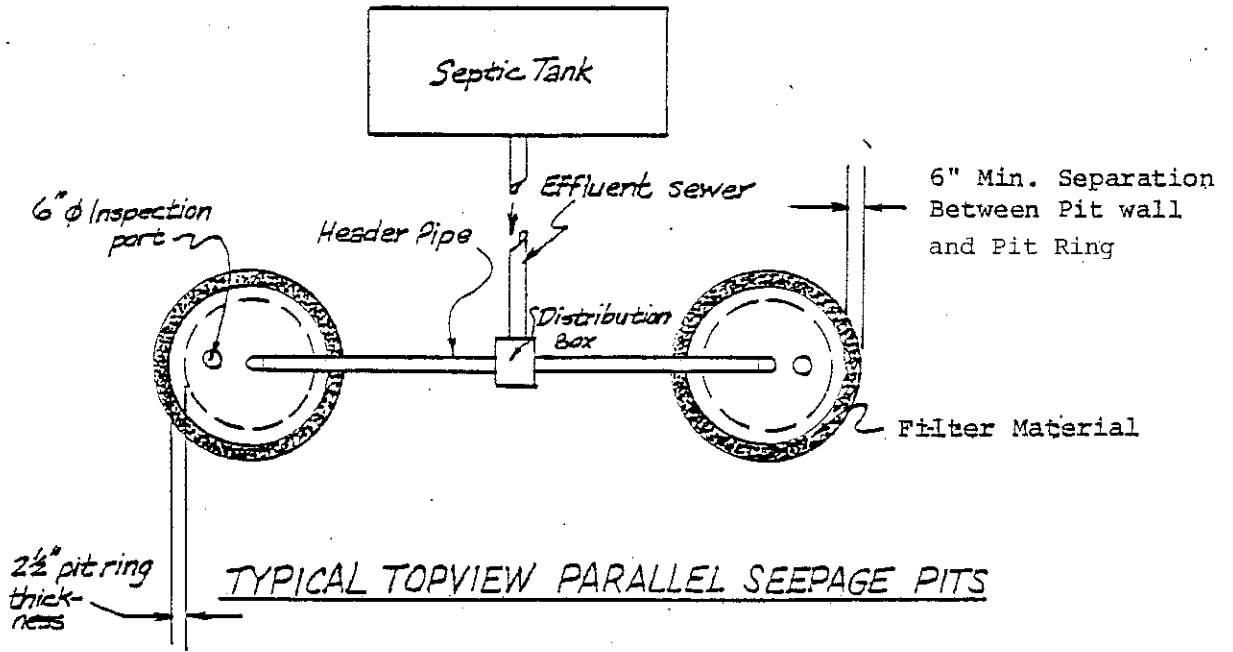


Note: Not to Scale

FRE-CAST CONCRETE LINER DETAILS

Replace Diagram 17
with Revised Diagram 17.

DIAGRAM 17



ATTACHMENT D

DEPARTMENT OF ENVIRONMENTAL QUALITY

Principal Documents Relied Upon

1. Letter of February 17, 1982, to Sherman Olson (Department of Environmental Quality) from Anne Cox (Columbia County).
2. Letter of September 28, 1982, to Sherman Olson (Department of Environmental Quality) from Douglas Marshall (Tillamook County).
3. Interoffice Memo of October 26, 1982, to Sherman Olson (Department of Environmental Quality) from Don Bramhall (Department of Environmental Quality).
4. Letter of November 17, 1982, to Jack Osborne (Department of Environmental Quality) from D. C. Mace (Yamhill County).
5. Letter of January 4, 1983, to Sherman Olson (Department of Environmental Quality) from Roy Eastwood (Columbia County).
6. Letter of January 17, 1983, to Sherman Olson (Department of Environmental Quality) from Richard Polson (Clackamas County).
7. Letter of January 21, 1983, to Sherman Olson (Department of Environmental Quality) from Daniel Bush (Clackamas County).

February 25, 1983

XG2028

COLUMBIA COUNTY SUBSURFACE SEWAGE

COURTHOUSE - ROOM 130A
ST. HELENS, OREGON 97051
Phone 397-0592

February 17, 1982

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

Re: SS - Rules Revision
Oregon Administrative Rules
Chapter 340-71-340
Holding Tanks

Dear Sherman:

Our office is encountering some difficulty with the current Oregon Administrative Rules dealing with holding tanks (OAR 340-71-340). Once the holding tank is installed and approved, there is nothing in the rules to require continuing compliance with the conditions of the permit.

The rules should be written to require the holding tank permit to be renewed annually with application, inspection and fee. Failure to comply with permit conditions would mean that the permit would not be renewed and the operator would be in violation for using an unpermitted holding tank.

The following wording is suggested:

Delete OAR 340-71-340 (5) and (6) and add the following:

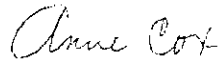
- (5) Special Permit Requirements:
 - (a) The application for an installation permit shall include:
 - (A) A copy of a contract with a licensed sewage disposal service company which shows the tank will be pumped periodically, at regular intervals or as needed, and the contents disposed of in a manner and at a facility approved by the Department.
 - (B) Evidence in writing that the owner or operator of the proposed disposal facility will accept the pumpings for treatment and disposal.

Sherman Olson
D.E.Q.
Page 2
February 17, 1982

- (b) All holding tank permits shall be valid for a period of one year from the issue date and must be renewed annually. Operation or use of the holding tank without a valid permit or renewal constitutes a violation of these rules.
- (c) Each holding tank installed under this rule, and those tanks installed under OAR 340-71-037 (3), shall be inspected annually for compliance with permit conditions prior to permit renewal.
 - (A) An alternative system evaluation fee shall be charged for each annual inspection. Fee must be paid prior to inspection and renewal.
 - (B) A record of pumping dates and amounts pumped shall be maintained by the treatment facility owner, the sewage disposal service and the holding tank operator, and upon request, made available to the Agent.
 - (C) If all permit conditions are met, the Agent shall re-new the permit.

I hope this proposal will be of use to you in your neverending process of rules revision.

Sincerely,



Anne V. Cox, R.S.
Columbia County Sanitarian

AVC:vjk

Tillamook County Environmental Health

September 28, 1982

201 LAUREL AVENUE
TILLAMOOK, OREGON 97141
842-5511 • EXT. 354

TO: Sherm Olson, Department of Environmental Quality, Headquarters

FROM: Doug Marshall, Tillamook County Environmental Health

RE: Authorization Notice

It has been brought to my attention by an attorney, representing a Tillamook County Client, that the current Oregon Administrative Rules (OAR's) covering Authorization Notices has a loop-hole. An Authorization Notice (OAR 340-71-205(2)) is required when a system is:

1. Placed into service, or
2. Use is changed, or
3. Sewage flow is increased.

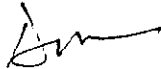
Criteria for change in use and flow increases are covered under OAR 340-71-205(3), (5) and (7). No criteria is present for placing an existing system into service. Standard past practice at this office has been to use OAR 340-71-205(3) for changes in use and placing into service notices. Discussions with County Counsel leads me to believe we need to address the problem.

County Counsel offered two suggestions. One solution would be to write a section to cover "placing into service" situations. The second, and simpler, solution would be to add the following word changes to OAR 340-71-205(3):

(3) - [To place into service or] for changes in
use of an

I would appreciate your consideration of this matter in the upcoming rule change package.

Respectfully,



Douglas Marshall, R.S.
Senior Sanitarian

cc: Lynn Rosik, County Counsel
John Smits, DEQ
Charlie Gray, DEQ
Bill Zekon, Lincoln County

RECEIVED
SEP 28 1982

Water Quality Division
Dept. of Environmental Quality



STATE OF OREGON

INTEROFFICE MEMO

TO: Sherm Olson, Water Quality Division

DATE: October 26, 1982

FROM: Don Bramhall, Central Region

SUBJECT: SS - General
Proposed Rule ChangesSTATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY CONTROL

I have received an inquiry from the Klamath County Senior Citizens Council concerning permit fees for on-site systems. In this particular case a senior citizen on a social security and food stamp income totaling \$285 a month is using a privy, and they are trying to arrange to have a water carried system installed for her.

The senior citizen is having difficulty in dealing with permit and installation costs. In reviewing the statute on fees I find that ORS 454.745 requires that a nonrefundable fee not to exceed \$25 accompany a repair permit application.

I would propose that we recommend adoption of a new repair permit fee of \$1.00, patterned after Lane County's "Special" \$1.00 repair permit fee, using language similar to the fee waiver language of OAR 340-71-415(5) for older people on small fixed incomes.

This would satisfy the statute requirement to collect a nonrefundable fee, would not hurt us with respect to new construction fee income, and would also reduce the financial burden faced by older people on fixed incomes who need to repair or upgrade their existing on-site systems.

Jack and I have discussed this idea and I would appreciate your consideration of the proposal concept for inclusion in the next rule package presented to the EQC.

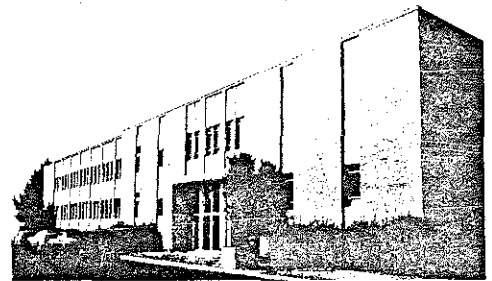
Another item needing consideration for rule revision is the fee schedule for site evaluation work done for commercial systems. We received a site evaluation application from the Rajneesh this summer for a disposal system to serve a 12,000 gallons per day intermittent recirculating sand filter. Test holes were provided over a 20-acre parcel proposed for the disposal field and the area was found to be suitable.

They subsequently decided to increase the filter design flow to 131,000 gallons per day. The site evaluation fee for this flow would have been \$10,535.

This fee seems excessive to me for the work involved in evaluating the disposal site for the proposed system. I would recommend consideration of a rule amendment that would either establish a maximum fee for a commercial facility site evaluation, or that the fee schedule be expanded with a continual reduction in the fee charged as increasing flow increments are reached.

YAMHILL COUNTY

Oregon



SANITATION OFFICE

November 17, 1982

Jack Osborne
DEQ Headquarters
P O Box 1760
Portland, OR 97207

Re: Request for Rule Addition
under OAR 340-71-205(1),
(2) & (3) (Authorization
Notice)

Dear Jack:

Since the new rules have been adopted (March, 1982), this office has noticed that a rule addition(s) should be made to address a continual problem. The problem stems from additions to existing housing and outbuildings being placed on smaller parcels (less than 5 acres in size). Problems have been encountered with decks, expansions, new garages, shops and other structures (with no plumbing) interferring with existing on-site sewage disposal systems (tanks and drainfields), or even totally obliterating the only available replacement area on the parcel. I feel that many of these additions or outbuildings should be checked for proposed location to alleviate this type of problem at the proposal stage rather than after-the-fact. Currently, there is nothing in the rules addressing this potential problem.

Since this type of check can be made rather easily, in most instances, I feel that only a modest fee should be imposed. I would propose a fifteen (\$15) to twenty-five (\$25) inspection fee be imposed. However, I also feel that the discretion of the sanitarian should be given, since many parcels are well documented in our files, and it could be easily assessed as to potential problems with relation to the planned proposal. Under these circumstances I feel the Authorization could be waived.

Many of the problems mentioned have been a result of a departmental requirement that all building permits be signed off by our department prior to issuance. As you

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

NOV 17 1982

WATER QUALITY CONTROL

Jack Osborne
November 17, 1982
Page 2

might have guessed, the problem has come to light many times.
But because of current language, I do not feel my concern
can be handled under D.E.Q. rules.

Sincerely,

D.C. Mace R.S.

D.C. Mace, R.S.
Senior Sanitarian
Yamhill County Health Department

DCM:vs

cc: Gary Messer, Willamette Valley Region, D.E.Q.

COLUMBIA COUNTY SUBSURFACE SEWAGE

COURTHOUSE - ROOM 130A
ST. HELENS, OREGON 97051
Phone 397-0592

January 4, 1983

Sherman Olson, Subsurface Sewage
P.O. Box 1760
Portland, Oregon 97207

Re: SS--Rules revisions

Dear Sherman:

Here are some questions we in Columbia County have collected regarding the rules packet. Since you are always in the process of improving your product, you might find some of these questions and comments useful:

1. Sand filter regulations are not clear on whether the slope/effective soil depth table is suspended. This could be clarified with just a few words.
2. The depth of the trench for a tile dewatering system is not specified. And how do we size the system, since there is no effective soil layer and the water table is permanent rather than temporary?
3. Could the distribution for tile dewatering systems be designated to be equal by either gravity or by low pressure distribution and raise the maximum slope to 6 per cent? What is the justification for a maximum 0.4 foot/100 foot grade? At what grade will the tile system no longer function?
4. Is the silt trap necessary on the tile system?
5. Do you have a preference on the type of warning device to be used in the holding tank? It can apparently be other than what is allowed for dosing tanks and effluent lift pump systems.
6. Is there a reason for a minimum width on a groundwater interceptor (curtain drain) trench? Wouldn't a nine inch or even a six inch trench be just as effective and cost less?
7. On steep slope systems, what is the justification for the 100 lineal ft/150 gal. minimum soil rating? This works out to a square footage of 900 due to the increased sidewall area. This translates to a rather poor soil rating, when we actually have quite well drained soils. It would seem that installing a much oversized system on a hill side is no guarantee against "breakout" from an individual trench. On lesser slopes the site would be given a soil rating of 50 or 75 linear feet/150 gal with standard sized trenches in the Class A or B soils.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
F. E. O'P. W. I. E
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WATER QUALITY CONTROL

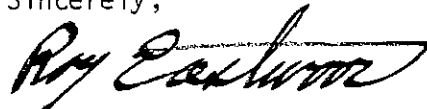
page 2
Sherman Olson

That is all that we have come up with in over ten months of working with the packet. We really haven't found that much.

Could we have a workshop on the hydraulics of dosing siphons and any problems relating to dosing siphons?

Please cooperate. Failure to comply will leave me no alternative but to write you another letter. If you have any questions, please contact me at 397-0592.

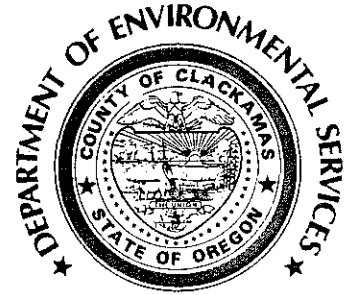
Sincerely,



Roy E. Eastwood, R.S.
Columbia County Sanitarian

Sherman -

*Thanks for the invitation to serve
as a member of the Rules Committee.*



January 17, 1983

DEVELOPMENT SERVICES DIVISION

JOHN C. McINTYRE Director
RICHARD L. DOPP Development Services Administrator

Sherman O. Olson
c/o Department of Environmental Quality
P.O. Box 1760
Portland, OR 97207

SUBJ: Proposed Rule Revisions for
On-Site Sewage Disposal

Over the past month and a half, our Department has gone through the current on-site sewage disposal regulations in an attempt to improve our own knowledge of the rules and to look for possible areas where the rules themselves might be improved. Based on this review, this office proposes rule changes that are indicated on the attached sheets. The remaining text of this letter will describe the reasons for these changes:

Change #1 involves the common problem of having a drainfield on one lot and the house on another. Current regulation requires an easement agreement whenever the lots are owned by different parties and requires the filing of an affidavit whenever the lots are owned by the same party. Your legal staff has said that the filing of such an affidavit is not legitimate when both parcels are owned by the same party. Therefore, I offer the attached amendment in order to resolve the problem. This may or may not be an adequate legal solution, but it would clearly solve the problem of property line crossings regardless of ownership. I recommend that you review this with your legal staff to see whether such a proposal can be entertained.

Rule change #2 deletes the reference to sand filter systems at this point in the regulations and adds the requirement that risers be installed on all commercial systems. The reference to sand filters has been added back into the regulations later on. Since commercial property of whatever kind tends to change hands and since such property may require more attention than a normal drainfield system might, I feel that this proposal will add to the long-term operation and maintenance of commercial systems without a significant increase in the cost of the construction of such systems.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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Rule changes #3 and #4 eliminate the necessity for placement of a capping fill in conjunction with a sand filter system prior to issuance of the sand filter permit. We find this rule to be contradictory to the rules already covering capping fill systems. We feel that the rule for a capping fill should be consistent through the regulations. Therefore, we feel that the regulation concerning capping fills with sand filters should be modified as indicated.

Rule change #5 puts the requirement for a riser on the septic tank of a sand filter system in the sand filter system regulations. This makes it easier to find and places the regulation in a more logical position.

Rule Change #6 modifies the requirement for construction of sand filters in wet sites. Our experience has indicated that it is not necessary to use a concrete container for sand filter construction when the sand filter is placed into the water table. Therefore, this rule should be broadened to allow the use of materials which can satisfactorily produce the same performance specifications as the water-tight concrete box. This should save costs for the developers of sand filter systems, while in no way decreasing the integrity of such systems.

Change #7 eliminates OAR 340-71-275 (4)(b)(D). Since pressurized distribution systems are now required to have a 1/8" effective diameter mesh around the pump, there seems to be very little chance that the orifices in a pressure distribution system could become plugged. Even if they were to become plugged, it seems very unlikely that anyone would be willing to dig up the entire system for the sole purpose of cleaning out the pressure distribution lines. Therefore, this regulation appears to be of little or no value. We would recommend that the only requirement be that the ends of the lateral piping be appropriately capped and sealed. There does not appear to be any need for a threaded plug.

Rule change #8 would expand the number of areas that are available for variance consideration. In my opinion, any rule that governs whether or not a person may or may not develop on this property ought to be subject to variance consideration for special cases. Therefore, it seems reasonable to expand the current regulations to encompass a broader cross-section of the regulations.

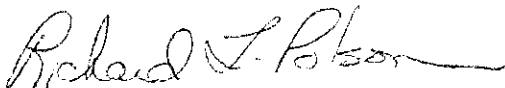
Some further rule changes not indicated in the attached list may also merit consideration. In OAR 340-73-030, requirements for dosing septic tanks are outlined. In comparing the requirements for such tanks to the requirements for the standard dosing tank, it is apparent that no allowance has been made for storage of effluent when the power is shut off to the pump. Conventional dosing tanks are required to have a minimum 150 gallons storage capacity. Dosing septic tanks are required to have little or no storage capacity above the alarm level. For consistency sake, we should require the same storage capacity in both types of tanks. Given that logic, it only seems reasonable to require that some storage capacity above the alarm level be built into dosing

septic tank assemblies. Further, we would recommend that two manholes be placed on all dosing tank assemblies. The second manhole or riser should meet the standard 18" minimum dimension requirement of other risers and should be constructed so as to allow easy pumping of the dosing septic tank. Current regulations make no allowance for removal of solids from the dosing tank.

Some additional changes appear to be warranted in the tables and diagrams. Given recent EPA publications and other information, it may be wise to review Table 2. The EPA design manual entitled "On-Site Waste Water Treatment and Disposal Systems" has an extensive table of waste water flows in Chapter 4. A review of our criteria for estimating sewage flows should be undertaken, using the information in that book and any other pertinent information available. Table 5 refers to drainfield size as opposed to the depth to seasonally perched water tables. A similar reference is made in Table 9. No references are made to the depth to permanent groundwater tables. Since it is highly unlikely that seepage beds could be used in areas where permanent water tables are not a concern, these tables should be revised to cover this area.

Diagram 9 should be revised in two fashions. First, if we are to continue to require the 6" of filter material underneath the sand in sand filter construction, this office would request that the requirement for a minimum 12" soil crown over the sand filter be reduced to a minimum 6". Current construction techniques to this County would need to be modified in order to accommodate the current design. Reduction of the crown height solves the problem with no material reduction in system integrity. This office is of the opinion that the requirement for 6" of filter material at the bottom of the filter is somewhat dubious, particularly when sand filters are constructed in areas of seasonally perched water tables. A reduction in the height of the soil cap on sand filters should not materially affect the function or long term viability of such systems. Secondly, this office is of the opinion that the requirement for turn-ups and threaded caps for cleaning out the orifices in the sand filter distribution laterals is no longer necessary. The placement of the 1/8" mesh around the pump should minimize any potential for orifice clogging. Secondly, we have found that the turn-ups tend to be damaged easily and may cause more problems than they are worth. Therefore, this office recommends these two changes in the sand filter construction requirements as indicated in Diagram 9 be made immediately.

It is hoped that these proposed changes will be met by your Rule Review Committee with favor. If you have any questions concerning any of the proposed changes, please do not hesitate to contact us. Further, as I have indicated to you in recent phone conversations, this office is willing to assist in the review of any and all proposed rule changes. It is hoped that we can meet with you during the upcoming Rule Revision Committee meetings.



RICHARD L. POLSON - Chief Soils
Development Services Division

/mb

PROPOSED RULE REVISIONS *

(1) 340-71-130(11)

(a) A recorded utility easement is required whenever a system crosses a property line separating legal lots of record, regardless of ownership. The easement must and repair the system.

(b) Strike this subsection.

(2) 340-71-220(4)(c)(C)

All septic tanks installed with the manhole access deeper than 18 inches [or as part of a sand filter system] or as a part of a commercial system shall be

(3) 340-71-290(3)(a)(B)

Twelve (12) inches or more below ground surface and 340-71-265(4)(a) through (c). [A construction-installation permit shall not be issued until the fill is in place and approved by the Agent]; and

(4) 340-71-290(3)(b)

NOTE:

Shallow disposal trenches and 340-71-265(4)(a) through (c). [A construction-installation permit shall not be issued until the fill is in place and approved by the Agent.]

(5) 340-71-290(5)

Add (e) The septic tank for the sand filter system shall be provided with a riser or access manhole having not less than 18" across its shortest dimension. The manhole shall be brought to or above finished grade and weigh not more than 75 pounds. The cover shall be attached in a tamper-proof fashion.

(6) 340-71-295(4)(a)

A reinforced concrete container as shown on Diagrams 8 & 9 or other materials of equivalent function and watertightness shall be required where watertightness is necessary to prevent groundwater from infiltrating into the filter.

(7) Eliminate OAR 340-71-275(4)(b)(D)

(8) 340-71-415(2)

Variances from any standard contained in Rules [340-71-220] 340-71-205 through 340-220 and 340-71-260 through [340-71-315 and] 340-71-355 may be granted

* Underlined material is new, bracketed material is to be deleted.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER QUALITY CONTROL



January 21, 1983

DEVELOPMENT SERVICES DIVISION

JOHN C. McINTYRE RICHARD L. DOPP
Director Development Services
 Administrator

Sherman O. Olson
c/o Department of Environmental Quality
P.O. Box 1760
Portland, OR 97207

SUBJ: Proposed Rule Revisions for
 On-Site Sewage Disposal

This letter is sent in follow up to our letter from Richard L. Polson, Chief Soils Scientist, dated January 17, 1983. For your consideration, we would suggest the following:

- (1) Establish a material and performance specification for filter fabrics.
- (2) Establish a content specification in greater detail as to particle size ranges for filter material including both gravel and crushed rock.
- (3) Consider the requirements for an anti-air lock measure for pumps used in dosing-septic tank assemblies. This can consist of a minimum 1/8" or 3/16" diameter orifice placed between the pump and check valve.
- (4) Establish a regulation covering the construction of septic tanks where sewer ejector pumps are used. This office is experiencing a fair number of these installations to cover plumbing and basements for one or more fixtures. We would suggest considering a policy requiring a double compartment septic tank.
- (5) On Page 71-44(4), it is suggested to emphasize the need for a septic tank to be water-tight. There is a great difference between various concrete septic tank manufacturers in the methods by which they complete the installation of their septic tanks at the seams. We would suggest that a minimum standard be established

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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WATER QUALITY CONTROL

902 ABERNETHY ROAD * OREGON CITY, OREGON 97045 * (503) 655-8521



January 21, 1983
- Sherman O. Olson


so that all can be treated equal and that all know what the standard is. In this way, Table 1 could then be modified for setback requirements for the septic tanks, etal as follows:

No. 5	-	25 feet
No. 6	-	25 feet
No. 8	-	25 feet
No. 11	-	5 feet
No. 12	-	5 feet

With the septic tanks constructed water-tight, reduction of these setbacks would be feasible and can serve to help accommodate installation versus lot size and/or dimensions.

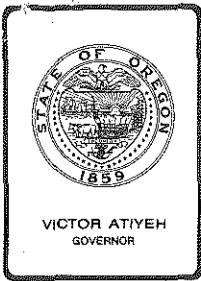
- (6) With some sand filter designs, construction during the winter months does not result in as satisfactory a product as would occur with construction during dryer soil conditions. This also is the case with tile dewatering and steep slope systems. We would, therefore, ask consideration of a rule which would allow the counties to exercise discretion on requiring construction to be limited to summer months where the operation and/or construction of this system is foreseen to be compromised by construction during winter months. Something along the lines of that apply to the summertime construction requirements for capping fills is suggested.

I know I have not gone into any detail, but offer these comments for your consideration. If you have any questions or would like explanations, please feel free to contact me. These are items that the three of us have talked about but failed to get in the January 17th letter.



DANIEL M. BUSH - Soil Scientist
Development Services Division

/mb



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, February 25, 1983, EQC Meeting

Request for Authorization to Conduct a Public Rulemaking Hearing for Establishing a Special Groundwater Quality Protection Rule in the Deschutes Basin Water Quality Management Plan OAR 340-41-580(1) for the LaPine Shallow Aquifer.

Background and Problem Statement

LaPine, located in southern Deschutes County is characterized by scattered rural development around an unincorporated core community. There are no regional water supply or sewage treatment facilities. Individual water supply and sewage disposal systems are predominant. During 1978 and 1979, several agencies completed a survey of both ground and surface waters in and around LaPine. The results of this survey indicated that nitrate-nitrogen ($\text{NO}_3\text{-N}$) levels were elevated in the populated area. In the core area of LaPine (Attachment G, Figure 10-5), several samples exceeded 10 mg/L which is the established public drinking water standard.

Deschutes County requested and received in 1980, a Section 208 Water Quality Management Planning grant to investigate the existing and potential sources of contamination affecting the groundwater; and to develop an aquifer management plan to protect the identified uses. The County subsequently solicited proposals and selected a consultant to undertake the work.

The study was completed in August 1982 and concluded that:

- Domestic water is provided, for the most part, by individual wells located in the shallow alluvial aquifer (Attachment G, Figure 10-4).
- Depth to water in the shallow aquifer is between 10-25 feet.
- Soils in the study area are highly permeable and thus are rapidly draining and provide little if any protection to the aquifer.

- The general groundwater flow direction, outside of those areas immediately adjacent to the Little Deschutes River, is east to northeast (Attachment G, Figure 10-4).
- The groundwater flow velocity ranges between 0.39 and 0.95 feet per day or 142 to 345 feet per year.
- The average annual surplus precipitation available for aquifer recharge was calculated to be 7.7 inches.
- There are currently 11,236 platted lots in the study area, of which 2,351 are developed. Most lots range in size from one-half to two acres.
- The shallow aquifer has been found to be contaminated with nitrate-nitrogen, sulfate and chloride compounds near areas where on-site waste disposal systems are used.
- The LaPine core area (Attachment G, Figure 10-5) nitrate concentrations were found in most wells to exceed 5 mg/L and almost half exceeded 10 mg/L, while a few were as high as 40 mg/L or four times the allowable nitrate concentration for community and public water supplies.
- Although contamination is most severe in the core area, there are areas of elevated nitrate levels in the rural area where septic effluent recycling is suspected.

Based on these findings, the County developed a management plan (Attachment G) designed to protect the aquifer. The plan evaluates various alternative methods for controlling wastes including: collection, treatment and disposal, on-site treatment and disposal, development moratoriums, and control of waste disposal system density. The plan also evaluates the establishment of aquifer reserve areas, "writing off" the aquifer, and the establishment of special well construction regulations.

The proposed management plan is summarized as follows:

Areas With Lots Smaller Than One Acre (Outside the Core Area of the Community of LaPine)

The management activities recommended include: the development of on-site waste treatment technology to produce an effluent with less than 31 mg/L nitrogen, monitoring of the disposal system, aquifer, and water supplies and the construction of a domestic water supply system.

Areas With Lots One Acre or More in Size

The recommendations include: the utilization of current on-site waste disposal rules, monitoring of the aquifer and domestic water supplies, and if required, the construction of a domestic water supply system.

New Developments or Major Waste Systems

The recommendation is to perform a special waste load and aquifer investigation study to address the proposed development or situation.

Areas of Documented Contamination

This presently applies to the LaPine core area. In these situations the management recommendations include: prepare a facility plan, design and construct a community sewerage facility, construct a domestic drinking water system, and impose a building moratorium.

At the completion of the project, the county held a public hearing on July 20, 1982 to review the findings and receive comments on the proposed aquifer management plan. The Deschutes County Planning Commission unanimously recommended that the Board of County Commissioners (Attachment D) accept the LaPine Aquifer Management Plan and direct staff to utilize this document in making land use decisions in the LaPine area. The Board of Commissioners at their September 28, 1982 meeting approved the plan and directed staff to implement it (Attachment E).

Evaluation

The Department reviewed the LaPine groundwater report, the aquifer management plan, and other actions of the Deschutes County Planning Commission and Board of Commissioners. The Department concludes:

1. The LaPine area shallow aquifer is unconfined.
2. The core area of LaPine has urban densities on rapidly draining soils.
3. The shallow aquifer in the LaPine core area as outlined in Attachment G - Figure 10-5, has nitrate-nitrogen (NO₃-N) levels in excess of the 10 mg/L public drinking water standard.
4. The shallow aquifer within the study area as outlined in Attachment G - Figure 10-2, but outside of the LaPine core area, has NO₃-N levels below 10 mg/L.
5. The domestic wells downgradient from on-site waste disposal systems in some cases appear to "recycle" the discharged effluent.
6. For the core area of LaPine, the collection, treatment and disposal of waste is necessary to eliminate the continued NO₃-N loading to the aquifer.
7. Outside the core area individual on-site waste disposal systems can be utilized for lots meeting the current rules.
8. For new development densities exceeding two single family equivalent dwelling units per acre and for new developments and large waste

disposal systems with an aggregate or individual flow exceeding 5,000 gallons per day a special study and evaluation is needed prior to approval to assure that the aquifer is not unacceptably degraded.

9. The collection, treatment and disposal of waste within the LaPine core area will, over an extended period of time, enhance the quality of the shallow aquifer. However, to have a reliable and safe drinking water source, a domestic drinking water supply system should be developed for LaPine.
10. To maintain a data record for future waste management decisions, the LaPine shallow aquifer should be periodically sampled.

Alternatives

Based on these conclusions, two alternatives are suggested for further consideration.

A. Maintain the Present Approach.

Under this alternative the Department would continue its present approach and issue waste disposal systems approvals under the current administrative rules.

Discussion

Under this alternative the Department would continue to apply the current waste control strategy to the LaPine area. The County aquifer management plan would be partially supported. However, the shallow aquifer would continue to receive a NO₃-N loading in the core area of LaPine resulting in concentrations exceeding public drinking water standards. This action would run counter to the Commission's adopted groundwater protection policy which specifically requires the collection and treatment of wastes in urbanizing areas in rapidly draining soils overlying unconfined aquifers. Adopting this alternative would not support the completed technical report and local decisions to implement an aquifer management plan.

B. Adopt a Special Groundwater Quality Protection Rule

Establish a special groundwater quality protection rule (Attachment A) within the Deschutes Basin Water Quality Management Plan for the LaPine area shallow aquifer. The rule supports the local groundwater report and aquifer management plan and sets forth the Commission's policy for protecting the shallow aquifer. It also establishes a schedule for implementing waste management decisions in the core area, encourages the development of a domestic drinking water supply system in the core area, and establishes a special review condition for new developments and waste disposal systems.

Discussion

The protection of the LaPine area shallow aquifer for drinking water beneficial use is of primary concern. The management decisions to be determined focus on waste disposal in: (1) the core area and (2) the surrounding rural area. The core area is of special concern because the NO₃-N levels greatly exceed the drinking water standard. The management approach in the rural area should be preventative because NO₃-N levels are still below standards. However, in the core area abatement action is necessary to correct the existing problem. Implementation of the current subsurface regulations will protect the aquifer in the rural area but wastes in the core area must be collected and treated to correct the contamination problem. The recently adopted groundwater policy expressly calls for the collection and treatment of wastes in areas of urban densities in rapidly draining soils overlaying shallow unconfined aquifers. The core area of LaPine meets these conditions.

Based on the above conclusion and discussion, the Department supports the adoption of Alternative B. The Department now is requesting authorization to conduct a public rule-making hearing to receive comments on the proposed special water quality protection clause for the Deschutes Basin Water Quality Management Plan (Attachment A).

The Commission has statutory authority to act on rules under the provisions of ORS 468.020 and 468.735. These statutes authorize the Commission to enact such rules as are necessary to perform the function vested by law to them.

Summation

1. Water samples in 1978 and 1979 indicated that the LaPine area has elevated NO₃-N levels.
2. In June 1980 Deschutes County was given a Section 208 grant to complete a study of the groundwater in LaPine.
3. The 208 Study was completed in August 1982 and shows that NO₃-N concentrations in the shallow aquifer in the LaPine core area exceed the 10 mg/L drinking water standard.
4. Deschutes County developed the LaPine Aquifer Management Plan to address the identified problem. The plan recommends sewerage the core area of LaPine while utilizing the current on-site waste disposal rules for the remaining lands within the study area.
5. The study findings and recommendations were presented to the public at a hearing on July 20, 1982.

6. The Deschutes County Planning Commission and County Board of Commissioners have accepted the report and have directed their staff to implement the aquifer management plan.
7. The Department has reviewed the 208 study and the Deschutes County actions and have evaluated alternative courses of action.
8. The Department recommends, based on the technical findings of the 208 study and the actions of Deschutes County, that a special groundwater quality protection rule be adopted for the Deschutes Basin Water Quality Management Plan.

Director's Recommendation

Based on the Summation, it is recommended that the Commission authorize the Department to conduct a public rulemaking hearing on whether to add a special groundwater quality protection rule to the Deschutes Basin Water Quality Management Plan for the LaPine Area Shallow Aquifer as set forth in Attachment A.


William H. Young

- Attachments:
- A. Proposed Rule OAR 340-41-580
 - B. Draft Statement of Need, Land Use Consistency, and Fiscal and Economic Impact
 - C. Draft Hearing Notice - Proposed Water Quality Management Plan Rule OAR 340-41-580
 - D. Deschutes County Planning Commission Recommendations
 - E. Deschutes County Board of Commissioners Adoption Actions
 - F. EPA Review Letter
 - G. LaPine Aquifer Management Plan and Environmental Impact Analysis, Chapter 10 of the Final Report, August 1982

Neil J. Mullane:g
229-6065
February 3, 1983

TG1967

ATTACHMENT A

Add a new section to OAR Chapter 340, Division 41 as follows:

SPECIAL POLICIES AND GUIDELINES

340-41-580(1) In order to protect the shallow aquifer located in the vicinity of the community of LaPine in Deschutes County for present and future use as a drinking water source, it is the policy of the Environmental Quality Commission to support the implementation of the LaPine Aquifer Management Plan adopted by the Deschutes County Board of Commissioners on September 28, 1982, by requiring the following:

- (a) The waste water generated within the core area of the community of LaPine as described within the management plan, shall be collected, treated and disposed of in a manner which prevents future pollution of the groundwater by not later than January 1, 1987. An engineering plan and financing plan (facilities plan report) shall be completed and submitted to the Department by not later than January 1, 1985.
 - (b) The waste water generated outside the core area of the community of LaPine but within the study area described in the LaPine Aquifer Management Plan, will be subjected to regulation under the Department's on-site waste disposal rules (OAR Chapter 340, Division 71).
 - (c) Waste disposal systems for new developments where development density exceeds 2 single family equivalent dwelling units per acre or which have an aggregate waste flow in excess of 5,000 gallons per day shall only be approved if a study is conducted by the applicant which convinces the department that the aquifer will not be unacceptably degraded.
- (2) In addition to the requirements set forth in subsection (1), the following actions are encouraged:
- (a) Since the aquifer is presently degraded to the point where it does not meet Federal Drinking Water Standards, and the installation of sewer facilities will not immediately restore the quality to safe levels, Deschutes County should notify the citizens of the LaPine core area of the need to develop a safe drinking water supply for the community as soon as possible.
 - (b) Residents of the LaPine area are encouraged to test their drinking water frequently.
 - (c) Owners of underground liquid storage tanks are encouraged to periodically test the storage tanks to assure prompt detection and repair leaks.
 - (d) Data on the quality of the shallow aquifer in and around LaPine should be obtained on a periodic basis to assess the effect of the above waste water management decisions on the quality of the groundwater.

STATEMENT OF NEED

1. Citation of Statutory Authority: ORS 468.020 and 468.735, which authorize the Environmental Quality Commission to adopt rules as necessary to perform the functions vested by law to the Commission.
2. Need for Rule: Recent groundwater reports and information show that the LaPine area shallow aquifer is being contaminated by waste sources. The intent of the rule amendment is to provide support to a locally developed and adopted aquifer management plan and state the Department's policy for protecting the aquifer.
3. Documents relied upon in proposal of the rule:
 - a. LaPine Aquifer Management Plan, August 1982
 - b. Deschutes County Planning Commission Recommendation
 - c. Deschutes County Board of Commissioners Action September 28, 1982
 - d. Statewide Groundwater Protection Policy, August 1981.
(OAR 340-41-029)

STATEMENT OF LAND USE CONSISTENCY

The proposed groundwater quality protection rule amendment to the Deschutes Basin Plan (OAR 340-41-580) appears to be consistent with statewide planning goals. The proposed amendment relates primarily to Goals 6 and 11. There is apparently no conflict with other goals.

With regard to Goal 6 (Air, Water and Land Resources Quality), the proposed groundwater quality protection rule will provide for sewerage facilities in areas of documented contamination (the LaPine core area). In the remainder of the study area, the rule will utilize existing on-site waste disposal rules. These measures are consistent with protection of groundwaters in the Deschutes Basin.

With regard to Goal 11 (public facilities), the proposed protection rule will necessitate the construction of public sewers and sewage treatment facilities within the LaPine core area. This measure is consistent with public health and safety both of LaPine area residents and other persons utilizing commercial facilities in the core area.

Public comment on these proposals is invited.

It should be noted that the Deschutes County Commissioners, in adopting the LaPine Aquifer Management Plan, directed staff to utilize the plan in making land use decisions in the LaPine area, and will further require that the plan be included in the next update of the Deschutes County Comprehensive Plan.

It is requested that local, state, and federal agencies review the proposed rules 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 conflicts brought to our attention by local, state, or federal authorities.

STATEMENT OF FISCAL AND ECONOMIC IMPACT

Implementation of the proposed amendment to the Deschutes Basin Plan (OAR 340-41-580), should result in both positive and negative economic impacts.

Positive Impacts

1. Establishing sewerage facilities and careful implementation of on-site waste disposal rules will protect and improve the groundwater. This removes uncertainty regarding quality of the water and should allow for full residential development. In turn this will allow for continued development and extension of commercial facilities, particularly small businesses, prevalent in the LaPine area.
2. There will be a substantial increase in the protection of public health. This will also enhance the ability of the existing commercial facilities to fully serve the public.
3. The rule does not conflict with established zoning and land use policies; in fact it complements them.
4. The rule protects the water for the prime beneficial use of drinking water. Adequate and reasonable drinking water supplies are essential to future economic development of the LaPine area.
5. Small businesses in the LaPine area should benefit from improved water quality.

Negative Impact

The cost of sewerage the LaPine core area will have to be borne by the benefited property owners, both residential and small business.

Neil J. Mullane:g
TG1967.B
2/3/83

*Oregon Department of Environmental Quality***A CHANCE TO COMMENT ON...**

A proposed rule directing responsible agencies to develop a plan to construct sewerage facilities for the LaPine core area; and identifying a general water quality program policy for protecting the LaPine shallow aquifer.

WHO IS AFFECTED:

Residents and Land Owners of Deschutes County in or near the community of LaPine, Oregon.

WHAT IS PROPOSED:

The Department of Environmental Quality is proposing to change the present rule which sets state water quality program policy and standards for the Deschutes River Basin in order to integrate recommendations made by the locally developed and adopted LaPine Aquifer Management Plan.

WHAT ARE THE HIGHLIGHTS:

The proposed rule directs the responsible agencies to develop the necessary plans and construct a sewerage facility for the LaPine core area. It also sets general water quality program policies for protecting the LaPine shallow aquifer.

HOW TO COMMENT:Public Hearing

DEQ will hold a public hearing on the proposed rules at:

(Arrangements to be made for hearing in the LaPine Area)

Both oral and written comments will be accepted. Written comments also can be sent to the Department of Environmental Quality, Attention Neil Mullane, LaPine Rule, P.O. Box 1760, Portland, OR 97207. Written comments must be postmarked by _____ to be included in the hearing record.



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. H (8/82)
TL2283



**WHERE TO OBTAIN
ADDITIONAL INFORMATION:**

Copies of the proposed rule changes for the
LaPine area may be obtained from:

Department of Environmental Quality
Central Region Office
2150 N.E. Studio Rd.
Bend, OR 97701 Telephone: (503) 388-6146

OR

Department of Environmental Quality
Water Quality Division
P.O. Box 1760
522 S.W. Fifth Ave.
Portland, OR 97207 Telephone: (503) 229-6065

DEQ staff will be available to answer questions
on the proposed rule changes.

FINAL ACTION:

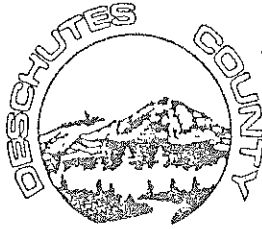
Final action on these proposed rule changes will
be taken by the Environmental Quality Commission
subsequent to the scheduled public hearing. An
additional public hearing before the Commission
is not anticipated.

LAND USE CONSISTENCY:

The Deschutes County Board of Commissioners have
taken formal action to adopt the local Aquifer
Management Plan.

Citation of authority, statement of need, a statement
of fiscal and economic impacts, and the detailed
land use consistency statement are available from
the DEQ at the addresses listed above.

Neil J. Mullane:1
February 9, 1983



Deschutes County Planning Department

COURTHOUSE ANNEX, ROOM 102 • PHONE 388-6556
BEND, OREGON 97701

TO: Board of County Commissioners
FROM: Deschutes County Planning Commission
SUBJECT: LaPine Aquifer Management Plan

It is the unanimous recommendation of the Deschutes County Planning Commission to the Board of County Commissioners to accept the LaPine Aquifer Management Plan and direct staff to utilize this document in making land use decisions in the LaPine area. Further, we recommend that the Board direct staff to include this management plan in the next update of the Deschutes County Comprehensive Plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Andersen", is written over a large, stylized flourish that extends to the left and underlines the signature.

John E. Andersen, Secretary
Deschutes County Planning Commission

JEA:ap

DESCHUTES COUNTY BOARD OF COMMISSIONERS
 SEPTEMBER 28, 1982 - REGULAR MEETING

Chairman Shepard called the meeting to order at 10:00 A.M. Commissioner Paulson and Commissioner Young were also present.

Amendments to the agenda There were four amendments to the agenda, which are listed as follows:

- (1) Appointment of John Andersen as Administrator of the Energy Grant - Bob Paulson
- (2) Discussion regarding Land Action with Earl Nichols - Bob Paulson
- (3) Discussion regarding LaPine Wood Program - Clay Shepard
- (4) Discussion regarding hours of operation during Christmas holiday - Clay Shepard

Acceptance & signature of contracts for LaPine Sheriff's sub-station Doug Maul, Facilities Coordinator, was present to discuss this. He presented to the Board the contracts for the construction of the Sheriff's substation in LaPine. These had been signed by Argent Industries, who won the bid on the construction. Mr. Maul also stated that they have obtained insurance for Workmen's Comp and that there were no problems with the subcontractors.

MOTION: YOUNG moved to award the contract to Argent Industries of Aloha, Oregon.

PAULSON: Second.

VOTE: SHEPARD: AYE.

PAULSON: AYE.

YOUNG: AYE.

Mr. Maul noted that they expect the project to be completed in about five months. He then introduced representatives of Argent Industries who were present.

Discussion regarding Mining Reclamation John Andersen, Planning Director, had sent a memo to the Board in regard surface mining reclamation authority. Mr. Andersen explained that they had been trying to obtain authority from DOGAMI to enforce surface mining reclamation. He stated that at this point they have not been successful with that, so they have decided to to use local authority through the comp plan and through the zoning ordinance to require a site plan, which would assure that the mining taking place would be compatible with the surrounding uses and that the surrounding uses would be compatible with the mining. He stated that the county also has the authority to require bonds.

MOTION: PAULSON moved that the Board direct staff to institute a program wherein the mining land reclamation of the comp plan will become a part of the Site Plan approval process.

YOUNG: Second.

VOTE: SHEPARD: AYE.

PAULSON: AYE.

YOUNG: AYE.

Discussion & Authorization for COIC to Pay for Economic Development Grants

Mr. Andersen stated that they have conducted a number of these grants through money obtained from Central Oregon Intergovernmental Council (COIC). He stated that Robin Bradley's study of the ordinance and procedures and the camera-ready copies of the LaPine Industrial Site have been completed. The camera-ready copies of the Bend Land Bank are also complete. He stated that these projects had been very successful. Chairman Shepard stated that the presentation on the LaPine Industrial Site given before the Planning Commission had been very good. He also noted that no member of the LaPine Industrial Committee had been present at any of the meetings but it is assumed that they are satisfied with the study. He also commended Mr. Andersen for his work on these projects.

MOTION: YOUNG moved to authorize payment.

PAULSON: Second.

VOTE: SHEPARD: AYE.

PAULSON: AYE.

YOUNG: AYE.

Appointment to River Bend Estates Special

The Board had received a letter from the district recommending that Bruce McCoy be appointed to serve on the district's board. He would complete a term unfinished by another member, commencing on July 1, 1982 and would subsequently be appointed to a term beginning January 1, 1983 and ending December 31, 1985.

MOTION: PAULSON moved to approve the appointment of Bruce McCoy to the term indicated.

YOUNG: Second.

VOTE: SHEPARD: AYE.

PAULSON: AYE.

YOUNG: AYE.

Acceptance of 208 Water Study and Terrebbonne Water Study

Jordan Maley, Planning Department, and Bob Shimek, Century West Engineering, were present for this. Mr. Andersen had sent the Board two memos indicating the Planning Commission's recommendation to the Board to accept these studies. Mr. Maley read these memos aloud.

MOTION: PAULSON moved that the Board approve both plans and direct staff to implement them.

YOUNG: Second.

Chairman Shepard commended Mr. Shimek on the exceptional work Mr. Shimek had done on these management

plans and the professional way in which the people in LaPine and the staff and consultant had worked together on this project. He noted that these projects were begun 26 months ago.

VOTE: SHEPARD: AYE.
PAULSON: AYE.
YOUNG: AYE.

Appointment of John Andersen as Administrator of Energy Grant
MOTION: PAULSON moved that the Board appoint John as administrator of the Deschutes County energy grant.
YOUNG: Second.

Commissioner Paulson explained that this was being done because he would not be in office for the duration of the grant. Also the grant coordinator, Betsy Shay, will be gone this year and the grant will be contracted out. Betsy had been a county employee. He had discussed this with Mr. Andersen, who had agreed to take charge of the administration of this grant.

VOTE: SHEPARD: AYE.
PAULSON: AYE.
YOUNG: AYE.

It was the concensus of the Board to amend the motion to instruct County Counsel to draft a resolution so appointing Mr. Andersen, for the Board's signature at a later time.

Discussion regarding LaPine Wood Program
Chairman Shepard stated that he had received a call from Diane Martin of CODE X in LaPine in regard to the possibility of obtaining county funds for the wood program. She had stated that the program is not functioning at this time because they have no funds to purchase gasoline to run the trucks. Mr. Whitney is no longer involved with the program. There is some wood stockpiled and volunteers are available. At this time their only problem is that they don't have funds to purchase gas. She had requested that the County provide funds for this purpose. Chairman Shepard had told her that he would place the matter on the agenda for Board decision.

Commissioner Paulson stated that it was his feeling that a nominal fee should be charged to the recipients of wood in order to pay for gas. He did not feel that it would be appropriate for the County to fund this program. Commissioner Young stated that that was his feeling as well, that this would only open the door for similar requests.

Chairman Shepard stated that he disagreed with that opinion. He stated that during the Budget Board meetings funds are given to Senior Citizens in Bend and Redmond because they are organized and each year make a funding request. He stated that although LaPine

seniors have not formed an organization, this program benefits many of the senior citizens in the area and this would provide the county the opportunity to assist the LaPine area seniors as well. He felt that to provide wood to these people was very important.

MOTION: SHEPARD moved that they take \$1,000 from contingency and allocate it through COCOA for the purpose of buying gas for the LaPine Wood Program.

YOUNG: Second.

Commissioner Paulson stated that this was enough money to buy 10,000 gallons of gas. Mr. Isham stated that the County gave the program \$3,000 last year through COCOA. There was some further discussion.

VOTE: SHEPARD: AYE.

PAULSON: NO.

YOUNG: AYE.

Discussion re- Chairman Shepard stated that he had been asked by a de-
garding Holi- partment head if it would be alright to close the
day closure afternoon of Christmas Eve. There was much further
discussion.

MOTION: PAULSON moved that the County include Friday
afternoon, the 24th of December, one of the
County holidays starting at noon December 24.

YOUNG: Second.

There was much further discussion, in which it was discovered that the Friday prior to Christmas and New Year's had been deemed a holiday since the actual holiday fell on a Saturday. Because of this, the motion was withdrawn.

Discussion re- Earl Nichols was present to discuss this. He stated
garding Land that this involved a 2500-acre parcel of county land,
Action which was being partitioned to create an 80-acre parcel
which will be transferred to Bend Metro Parks and Rec-
reation. He stated that eventually this land would be
traded to Diamond International and become part of
their commercial forest. Mr. Nichols requested that
John Andersen, Planning Director, make an administrat-
ive decision on this variance application. Mr.
Andersen stated that private developers had submitted
similar variance applications, but it was his feeling
that this went beyond the scope of what the Board had
intended to be covered by administrative decisions, and
had requested a Board directive in this matter. Mr.
Nichols stated that because there would be no develop-
ment on this property, it would be used as commercial
forest, there should be no problem with doing this
administratively. He suggested that they put a
covenant on the parcel restricting it from development,
in order that the application could be processed
administratively, which would be faster. There was
some further general discussion.

MOTION: PAULSON moved that the Board set a policy clarifying the ordinance giving administrative review authority to the Planning Director, the policy being that partitions involving the exchange of property between two public bodies can be originally decided by the Planning Director.

YOUNG: Second.

Chairman Shepard stated that he felt that this is precedent setting and they could not always be guaranteed that someone of John Andersen's same caliber would always be in that position. This was discussed further. Commissioner Young stated that the policy could always be changed if it became necessary.

VOTE: SHEPARD: NO.

PAULSON: AYE.

YOUNG: AYE.

OLCC License
Renewals

Before the Board were several OLCC Liquor License Renewal applications. All had been approved by the Sheriff's office and had paid the clerk's filing fee. One was for the Deschutes River Trout House in Sunriver and the other was for Jack's Saloon in Terrebonne.

MOTION: YOUNG moved that the Trout House and Jack's Saloon be approved.

PAULSON: Second.

VOTE: SHEPARD: AYE.

PAULSON: AYE.

YOUNG: AYE.

Request for
Refund

Before the Board was a request for refund in the amount of \$176.20 to William F. Perlicht. The Board approved the request.

Lease for
Rainbow House

Mr. Isham stated that the lease form for the Rainbow had been changed at his request and he is satisfied with the current language of the document. He stated that this is the same house they had been using in the past.

MOTION: PAULSON moved to approve.

YOUNG: Second.

Mr. Isham noted that this would be the last year they would use this house, as this program will be housed in the Post Office building after remodeling is completed.

VOTE: SHEPARD: AYE.

PAULSON: AYE.

YOUNG: AYE.

There being no further business at this time, Chairman Shepard recessed the meeting until 10:00 A.M. the next day.

DESCHUTES COUNTY BOARD OF COMMISSIONERS

CLAY C. SHEPARD, CHAIRMAN

ROBERT C. PAULSON, JR., COMMISSIONER

ALBERT A. YOUNG, COMMISSIONER

/ss

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

NOV 23 1982

REPLY TO
ATTN OF:

M/S 433

Neil J. Mullane
208 Contract Administrator
Dept. of Environmental Quality
P.O. Box 1760
Portland, OR 97207

Dear Neil:

I have reviewed the final LaPine Aquifer Management Plan developed under EPA grant #P000182. The County and its contractor, Century West Engineering Corporation, has done a good job analyzing and documenting the groundwater problems in the area and developing alternatives for protection of the aquifer. After reviewing the outputs completed under this project, I have determined that all workplan commitments have been met and hereby authorize final payment on this project.

EPA is pleased with the adoption of the management plan by Deschutes County and we look forward to EQC adoption. I hope that during the EQC adoption process a schedule for implementation of the plan will be developed.

Should you have any further questions, do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debbi".

Debbi Yamamoto
Water Planning Section

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
1982

WATER QUALITY CONTROL

CHAPTER 10
LAPINE AQUIFER MANAGEMENT PLAN AND
ENVIRONMENTAL IMPACT ANALYSIS

INTRODUCTION

The LaPine study area (Figure 10-1) is in a low, sediment filled basin located between the Cascade Mountain Range on the west and Newberry Volcano to the east. The Deschutes, Little Deschutes, Fall and Spring Rivers, and Paulina and Long Prairie Creeks flow through the basin.

The study area is a 160 square mile part of the 600 square mile basin. The study area extends north from the Deschutes/Klamath County line to Spring River, and contains most of the private lands available for residential development in the Deschutes County portion of the basin (Figure 10-2).

The general stratigraphic conditions which occur are 1) a surface alluvial deposit up to 50 feet thick consisting mainly of sands and gravels, 2) an intermediate sedimentary deposit up to 500 feet thick composed of silts and clays with thin layers of sand, gravel and organic sediments, and 3) an older basalt lava flow at depths in excess of 500 feet in the center of the basin and decreasing toward the basin edges. Each of these three formations (Figure 10-3) contains a ground water aquifer.

Water quality in the basalt aquifer is believed to be very good. Water quality in the sedimentary aquifer meets drinking water standards in

some parts of the study area. Sedimentary aquifer wells near LaPine, however, produce water that is of poor quality, has a bad taste and odor and may reflect the influence of organic sediments. Shallow alluvial aquifer quality is very good except near areas where on-site sewage disposal systems are used. In these areas, elevated concentrations of contaminants, primarily nitrate nitrogen, were observed, sometimes far above drinking water and beneficial use standards.

Due to extensive subdivision of lands, primarily in the 1960's, there are currently 11,236 platted lots in the study area. Most lots range from one-half to two acres in size. Most lots range from one-half to two acres in size. Deschutes County records indicate that there are currently 2,351 dwelling units in the study area, leaving 8,885 lots vacant. Midstate Electric Cooperative records indicate that only 54 percent of existing dwelling units are used as permanent residences.

Approximately 3,320 additional dwelling units will be required in order to meet the projected 20 year growth needs in the study area. If only half of the existing vacant lots are suitable for building, there is still a surplus of lots to accommodate the 20 year growth needs of the area. For this reason development of a large number of new subdivision lots is not expected to occur in the foreseeable future.

Most dwelling units in the study area use on-site waste disposal systems for disposal of domestic wastes. Domestic water is provided primarily by individual shallow wells producing water from the alluvial aquifer. Individual deep wells or community water systems are used in some areas.

The shallow, alluvial aquifer (Figure 10-4) provides water for a large number of users, especially in the south and central parts of the study area. Depth to water in this aquifer is usually 10 to 20 feet and may be less in some areas. The soils which overlie this aquifer are highly permeable and offer little protection of the aquifer from contaminants which migrate downward from the ground surface.

The shallow aquifer has been found to be contaminated with nitrate nitrogen, sulfate and chloride compounds near areas where on-site waste disposal systems are used. Nitrate concentrations in the LaPine core area (Figure 10-5) were found in some wells to exceed 40 milligrams per liter, four times the allowable nitrate concentration for community and public water supplies.

Elevated nitrate levels and other forms of contamination have not been found in any portions of the shallow aquifer except in areas of on-site waste disposal system use.

BASIS FOR AN AQUIFER MANAGEMENT PLAN

The aquifer management plan must provide for protection of the shallow ground water for recognized beneficial uses. Ten beneficial uses of water in the study area have been identified by the DEQ. The beneficial use which requires the best quality water, and is the use for which the shallow aquifer must be protected, is that of domestic water supply. It is necessary to maintain nitrate nitrogen levels in the aquifer to below the ten milligram per liter drinking water limit to protect this beneficial use. Nitrate nitrogen in domestic wastewater poses the greatest threat to the identified highest beneficial use. In undeveloped areas, the DEQ recommends that a nitrate "planning limit" of five milligrams per liter be used in determining suitable waste system densities in new subdivisions. As a condition of approval of some on-site waste disposal systems, DEQ requires proof that a five milligram per liter nitrate concentration in the aquifer will not be exceeded.

In areas where nitrate levels exceed the drinking water limit (10 mg/l) remedial, rather than preventive, measures are required to protect the highest beneficial use of the ground water.

The management plan must also address other potential sources of contamination which can impact on beneficial uses. These include storage tanks, accidental spills of toxic chemicals or petroleum products, and future solid waste and septage disposal sites.

AQUIFER MANAGEMENT ALTERNATIVES

Several alternatives exist for protecting the beneficial uses of ground water in the study area. The alternatives differ with respect to effectiveness, cost, and ease of implementation. A balance of these three factors must be considered in developing a management plan, since the most effective alternative for aquifer protection may have prohibitive costs, or may not be implementable, and the simplest method to implement may not be effective for its intended use. These alternatives are discussed below.

Community Collection, Treatment and Disposal of Wastes

This has been identified by DEQ as being the highest and best practicable method of protecting beneficial uses of water in areas with shallow ground water and highly permeable soils. These are the conditions which exist in the study area.

This alternative entails construction of a sewage collection system, a treatment facility and an effluent disposal system.

One appropriate community treatment facility for use in the LaPine basin is the waste stabilization lagoon. A lagoon is a shallow, quiescent basin which stores wastewater while contaminants are reduced or removed by natural biological processes. Nitrogen removal in lagoons can be very good, and is typically significantly greater than other proven waste treatment processes, such as the activated sludge or trickling filter process. A lagoon can also provide the ability to store waste flows during winter months.

Due to DEQ restrictions on discharging treated wastes to surface water, effluent disposal in the study area must be accomplished by discharge to land. In a land disposal system, disposal is accomplished by seepage and percolation into the soil, by uptake of water and nutrients (nitrogen) by plants, and by evaporation. During winter months, the primary mechanism for disposal of treated wastewater on land is seepage and percolation. During summer months, significant losses of water through evaporation and plant uptake can occur. Summer discharge of treated effluent to land can effectively supplement irrigation needs.

Advantages of community systems include positive control and monitoring of the waste treatment process, the ability to remove contaminants from wastewater prior to disposal, and the ability to dispose of wastes in areas away from domestic water supplies and where there will be minimal impact on ground water.

The disadvantages of a community system are implementability and cost. With few exceptions, community waste collection, treatment and disposal systems are required to be under the control of a legal entity such as a district or municipality. Where no entity exists, one must be formed with the consent of the majority of the affected residents of the incorporation area. Often this is a very time-consuming process. The cost of community systems is highly variable and is dependent on local conditions which affect construction, and on the type of system being considered. Before any design or construction is started, a facility planning study is necessary to identify what type of system will do the best job for the least cost. When costs are identified, consent of the majority of affected persons or property owners in the service area is

again required in order to generate funds to pay either the entire cost of the system or local share costs if outside funding is available.

On-Site Treatment and Disposal of Domestic Wastes

This alternative involves use of septic tank or other pretreatment of wastes followed by additional treatment and disposal of effluent in a soil absorption system. This technology is extensively used in the study area at this time. The septic tank/absorption field system is effective in removing many contaminants, including bacteria, from domestic sewage. Nitrogen which is not removed by on-site systems is diluted by precipitation and is attenuated in ground water by dilution and dispersion mechanisms. The impact on ground water nitrogen levels is dependent on the amount of nitrogen discharged and by the number of systems in use in a given area (system density).

Nitrogen discharge to on-site waste disposal systems cannot be effectively controlled due to varying personal water use habits, occupancy patterns and family size. In undeveloped areas, density can be controlled by defining minimum lot sizes in new subdivisions. In the LaPine basin, this is not feasible since the subdivisions are already in place.

Because of variables caused by peak waste flows, temperature, soil conditions and construction control, nitrogen removal performance cannot be "guaranteed" in on-site systems in the same way that it can be "guaranteed" in community waste treatment systems. Community systems offer positive observation and control of most treatment process variables, including process measurement, chemical addition (if required), and

physical manipulation of waste flow by the use of pumps and piping.

Because on-site treatment process control typically is not possible, actual nitrogen removal capability can be highly variable. It is important, therefore, that "typical" or expected nitrogen removal capability of on-site systems be established in the area of their proposed use. This can be done by monitoring septic tank or other pretreatment system effluents, and monitoring absorption field performance with lysimeters and/or tensiometers. Performance monitoring is necessary to determine the most cost-effective nitrogen removal system for use in the LaPine basin. Determination of nitrogen removal performance in on-site waste systems by field testing was not within the scope of this investigation.

Except in areas where nitrogen is "recycled" through shallow well systems, the maximum nitrogen concentration in the aquifer should not exceed the nitrogen concentration in water which recharges the aquifer. The recharge nitrogen concentration is dependent on the amount of nitrogen discharged from waste disposal systems and the annual precipitation in the area. The impact of nitrogen loading from different size lots is shown in Figure 10-6, and the worst-case cumulative impact on aquifer nitrogen concentrations is shown in Figure 10-7.

A reduction in total nitrogen in effluent to 30 milligrams per liter (10.1 pounds per dwelling unit) is necessary to maintain the beneficial use limit in areas with on-site waste disposal on half acre lots, as shown in Figure 10-6. This level of nitrogen reduction may require development and use of advanced on-site waste treatment technology.

If extensive use of advanced on-site treatment technology is proposed for improving nitrogen removal, a comparative cost analysis between the on-site systems and a community collection, treatment and land disposal system should be done to determine the most cost-effective, area-wide alternative.

Most on-site technology can also be applied to community application subject to the regulatory and implementation conditions applicable to community systems.

Building and Development Moratorium

This alternative involves preventing further development within a geographically defined area until some action takes place to improve existing conditions. A moratorium usually accomplishes two objectives, 1) it keeps conditions from getting worse and 2) it provides an incentive for implementing remedial actions. A moratorium will generally not cause existing conditions to improve.

A moratorium is appropriate in an area where documented conditions show substantial impairment of beneficial uses of water or the potential for, or existence of, a public health hazard. The first of these conditions, and possibly the second, have been documented in the LaPine core area.

Control Waste Disposal System Density

This alternative has two variations, neither of which is particularly suited to the study area for either technical or legal reasons.

Down-Zone Existing Lots. This entails combining two or more existing lots into one larger lot. If this were attempted on a large scale, the resulting litigation and implementation costs in both time and money would be unestimable.

Increased Well/Waste System Setbacks. In some areas, this would be appropriate and in others it would not. Where deep wells are properly constructed, the existing 100 foot setback distance from waste disposal systems is probably excessive. In areas where the shallow aquifer supplies water to many individual wells, the 100 foot setback may be insufficient. Due to a large number of natural variables in the study area it is not appropriate to recommend a greater setback than 100 feet for general application.

Creation of Aquifer Reserve Areas

This concept involves prohibiting development over defined portions of the aquifer to allow a source of relatively clean precipitation recharge to the aquifer. This aids in dilution of contaminants generated in developed areas. Due to the presence of a large amount of land in the study area under the control of the U.S. Forest Service and Bureau of Land Management, aquifer reserve areas are considered to be pre-existing.

"Writing Off" Parts of the Aquifer

This alternative equates to changing the rules to meet existing conditions. This is not an appropriate alternative in areas where the aquifer is used for domestic water supply, and therefore is not recommended.

Special Well Construction Regulations or Provision for Water Supply from an Alternative Source.

Both of these concepts would improve water quality for domestic use in contaminated aquifer areas. Neither one, however, offers any degree of protection for beneficial uses of the shallow aquifer.

It has not been demonstrated that "special" well construction regulations are needed if existing regulations are strictly enforced. Where extensive contamination of the shallow aquifer is occurring, provision of an alternate water source may be the most feasible alternative to protect public health until remedial measures to reduce contamination in the shallow aquifer were implemented.

Special Studies for Major or Unique Projects

This alternative entails requiring special studies of waste loading and local hydrogeologic conditions as part of the site approval process for any new residential, commercial or industrial development likely to impact on the beneficial uses of the ground water resource. The study should address waste loading from the project, local aquifer characteristics based on aquifer tests and aquifer gradients, and uses of ground water in adjacent areas.

AQUIFER MANAGEMENT PLAN

The LaPine Aquifer Management Plan is designed to improve conditions through remedial actions where required and to prevent contamination of the shallow aquifer to the maximum practicable extent in developing areas.

In order to assess the need for and determine the effectiveness of aquifer management actions, a continuing ground water monitoring program is necessary. The monitoring wells installed for this project should be sampled for nitrate concentration in the spring and fall to observe long-term changes in ground water quality. When appropriate, additional monitoring wells should be constructed in developing areas or near new waste disposal systems to refine predictions of waste impacts made in this report. Monitoring could be required as a condition of the site approval or waste disposal system permit process. Residents with individual shallow wells should sample their wells annually to determine the nitrate level. If high nitrate levels are found, a decision can be made by the resident or property owner to relocate or upgrade the well or waste disposal system, construct a deep well, buy bottled water for drinking water use, or support a community water or sewerage system.

Because of varying lot size, availability of community water and variable occupancy patterns, a single approach to aquifer management is not possible. In order to address differing needs, the study area is described in terms of management categories as shown in Table 10-1 and discussed below.

TABLE 10-1

AQUIFER MANAGEMENT CATEGORIES

-
- A. Lots smaller than one acre.
 - 1. Individual shallow well and on-site sewage disposal.
 - 2. Community water or individual deep well and on-site sewage disposal.
 - 3. Community water and sewage disposal.
 - B. Lots one to two acres in size.
 - C. Lots greater than two acres in size.
 - D. New development with significant potential to impact on beneficial uses.
 - E. Spills, storage tanks, or other potential sources of contamination.
 - F. Areas with documented ground water contamination impacting on beneficial uses or water supply.
-

Aquifer Management Category A-

Lots Smaller Than One Acre

Category A areas include all parts of the study area containing lots smaller than one acre in size. Different combinations of existing sewer and water utilities influence the aquifer management approach as described below.

A-1 Individual Shallow Well and On-Site Sewage Disposal. Land in this Management Category is most susceptible to aquifer contamination and water supply contamination caused by nitrogen loading and recycling of wastes. Nitrogen loading on half acre lots is predicted to cause the ten milligram per liter beneficial use nitrate nitrogen limit to be exceeded in the shallow aquifer as shown in Figure 10-6.

In order to stay within allowable limits at full buildout and occupancy, total nitrogen concentration in domestic wastewater will need to be reduced to less than 31 milligrams per liter. This can be achieved by nitrogen removal in waste treatment systems or by construction of community sewerage facilities.

As buildout occurs in these areas, monitoring of downgradient water quality in the aquifer is necessary to determine area-wide impacts. Periodic testing of domestic wells is needed to determine local impacts (Figure 10-8).

A-2 Community Water Supply or Individual Deep Well and On-Site Sewage Disposal. The main difference between Category A-1 and Category A-2 is that drinking water supplies would not be threatened by contamination in the shallow aquifer. In areas experiencing buildout beyond an average density of one dwelling unit per acre, the cumulative nitrate levels in the shallow aquifer are expected to eventually exceed the ten milligram per liter beneficial use limit.

In Category A-2 areas there should be a more even mixing of contaminants in the aquifer without the interference on aquifer gradients caused by shallow pumping wells. Monitoring of aquifer water quality in Category A-2 areas will provide the most reliable information on area-wide impacts caused by residential development.

A-3 Community Water Supply and Community Collection, Treatment and Disposal of Wastes. This Category contains the small-lot areas which offer the greatest protection of public health and beneficial uses of ground water. Proper design, construction and operation of community sewerage facilities can effectively prevent nitrogen contamination in the ground water.

In order to achieve maximum buildout in future years, Category A-1 and A-2 areas may need to achieve Category A-3 status by addition of community water and/or sewer utilities.

Aquifer Management Category B

One to Two Acre Lots

Full development on one acre lots where conventional on-site waste disposal systems are used should not result in exceeding the ten milligram per liter drinking water beneficial use limit for nitrate nitrogen. The greatest concern in Category B areas is local contamination of shallow wells by adjacent upgradient waste disposal systems (Figure 10-8). Residents using individual wells are encouraged to have their water supply tested annually for nitrate nitrogen. Monitoring the aquifer downgradient from Category B development areas should continue in order to verify the estimated impacts from development on one to two acre lots shown in Figure 10-6.

Aquifer Management Category C

Lots Greater than Two Acres in Size

Category C Management Areas require monitoring only on a case-by-case basis. Residents using individual shallow wells should test their water for nitrate concentration annually

Aquifer Management Category D

New Development Which May Impact on Beneficial Uses of Ground
Water

All proposals for new development or waste disposal projects which, in the opinion of Deschutes County or the Department of Environmental Quality, may significantly impact on beneficial uses of the ground water, should include a detailed waste load and ground water investigation report. The report should demonstrate that the project will not impair beneficial uses of the ground water or cause the five milligram per liter nitrate planning limit to be exceeded.

The report should describe waste loads and proposed waste treatment methods; explain aquifer characteristics as determined by aquifer tests, water table gradient determinations, and water samples. It should also include a description of each Aquifer Management Category area within one mile of the proposed project.

Aquifer Management Category E

Management of Spills, Leaks and Other Sources of Contamination

The Department of Environmental Quality is developing policies and guidelines for dealing with these "miscellaneous" sources of contamination which are relevant in the study area. The work by DEQ is being done in conjunction with other agencies which have technical expertise or regulatory control, or both. These agencies include the U.S. Department of Transportation, U.S. Environmental Protection Agency and the Oregon Department of Water Resources.

It is recommended that Category E situations be addressed by the appropriate agency or agencies having jurisdiction.

Aquifer Management Category F

Areas with Documented Ground Water Contamination Impacting Existing or Potential Beneficial Uses

Areas with documented ground water contamination which causes regulatory limits for drinking water to be exceeded are classified in Category F. The documentation of contamination should represent a detailed technical study of the problem area. The LaPine core (Figure 10-5) is considered to be a Category F area.

Contamination not addressed by domestic water standards but which may impact on other beneficial uses or on public health is also reason to classify an area as a Category F Aquifer Management Area.

As a guide in identifying appropriate action needed in any given Management Category area, a Management Action Activity List was developed and is shown in Table 10-2. The list identifies planning objectives to work toward in future land use decisions, and regulatory and monitoring guidelines to follow as construction and development takes place in the future.

Table 10-3 presents the LaPine Aquifer Management Plan components. This table lists each Management Category and the appropriate corresponding Management Action Activity. It also identifies the parties responsible for implementing, carrying out, and providing funds or personnel to implement the recommended actions.

TABLE 10-2

MANAGEMENT ACTION ACTIVITIES

<u>Activity</u>	<u>Recommended Action</u>
1	<ul style="list-style-type: none"> a. Prepare Facility Plan Report, design and construct facilities to attain maximum level of nitrogen removal from wastes. b. Construct alternative domestic water source(s), or provide bottled water for drinking water supplies. c. Impose a building moratorium in areas of ground water contamination where beneficial uses of ground water are impaired.
2.	<ul style="list-style-type: none"> a. Develop and use on-site waste treatment technology which will produce 30 mg/l or less of total nitrogen in domestic waste effluent. b. Monitor nitrogen concentration in on-site systems. c. Monitor impact on aquifer and domestic water supplies by 1) sampling domestic wells and (2) constructing and sampling monitoring wells at the downgradient edge of lots where on-site systems are used. d. Construct alternative domestic water source(s), or provide bottled water for drinking water supplies. e. If nitrogen removal technology is proven by monitoring to be inadequate, reclassify to Priority 1 status. If nitrogen removal technology is shown to not be needed, reclassify area to Priority 3 status.
3.	<ul style="list-style-type: none"> a. Continue current on-site waste disposal practices. If monitoring shows current practices to be inadequate, reclassify the area to Priority 2 level and implement appropriate Priority 2 recommendations. b. Monitor impact on aquifer and domestic water supplies by 1) sampling domestic wells for nitrate and 2) constructing and sampling monitoring wells at downgradient edge of selected lots where on-site treatment systems are used. c. Construct alternative domestic water source(s), or use bottled water for drinking water supplies, if required.

TABLE 10-2 (Continued)

4. a. Perform a waste load and aquifer investigation study appropriate to address the proposed project or situation.
 5. a. No action is required unless a problem is found. In that case, reclassify to the appropriate Activity Category.
-

TABLE 10-3

LAPINE AQUIFER MANAGEMENT PLAN

Aquifer Management Category	Management Action Activity	Initiates Action	Provides Monitoring, Investigation or Enforcement	Provides Funding/ Personnel	
A	Lots Smaller Than One Acre				
A-1	Shallow well and on-site waste disposal	2a Develop and use on-site waste treatment technology which will produce effluent containing less than 31 mg/l total nitrogen.	DEQ	County/DEQ	Private
		2b Monitor performance of waste treatment/disposal systems.	DEQ	DEQ	DEQ/Private
		2c Monitor impact on aquifer and domestic water supplies.	DEQ	DEQ	DEQ/Private
		2d Construct alternative domestic water source(s), or use bottled water for drinking water supplies.	Private/OSHD	OSHD	Private
		2e If on-site nitrogen removal is shown by monitoring to be inadequate, reclassify to Activity 1 status. If advanced nitrogen removal shown to not be needed, reclassify area to Activity 3 status.	DEQ/County	DEQ/County	-
A-2	Community water or deep well source and on-site waste disposal	2a Develop and use on-site waste treatment technology which will produce effluent containing less than 31 mg/l total nitrogen.	DEQ	County/DEQ	Private
		2b Monitor performance of waste treatment/disposal systems.	DEQ	DEQ	DEQ/Private
		2c Monitor impact on aquifer and domestic water supplies.	DEQ	DEQ	DEQ/Private
		2e If on-site nitrogen removal is shown by monitoring to be inadequate, reclassify to Activity 1 status. If advanced nitrogen removal shown to not be needed, reclassify area to Activity 3 status.	DEQ/County	DEQ/County	-
A-3	Community water and sewer	5a No action is required.	DEQ/County	DEQ/County	-
B	Lots One to Two Acres in Size				
		3a Continue current on-site waste disposal practices. If monitoring shows current practices to be inadequate, reclassify the area to Activity 2 level and implement appropriate Activity 2 recommendations.	County/DEQ	County/DEQ	County/DEQ
		3b Monitor impact on aquifer and domestic water supplies.	County	County	County
		3c If required, construct alternative domestic water source(s) or use bottled water for drinking water supplies.	Private/OSHD	OSHD/Private	County OSHD/Private
C	Lots Larger Than Two Acres				
		3a Continue current on-site waste disposal practices. If monitoring shows current practices to be inadequate, reclassify the area to Activity 2 level and implement appropriate Activity 2 recommendations.	County/DEQ	County/DEQ	County/DEQ
		3b Monitor impact on aquifer and domestic water supplies.	County	County	County
D	New Development or Major Waste Systems	4a Perform a waste load and aquifer investigation study appropriate to address the proposed project or situation.	DEQ/County	Private/DEQ	Private
E	Spills, Leaks, Miscellaneous	4a Perform a waste load and aquifer investigation study appropriate to address the proposed project or situation.	DEQ/County	Private/DEQ	Private
F	Areas of Documented Contamination				
		1a Prepare a Facility Plan Report, design and construct community sewerage facilities or the equivalent.	DEQ	DEQ	Private/DEQ
		1b Construct alternative domestic water sources(s), or use bottled water for drinking water supplies.	Private/DEQ	DEQ/OSHD	Private
		1c Impose a building moratorium.	EQC	DEQ/County	DEQ/County

County = Deschutes County
 DEQ = Department of Environmental Quality
 EQC = Environmental Quality Commission

OSHD = Oregon State Health Division
 Private = Municipality, District, Corporation or Individuals
 County/DEQ = Requires agreement between agencies or parties

TABLE 10-4
ENVIRONMENTAL IMPACT RATING

Aquifer Management Category	Management Action Activity	No Action		Implementation Impact	
		Short-Term	Long-Term	Short-Term	Long-Term
F	1a	-	-	-	++
F	1b	-	-	+	+
F	1c	-	0	0	0/+
A-1, A-2	2a	-	-	++	++
A-1, A-2	2b	0	0	0	0
A-1, A-2	2c	0	0	0	+
A-1	2d	-	-	+	+
A-1, A-2	2e	0	0	++	++
B, C	3a	0	0	++	++
B, C	3b	0	0	0	+
B	3c	-	-	+	+
D, E	4a	0	-	++	++
A-3	5a	0	0	0	0

- = Adverse Impact

0 = No Impact

+ = Beneficial (Protects Domestic Water Supplies)

++ = Beneficial (Protects Domestic Water Supplies and Other Beneficial Uses)

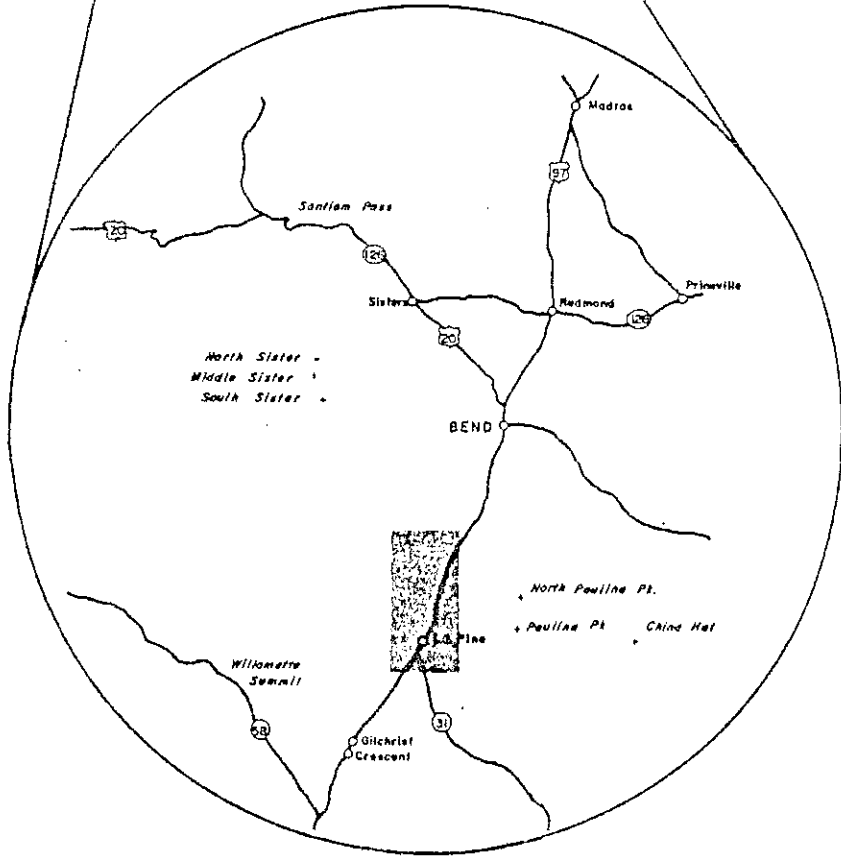
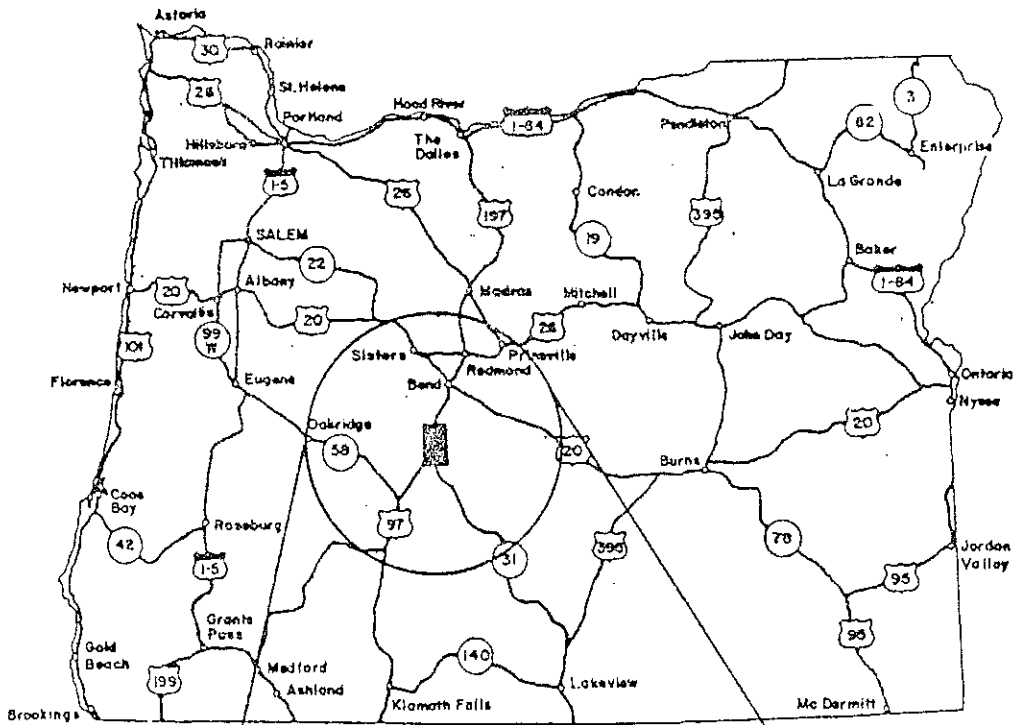
ENVIRONMENTAL IMPACT ANALYSIS

The assessment of environmental impacts caused by implementation of the Aquifer Management Plan must address adverse and beneficial, and long and short-term impacts.

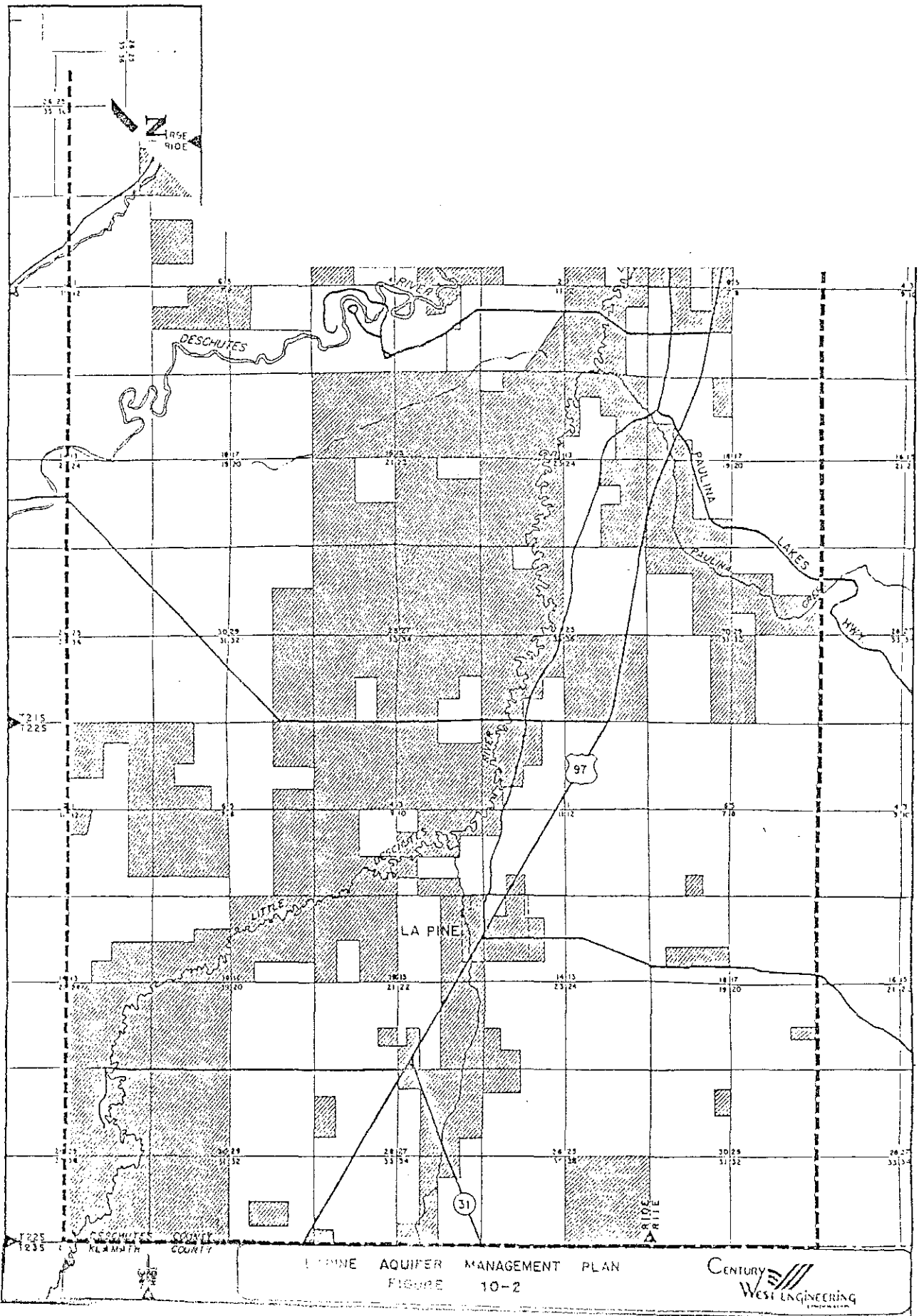
An adverse impact is one that allows degradation of the aquifer or an existing or potential threat to public health to occur. A beneficial impact is one that maintains beneficial use quality or provides improvement in areas where aquifer contamination is taking place. A short-term impact is one which lasts only for the duration of a construction project or other chronologically short term period. A long-term impact is one which is expected to last through the 20 year planning period.

Each of the Management Action Activity levels was evaluated and rated and the results are shown in Table 10-4. Since each Activity level applies to a different situation, there is not a basis for comparison between levels.

From the rating it is felt that the impacts from the identified Management Action Activity levels represent the best practicable balance of long and short-term beneficial and adverse impacts which will allow protection of the LaPine Aquifer in future years.



STUDY AREA LOCATION





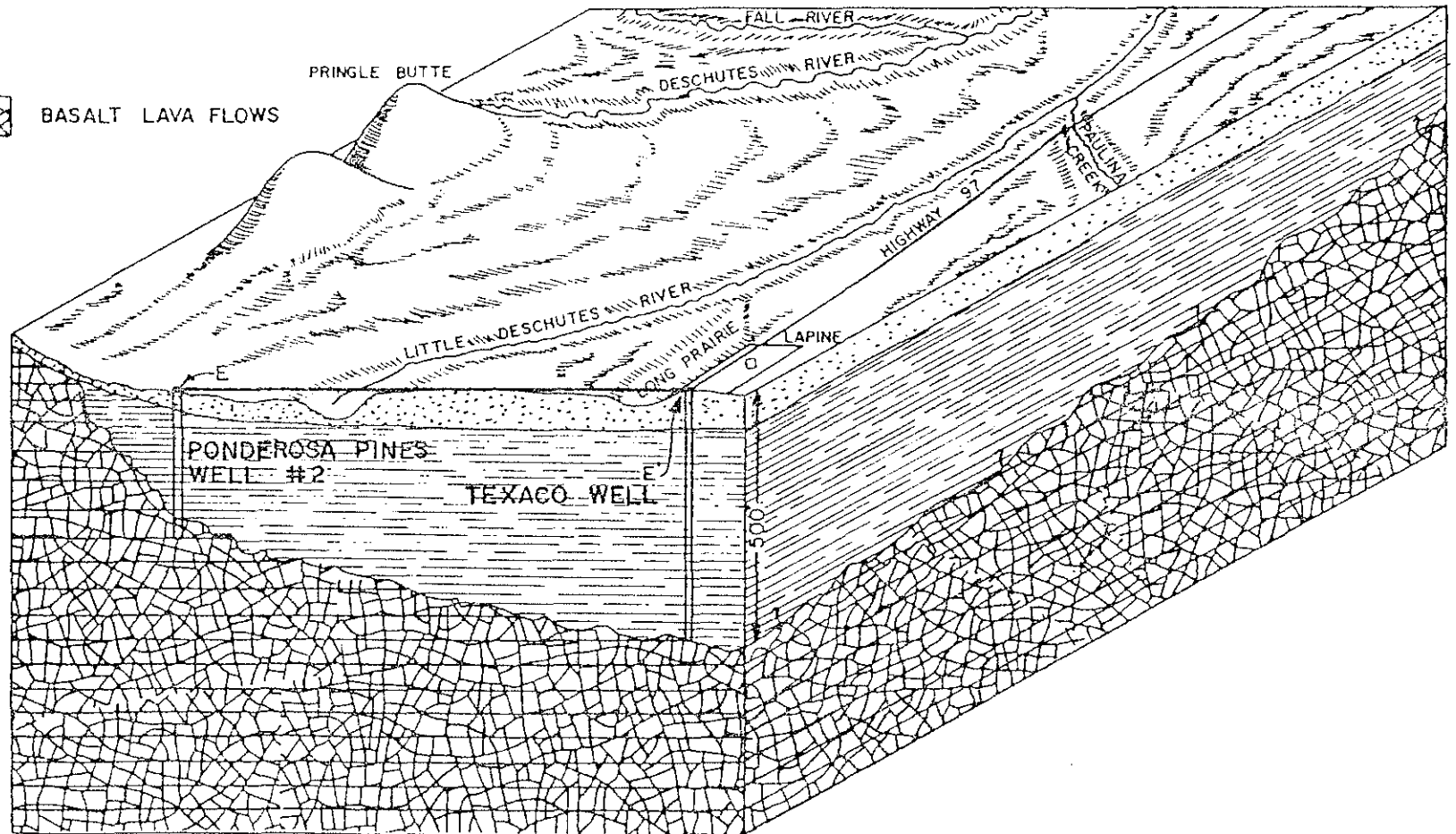
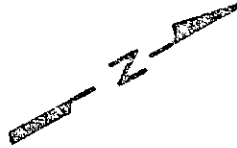
ALLUVIAL, FLUVIAL SAND & GRAVELS,
GLACIAL OUTWASH & PUMICE



CLAYS, SILTS &
ORGANIC DEPOSITS



BASALT LAVA FLOWS

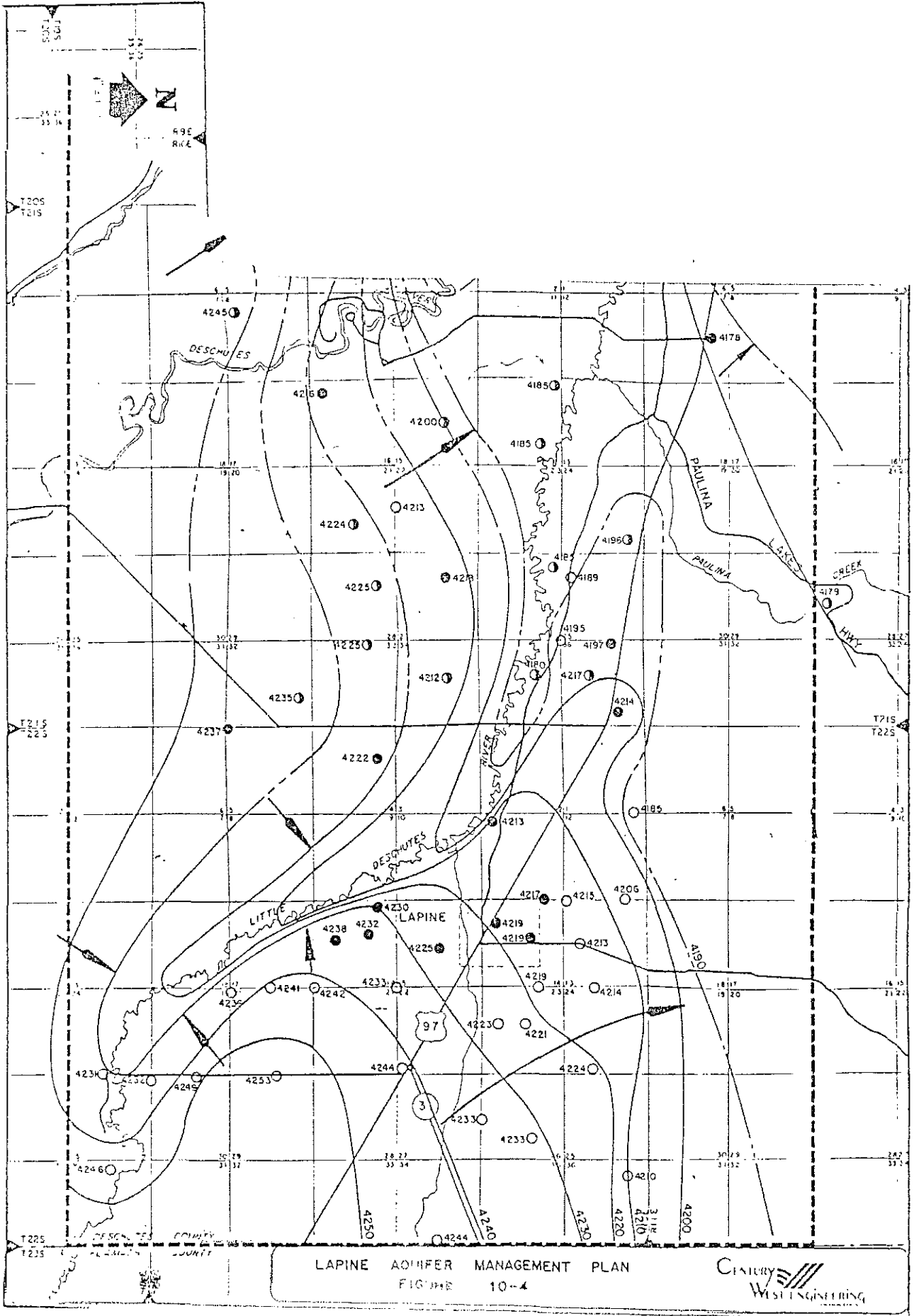


GENERALIZED TOPOGRAPHIC & GEOLOGIC CROSS SECTION
of LAPINE BASIN

LAPINE AQUIFER MANAGEMENT PLAN

FIGURE 10-3

CENTURY
WEST ENGINEERING
CORPORATION

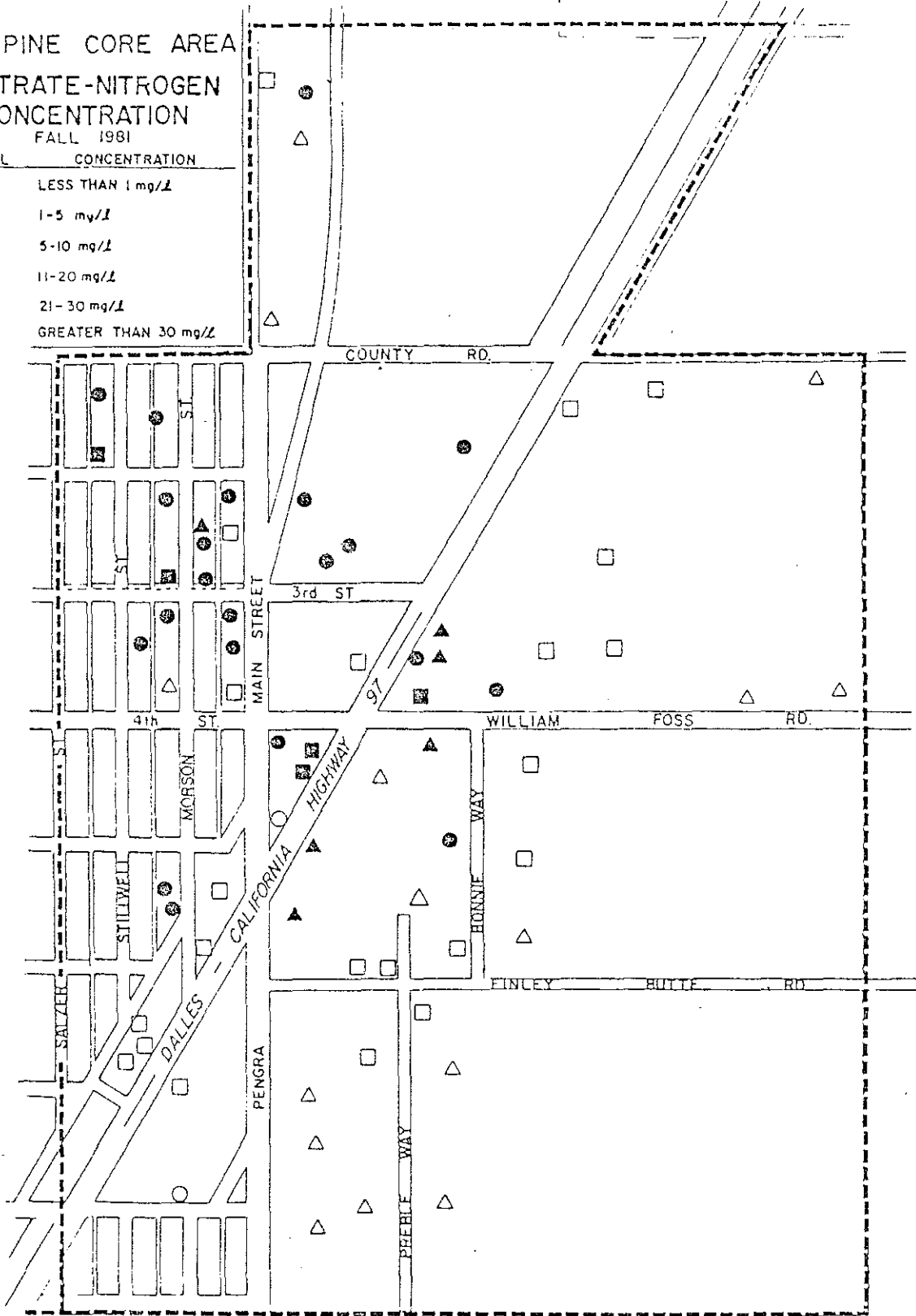


LAPINE CORE AREA

NITRATE-NITROGEN CONCENTRATION

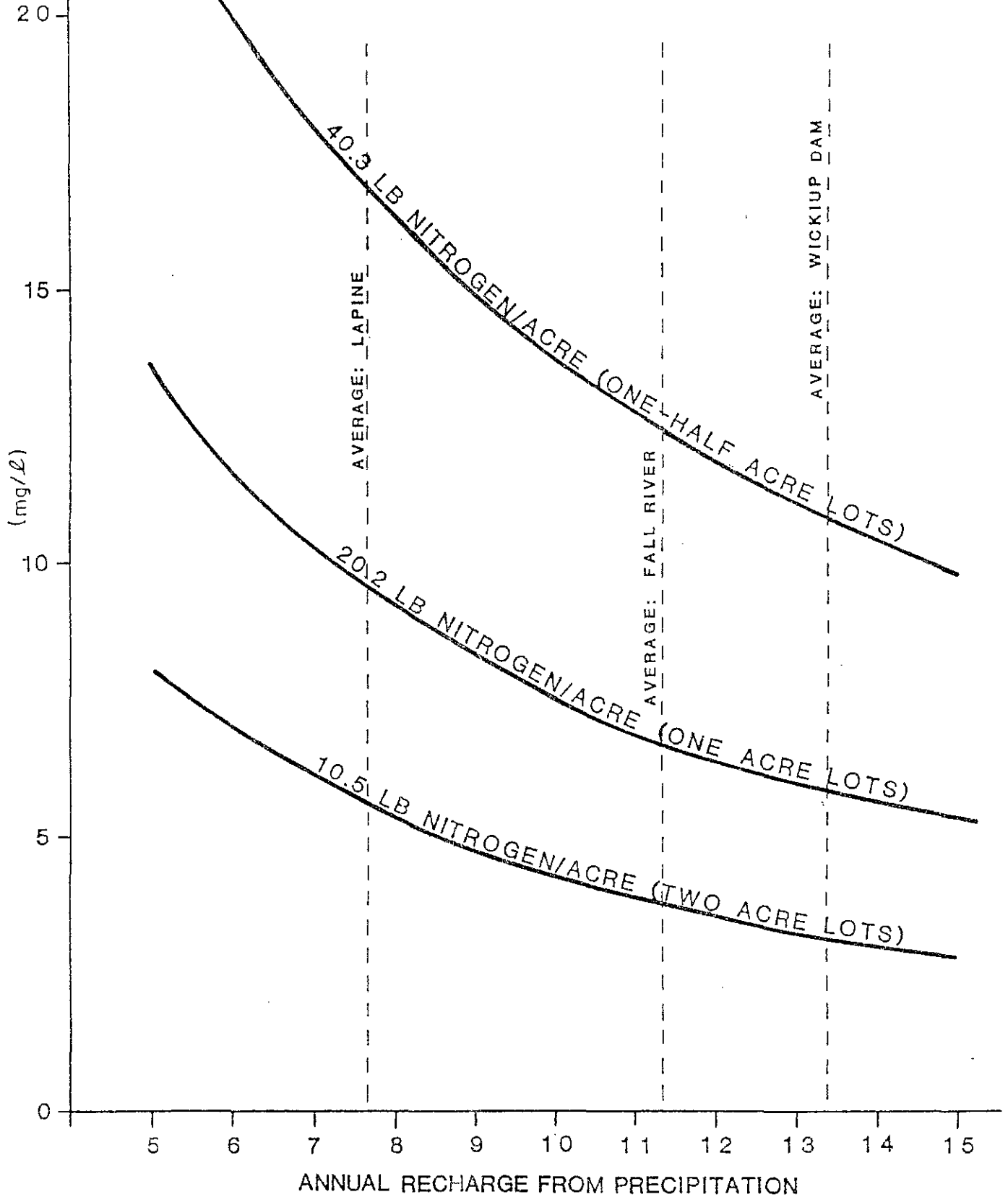
FALL 1981

SYMBOL	CONCENTRATION
○	LESS THAN 1 mg/L
△	1-5 mg/L
□	5-10 mg/L
⊙	11-20 mg/L
▲	21-30 mg/L
■	GREATER THAN 30 mg/L

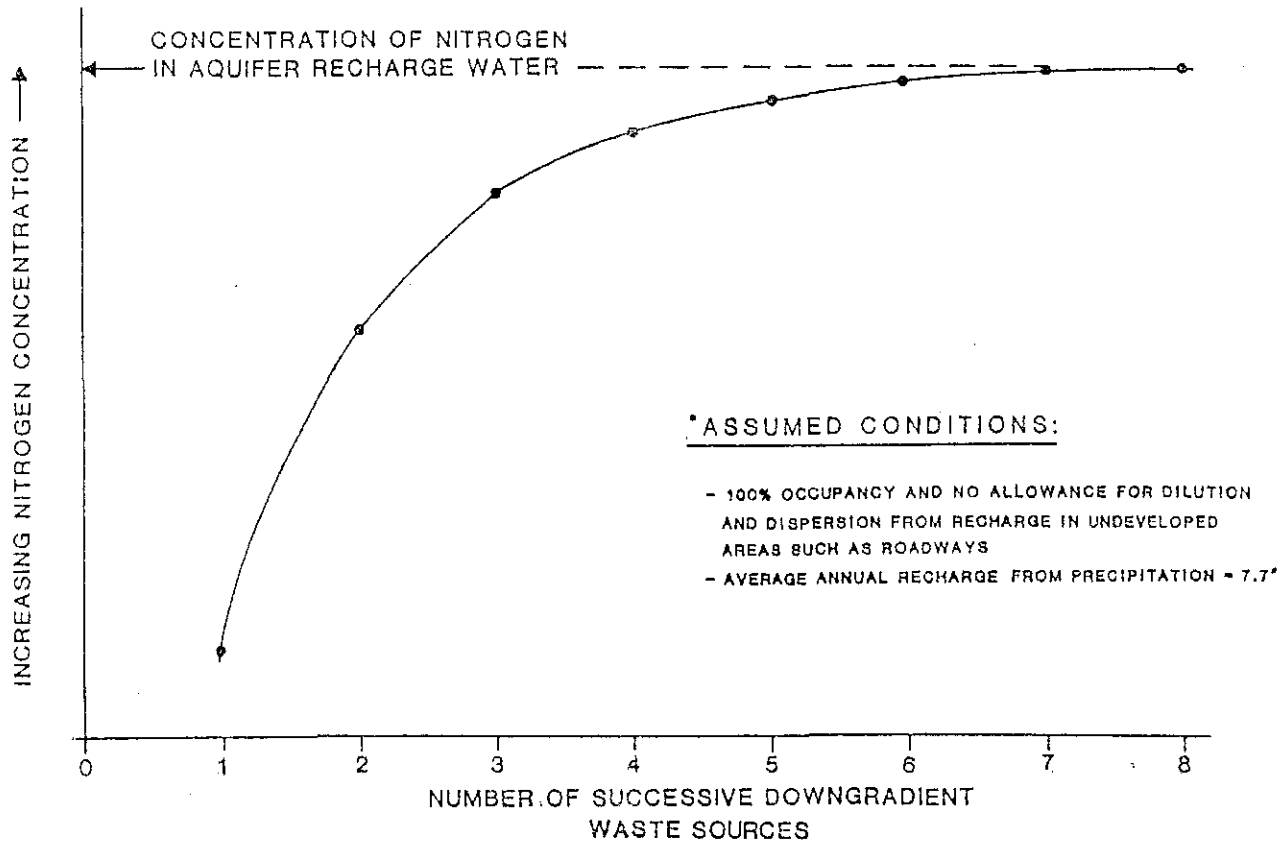


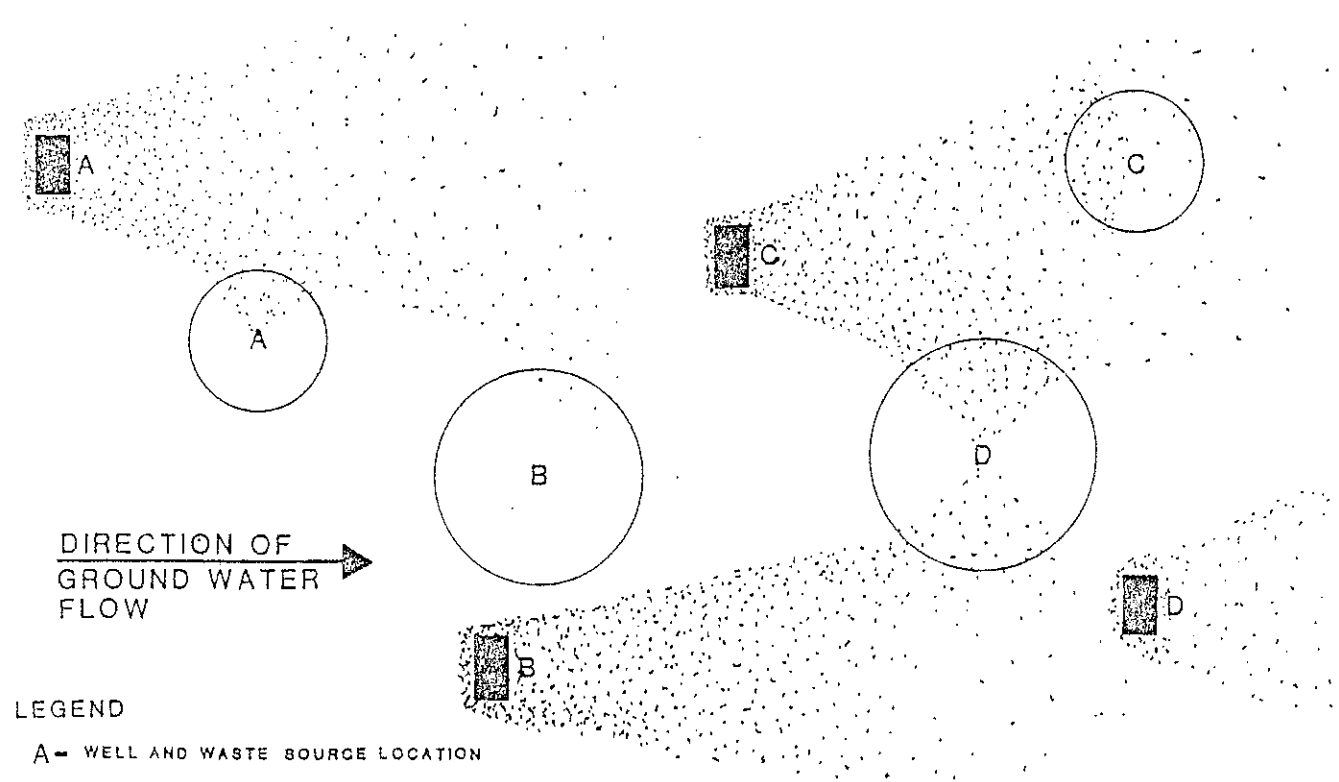
IMPACT OF PRECIPITATION AND NITROGEN LOADING ON NITROGEN CONCENTRATION IN AQUIFER RECHARGE WATER

AVERAGE NITROGEN CONCENTRATION IN AQUIFER RECHARGE WATER



CUMULATIVE IMPACT OF NITROGEN LOADING
ON THE SHALLOW AQUIFER*





DIRECTION OF
GROUND WATER
FLOW →

LEGEND

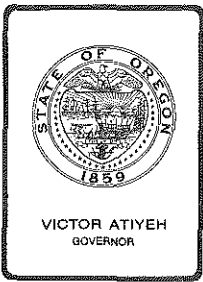
A - WELL AND WASTE SOURCE LOCATION

○ A ZONE OF INFLUENCE FROM WELL BEING PUMPED. (SIZE WILL VARY WITH QUANTITY OF WATER PUMPED AND WITH AQUIFER CHARACTERISTICS.)

● AREAS OF HIGH NITRATE NITROGEN CONCENTRATIONS

■ WASTE DISPOSAL SYSTEM

SIMPLIFIED DIAGRAM SHOWING HOW WASTE DISPOSAL SYSTEMS CAN INFLUENCE NITRATE NITROGEN LEVELS IN DOMESTIC WATER WELLS AND IN A SHALLOW UNCONFINED AQUIFER



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, February 25, 1983, EQC Meeting

Public Hearing and Consideration of Adoption of the Medford-Ashland AQMA Particulate Control Strategy as a Revision of the State of Oregon Clean Air Implementation Plan.

BACKGROUND

The Medford-Ashland Air Quality Maintenance Area (AQMA) is designated as nonattainment with the primary and secondary standards for Total Suspended Particulate (TSP). Revised particulate control strategies are needed to attain and maintain particulate standards and meet the requirements of the federal Clean Air Act of 1977.

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 particulate matter in the Medford area. The strategies are designed to attain the primary particulate standard by 1984 and the secondary standard by the year 2000.

A revision to the State Implementation Plan (SIP) has been drafted. The revision includes local ordinances and commitments to reduce residential wood burning emissions, local commitments to reduce soil and road dust, proposed new and revised state rules to further reduce industrial emissions in the Medford area, and a commitment to seek control of new woodstoves.

At the January 14, 1983 EQC meeting, the Commission authorized a public hearing on the Medford particulate strategies to be held at the February 25, 1983 EQC meeting in Medford (Attachment 1). The public notice was issued on January 25, 1983; A-95 Intergovernmental Review was initiated on January 5, 1983.

EVALUATION

The Department has received additional commitments for inclusion in the proposed SIP revision from the Bureau of Land Management (BLM), Oregon Department of Transportation (ODOT) and City of Medford. The Southern Oregon Timber Industries Association (SOTIA) and the Environmental Protection Agency (EPA) have commented on the proposed SIP revision. Written commitments and comments are included in Attachment 2.

BLM outlined its current firewood cutting programs which are designed to improve firewood seasoning practices. A similar commitment letter is expected from the U.S. Forest Service before the February 25, 1983 EQC meeting.

ODOT outlined its recent winter sanding improvements to reduce air pollution in the Medford area. The City of Medford outlined its winter sanding and cleanup program which is designed to minimize road dust emissions.

EPA recommended minor clarification changes to pages 1 and 7 of the draft SIP revision. These changes have been incorporated into the revised draft (Attachment 3). Deletions are enclosed in brackets; additions are underlined.

A major change has recently occurred in EPA guidance regarding the deadline for attainment of the primary particulate standard in the Medford area. This issue is discussed below.

Issue: Will major new or modified existing particulate sources be allowed in the Medford-Ashland AQMA upon adoption of the Medford particulate strategies if emission offsets are provided?

Response: The Clean Air Act of 1977 requires that state implementation plans provide for attainment of the primary particulate standard by December 31, 1982. However, EPA guidance dated July 15, 1980 indicated that the attainment date could extend beyond December 31, 1982 for areas that were redesignated as nonattainment areas after 1979. The Medford-Ashland AQMA was redesignated from a secondary nonattainment area to a primary nonattainment area on January 10, 1980. Based on the July 15, 1980 EPA guidance, the Department has operated under the understanding that the deadline for attainment of the primary particulate standard in the Medford area was July 1984. It was also the Department's understanding that, upon adoption of the proposed Medford particulate plan, major new or modified existing sources would be allowed in the Medford-Ashland AQMA if emission offsets were provided.

The most recent EPA interpretation, received by the Department on January 31, 1983, is that the December 31, 1982 deadline for

attainment of the primary particulate standard applies to all areas irrespective of when the area was determined to be nonattainment. This interpretation would result in the continuation of the new source construction moratorium in the Medford area until attainment of the primary standard (projected in 1984). The moratorium would affect major new (greater than 100 tons of particulate emissions per year) or modified existing (greater than 100 tons per year existing emissions with increase greater than 25 tons per year) sources. However, if the Medford SIP revision, including redefinition of the nonattainment area boundaries, is approved by EPA then the area affected by the moratorium would be reduced from the entire AQMA to only the Medford-Central Point-White City area.

EPA proposed to impose or continue new source moratoriums in all nonattainment areas and requested public comments on the appropriateness of sanctions in the Federal Register on February 3, 1983. Consideration of public comments and final action by EPA are expected by August 1983.

SOTIA provided comments on the proposed new and revised state rules regarding industrial control measures. Major issues are discussed below.

Issue: Should the proposed compliance schedules for fugitive emission control programs and operation and maintenance programs be extended from October 1983 to June 1984?

Response: The preparation of the Medford particulate strategy and state rules was delayed by extended deliberations on local particulate control ordinances. Because of this delay, it is probably appropriate to extend the compliance dates for the fugitive emission control and operation and maintenance programs. The extended dates have been inserted in the proposed rules (Attachment 4).

Issue: Should the proposed compliance schedule for upgraded veneer dryer controls be extended from 1990 to 1992?

Response: The existing veneer dryer rule for Medford required that the control equipment to be installed by 1980 be upgradable. However, it now appears that many of the approved and installed units cannot be practicably upgraded.

The Jackson County Air Quality Advisory Committee recommended that upgraded veneer dryer controls be delayed until 1992 in order to allow amortization of existing control equipment. The Department reviewed tax credit applications to determine the appropriate amortization period. All of the tax credit

applications for veneer dryer control equipment reviewed by the Department indicated an estimated useful life of 10 years.

The original control equipment was installed between 1978 and 1980. Therefore, it appears that 1990 (10 years after 1980) is the appropriate compliance date for upgraded control equipment.

Issue: Should upgraded veneer dryer controls be only required if needed to meet the primary particulate standard?

Response: The major emphasis of the Jackson County Air Quality Advisory Committee was the development of the primary attainment strategy for the Medford area. The Committee recommended that upgraded veneer dryer controls be required if the Medford area remained in nonattainment with the primary standard. As the Department reviewed the need for both a short-term primary strategy and a long-term secondary strategy, the compliance schedule for upgraded veneer dryer controls appeared to be a more logical component of the secondary standard attainment strategy.

A paragraph could be inserted in the proposed veneer dryer rule which would provide for a public hearing in 1988 on the necessity of the upgraded veneer dryer requirements for attainment of the federal secondary particulate standard (which is also the Oregon particulate standard). This may be appropriate since the major emphasis of the proposed Medford particulate strategy is on the control of residential wood burning emissions using nontraditional control measures. These nontraditional control measures may be considerably more or less effective than projected. Also, there is no assurance that the Legislature will authorize a woodstove certification program, thus placing more reliance on industrial control measures. A paragraph which would provide for a 1988 public hearing has been inserted in the proposed veneer dryer rule (Attachment 4).

Issue: Should the proposed mass emission limit for steam-heated or gas-fired veneer dryers be increased from 0.25 to 0.30 pounds per thousand square feet of veneer dried (lb/Msf)?

Response: The Jackson County Air Quality Advisory Committee recommended a new veneer dryer limit of 0.30 lb/Msf. In recognizing different types of veneer drying systems, the Department proposed limits of 0.25 lb/Msf for steam-heated and gas-fired dryers, 0.35 lb/Msf for dry wood-fired dryers, and 0.40 lb/Msf for wet wood-fired dryers. The equivalent overall limit of this three-fold standard would be 0.29 lb/Msf.

The concept of special mass emission limits for wood-fired dryers is consistent with the existing statewide veneer dryer rule. SOTIA agrees with the concept but has commented that the 0.25 lb/Msf limit for steam-heated and gas-fired veneer dryers is too restrictive.

The SOTIA recommended change in the veneer dryer limit would not have a major effect on the effectiveness of the veneer dryer control measure or the overall particulate strategies. The overall equivalent limit would be 0.33 lb/Msf instead of 0.29 lb/Msf. The projected emission reduction would decrease from 113 tons per year to 100 tons per year. The projected air quality improvement would be reduced from 1.0 ug/m³ to 0.9 ug/m³.

The proposed veneer dryer limit for steam-heated and gas-fired veneer dryers has been changed from 0.25 to 0.30 lb/Msf in Attachment 4.

In summary, the SOTIA requested changes and the Department's recommendations are outlined below.

<u>Subject</u>	<u>Initial DEQ Proposal</u>	<u>SOTIA Request</u>	<u>DEQ Response Recommendation</u>
Compliance Date for Fugitive Emission Control & Operation & Maintenance Programs	OCT 83	JUN 84	JUN 84
Compliance Date for Up-graded Veneer Dryer Controls	JUL 90	JAN 92	JUL 90 (with 1988 review hearing)
Basis of Need for Up-graded Veneer Dryer Controls	Secondary Standard	Primary Standard	Secondary Standard (with 1988 review hearing)
Mass Emission Limit for Steam-heated and Gas-fired Veneer Dryers	0.25 lb/Msf	0.30 lb/Msf	0.30 lb/Msf

These proposed changes to the Medford industrial rules, as well as the clarification changes recommended by EPA, are not expected to significantly affect the overall effectiveness of the Medford particulate strategies.

SUMMATION

1. The Medford-Ashland AQMA is designated as a nonattainment area for primary and secondary standards for total suspended particulate, and a control strategy must be submitted to EPA to meet the requirements of the Clean Air Act.

2. Particulate strategies have been developed which are designed to attain the primary particulate standard in the Medford area by 1984 and the secondary standard by the year 2000.
3. Additional commitments from the City of Medford, Oregon Department of Transportation, and Bureau of Land Management have been received since the January 14, 1983 EQC meeting. These commitments should be included in the proposed SIP revision.
4. Major new and modified existing particulate sources are currently prohibited in the Medford-Ashland AQMA. A recent interpretation of the Clean Air Act requirements by EPA indicates that the new/modified source moratorium will continue in the Medford area until attainment of the primary standard.
5. Based on comments received from EPA, clarification changes have been made on pages 1 and 7 of the proposed SIP revision.
6. Based on SOTIA comments, several changes are proposed in the industrial rules. These changes would extend the compliance schedules for the Medford fugitive emission control and operation and maintenance programs, include a provision to review the need for upgraded veneer dryer control equipment in 1988, and increase the proposed mass emission limit for steam-heated and gas-fired veneer dryers.
7. The changes proposed in response to EPA and SOTIA comments are not expected to significantly affect the effectiveness of the overall Medford particulate strategy.

DIRECTOR'S RECOMMENDATION

Based on the Summation, the Director recommends that, barring any unforeseen major adverse comments at the hearing, the EQC adopt the Medford-Ashland AQMA Particulate Control Strategy as a revision of the State of Oregon Clean Air Implementation Plan (SIP). The SIP revision includes: primary and secondary standard attainment strategies; OAR 340-30-020 (revision), OAR 340-30-043 (new), OAR 340-30-044 (new), and OAR 340-30-045 (revision); and redefinition of the nonattainment area boundaries. The documents making up the SIP revision are included in Attachments 3 and 4.

Bill

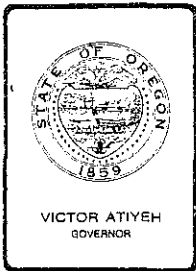
William H. Young

- Attachments: 1. Staff Report from 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.

2. Commitments from the City of Medford, Oregon Department of Transportation, and Bureau of Land Management; and comments from the Southern Oregon Timber Industries Association.
3. Proposed Particulate Control Strategy for the Medford-Ashland Air Quality Maintenance Area (AQMA) as a State Implementation Plan Revision.
4. Proposed state rules, including revision of OAR 340-30-020 (Veneer Dryer Emission Limitations), adoption of new OAR 340-30-043 (Control of Fugitive Emissions), adoption of new OAR 340-30-044 (Requirement for Operation and Maintenance Plan), and revision of OAR 340-30-045 (Compliance Schedules).

J.F. Kowalczyk:a
229-6459
February 1, 1983
AA3006

ATTACHMENT 1
AGENDA ITEM H
2/25/83 EQC MEETING



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

EQC Agenda Item No. E
January 14, 1983
Page 7

- 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

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.

ATTACHMENT 2
AGENDA ITEM H
2/25/83 EQC MEETING

ATTACHMENT 2

COMMITMENTS FROM: City of Medford
Oregon Department of Transportation
Bureau of Land Management

COMMENTS FROM: Southern Oregon Timber Industries Association



PUBLIC WORKS DEPARTMENT

CITY OF MEDFORD
MEDFORD, OREGON 97501

TELEPHONE 764285
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JAN 20 1983

January 17, 1983

Merlyn Hough
DEQ-Air Quality Division
P. O. Box 1760
Portland, Oregon 97207

AIR QUALITY CONTROL

Subject: Particulate Strategies: Winter Sanding/Cleanup Program

Dear Mr. Hough:

This letter is in addition to the December 17, 1982, documents from the City of Medford regarding program commitments to reduce particulate emissions. This letter describes the Medford winter street sanding and cleanup program.

1. Material. Pea gravel will continue to be used as the sanding material. This material minimizes the amount of fines available for resuspension.
2. Locations. Subject to public safety requirements, a minimal amount of sanding material is normally used. Winter sanding will generally be limited to the necessary curves, inter-sections and overpasses.
3. Cleanup. Sanding material will be picked up using the regular street sweeping equipment as described in the Sweeping Report. Sanding material will be cleaned up as soon as possible, normally within two days following the icing episode. The prompt cleanup of sanding materials reduces the material resuspension time period.
4. Records. Cubic yards of pea gravel and man-hours spent on winter sanding are included in reports each December and June. This information can be obtained from the Medford Public Works Department by July 1 for the preceding fiscal year.

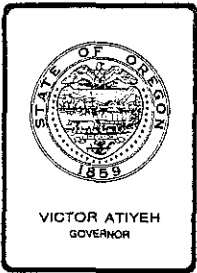
The City of Medford winter sanding and cleanup program is designed to provide safe driving conditions and also minimize road dust emissions. Please call me if you need additional information on this program.

Sincerely yours,

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

CC: Mayor and Council
(via City Manager)
City Manager
Public Works Superintendent
Planning Director

ahf



Department of Transportation

HIGHWAY DIVISION

MAINTENANCE SECTION - P. O. BOX 14030 - SALEM, OR 97310

In Reply Refer to
File No.:

ENV 6

January 21, 1983

Merlyn L. Hough
Air Quality Control Division
Department of Environmental Quality
522 S.W. 5th
Portland, OR 97204

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 26 1983
AIR QUALITY CONTROL

Street Sweeping and Sanding
Medford AQMA

This is an update and report of the Highway Division's response to help implement trackout and street sanding/sweeping control measures in the Medford area. We have implemented the following changes to reduce air pollution while continuing to meet traffic safety objectives on the state highway system in the Medford area.

1. Sanding materials are now washed pea gravel to eliminate and reduce fines available for resuspension.
2. While we are trying to minimize the use of sanding material, we find that the clean pea gravel requires slightly heavier application rates than the finer sanding material. We still endeavor to follow the Highway Division policy for sanding rates.

Our experience is that the North Medford area, where we are confronted with fallout from fog seeding operations, continues to be a serious problem.

3. Our District office works with the City of Medford on the cleanup of sanding materials and we generally try to clean up the material within one week of the end of a storm. Once again, our experience in the North Medford area with the continued prevalence of high humidity, fog and ice conditions has made this routine difficult.

The Highway Division has reviewed its construction contract Standard Specifications and project Special Provisions for the inclusion of appropriate terminology relating to local ordinances concerning the deposition of soil materials from construction

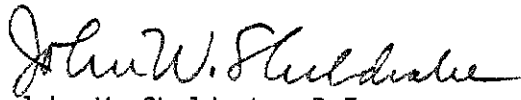
Merlyn L. Hough

2.

January 21, 1983

sites onto paved roadways. Our contract language leaves the responsibility up to the contractor to determine the specific ordinances that apply. Experience tells us that being more detailed increases the chance of leaving out the newest revisions to ordinances.

The Oregon State Highway Division is interested and concerned both in a healthful environment and safe operation of the state highway system and our response will continue toward those objectives.


John W. Sheldrake, P.E.
Maintenance Operations Engineer



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Medford District Office
3040 Biddle Road
Medford, Oregon 97501

IN REPLY
REFER TO:

5409(110.31)

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

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 31 1983
AIR QUALITY CONTROL

JAN 27 1983

Dear Mr. Hough:

In reply to your letter of December 30, 1982, our comments are as follows:

The Medford District currently attaches a stipulation packet to each firewood permit or contract. This packet outlines the stipulations under which the wood can be cut and has an attachment on utilization and seasoning of wood.

We have shifted our wood cutting from virtually 100% fall cutting for both logging debris and hardwoods to approximately 40% of the volume being cut, depending on weather conditions, between February and June. Most of this volume is hardwood while the emphasis on fall cutting is on the removal of logging debris.

The BLM disposes of firewood by free-use permits, short form contracts, and regular timber sale contracts. Free use permits are normally issued in areas which contain forest residues having no in-place value for domestic or commercial use. The short form contract (Form 5450-5) is used for domestic/home use contracts and for some negotiated commercial contracts having a value of under \$1,000.00.

A minimum charge of \$10.00 per contract is required under current regulations and the normal contract is for two cords of wood at \$5.00 per cord when selling for domestic use. The recommended value for commercial wood on negotiated sales is \$10.00 per cord plus a \$2.00 road maintenance fee, and may be more or less depending on actual conditions and contract requirements. Advertized sales are usually offered for oral auction at \$5.00 per cord plus maintenance.

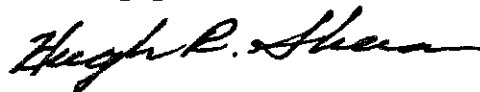
Records are kept for free use permits and short form contracts on a monthly basis, with the wood usually being cut within one to two weeks of issuance. Larger long form sales may have a contract duration of six months or longer, and if the sale has been paid in full, may not be reported as cut until the expiration date.

With an increasing demand for commercial firewood, we may in the future have larger project type long-term sales to provide an even flow of firewood from lands under BLM management. Beginning this past fall, a large amount of our

commercial firewood has been transported out of the Rogue Valley to California and Nevada by truck or rail. If this trend continues, the demand for hardwoods will increase making less available for local domestic use.

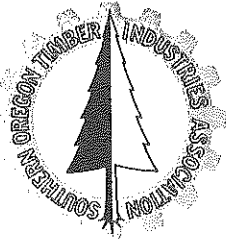
If you have any further comments or questions regarding the Medford District firewood program, contact Bob Anderson at 776-4172.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Hugh P. Shear".

District Manager

cc: Gardner Ferry, OSO 932



SOUTHERN OREGON

TIMBER INDUSTRIES ASSOCIATION

2680 N. PACIFIC HWY.

MEDFORD, OREGON 97501

TELEPHONE 773-5329

February 2, 1983

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

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
FEB 4 1983

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
FEB 04 1983

AIR QUALITY CONTROL

OFFICE OF THE DIRECTOR

Dear Bill,

Our staff and Air Quality Committee Chairman have reviewed the proposed SIP. We have addressed the O&M, fugitive emissions and veneer dryer proposals under separate cover. Our review of the remainder of the proposal has revealed nothing on which criticism is appropriate. In fact, the Department has done a good job in preparing the document.

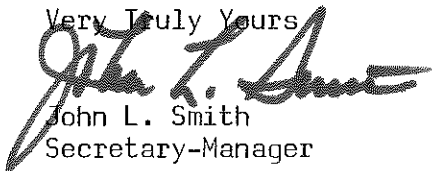
On January 27 our Board of Directors addressed the issues of wood stove certification and automobile inspection and maintenance (I & M). It was their determination that the association should not be directly involved in supporting or criticizing SIP proposals or legislative efforts on these issues. We are concerned, however, that an equitable strategy be developed in which the emitting sources are dealt with in proportion to their contribution to the problems.

In the case of particulates, we contend that the 1978 controls and the proposed SIP measures will sufficiently deal with the forest product industry's contribution to the problem. We would oppose any further industrial controls until such time as other sectors are brought under a reasonable level of control.

Our industry contributes minimally to the CO problem, and the I&M issue would impact us only in terms of the cost of testing, repairing and maintaining fleet vehicles. This is an issue of major concern to the populace and must be dealt with in that arena. Therefore, we defer comment on the I&M question. However, if I&M is implemented I can assure you that our industry will fully cooperate to bring all fleet vehicles into compliance and maintain them that way. We will also work to inform our employees and encourage their participation.

A representative of our organization will be present at the February commission meeting to provide comment on the three SIP proposals affecting industry. We will be available for questions at that time.

Very Truly Yours


John L. Smith
Secretary-Manager

cc: Board of Directors

JLS:sdh *Serving Forest-Related Industries and Community Interest in Southern Oregon*



SOUTHERN OREGON

TIMBER INDUSTRIES ASSOCIATION

2680 N. PACIFIC HWY.

MEDFORD, OREGON 97501

TELEPHONE 773-5329

February 2, 1983

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

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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OFFICE OF THE DIRECTOR

AIR QUALITY CONTROL

Dear Bill,

Please accept the following input on O&M, fugitive emissions and Medford veneer dryer proposed rules. I have conveyed most of our concerns to Merlyn by phone. This letter will simply serve to confirm that input.

On proposed rule 340-30-044 we request a change in the dates for plan submission and compliance. We recommend October 1, 1983 for submission of O&M plans, and June 1, 1984 for compliance demonstration. The proposed dates are unrealistic given the present date. The recommended dates will still satisfy the compliance date the department is facing, while providing adequate time for permittees to respond.

We also question the inclusion of item (3) (f) - inspection of internal wear points. That item appears to be redundant to (3) (b) as it is a preventative maintenance requirement. We have no strenuous objection to its presence, but feel it will be adequately addressed in the preventative maintenance procedures. There was concern expressed over the definition of scheduled shutdowns. It was suggested that the scheduling of such inspections be a part of the preventative maintenance plan of the permittee, and that such an inspection not necessarily be required during every scheduled shutdown.

With the recommended change in submission and compliance dates, and your consideration of our comments on (3) (f) we would have no problem with the proposed rule. Upon adoption, SOTIA will move ahead to finalize a prototype plan for submission.

Proposed rule 340-30-043 - fugitive emissions also has a timing problem. We recommend the submission date be revised to October 31, 1983 and the compliance date to June 1, 1984. The rationale is the same as noted above for the O&M plans.

Two concerns have been raised about the proposed rule itself. First, there is a concern about control over contracted bulk haulers relative to covering, discussed in item (2) (e). The concern is that contract haulers are, by definition, not under the direct control of the contracting party. That party can contractually require covering, but any detected violations and fines should be assessed against the contract hauler, not the permittee.

The second concern is with the relationship of this proposal to fugitive emissions from veneer dryers. It is our understanding that those emissions are not the subject of this proposal, but are addressed in the statewide veneer dryer rule. Any future Department activity on veneer dryer fugitives, would be the subject of the existing statewide veneer dryer rule, 340-30-043. If there is any disagreement with this position, we need to talk further. If we are in agreement, we have no problem with the fugitive emissions proposal.

We have a number of concerns about proposed rule 340-30-020 - Medford veneer dryer emission limits. First, SOTIA supports a rule which is no more stringent than that adopted by the Jackson County Air Quality Committee. We supported their recommendations and feel they provide an equitable solution to the problem.

We recommend two major changes. First, we request the 1990 compliance date be dropped in favor of the 1992 date recommended by the Jackson County Committee. This would permit us to get two more years out of existing equipment before it would have to be replaced or upgraded. It is our understanding the 1990 date was predicated on a ten year tax life for installed equipment. That is too short a period given the servicable life of that equipment. We would prefer the extra two years.

Second, we request adoption of the position that further controls will not be required if the valley is in future compliance with the federal primary standard. Should that be the case we question the need for industry to expend further funds. It would seem counter productive. Furthermore, the guaranteed prospect of avoiding further industrial controls through control of other sectors would go a long ways in securing industry support for departmental efforts to control their sectors.

We further support the 0.3 standard for all dryers, with credit for displacement of boiler emissions. This would appear only to effect the standard for gas fired and steam heated dryers. In both cases, the 0.25 proposal goes beyond the committee recommendation.

Finally, we recommend the reference to zero tolerance for blue haze be stricken and paragraph (1) be rewritten thusly:

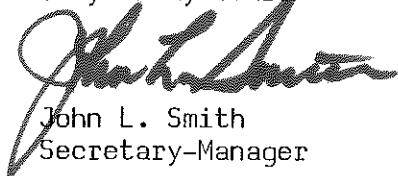
It is the objective of this section to control air contaminant emissions including, but not limited to, condensible hydrocarbons and to reduce particulate emissions to the lowest practicable levels by upgrading installed control systems if compliance is not achieved by June 30, 1992.

The zero tolerance specification for blue haze is unachievable within realistic economic parameters. We feel that the rule provides for adequate control of emissions so that blue haze should not be a significant problem.

With these changes the proposal would be more acceptable to our membership. We urge your consideration.

The Department's willingness to involve us early in the rule making process is appreciated. It is a strong indication of the Department's maturing attitude toward rule making and a growing trust between the regulators and the permittees. We appreciate it and feel that the final product will be superior and more readily accepted by industry. Also we express our appreciation to the department for permitting Merlyn to come down for a meeting with us on these proposals. The face to face discussions do much to resolve problems before they mature.

Very Truly Yours

A handwritten signature in dark ink, appearing to read "John L. Smith", written in a cursive style. The signature is positioned above the typed name and title.

John L. Smith
Secretary-Manager

cc: Air Quality Committee

JLS:sdh

ATTACHMENT 3
AGENDA ITEM H
2/25/83 EQC MEETING

Section 4.10

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

DRAFT

February 1983

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

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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) revision designed to improve air quality and meet the secondary standard. The 1978 SIP revision 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 revision 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 revision. 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%).

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 (ug/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 $30 \text{ ug}/\text{m}^3$. The new 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 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

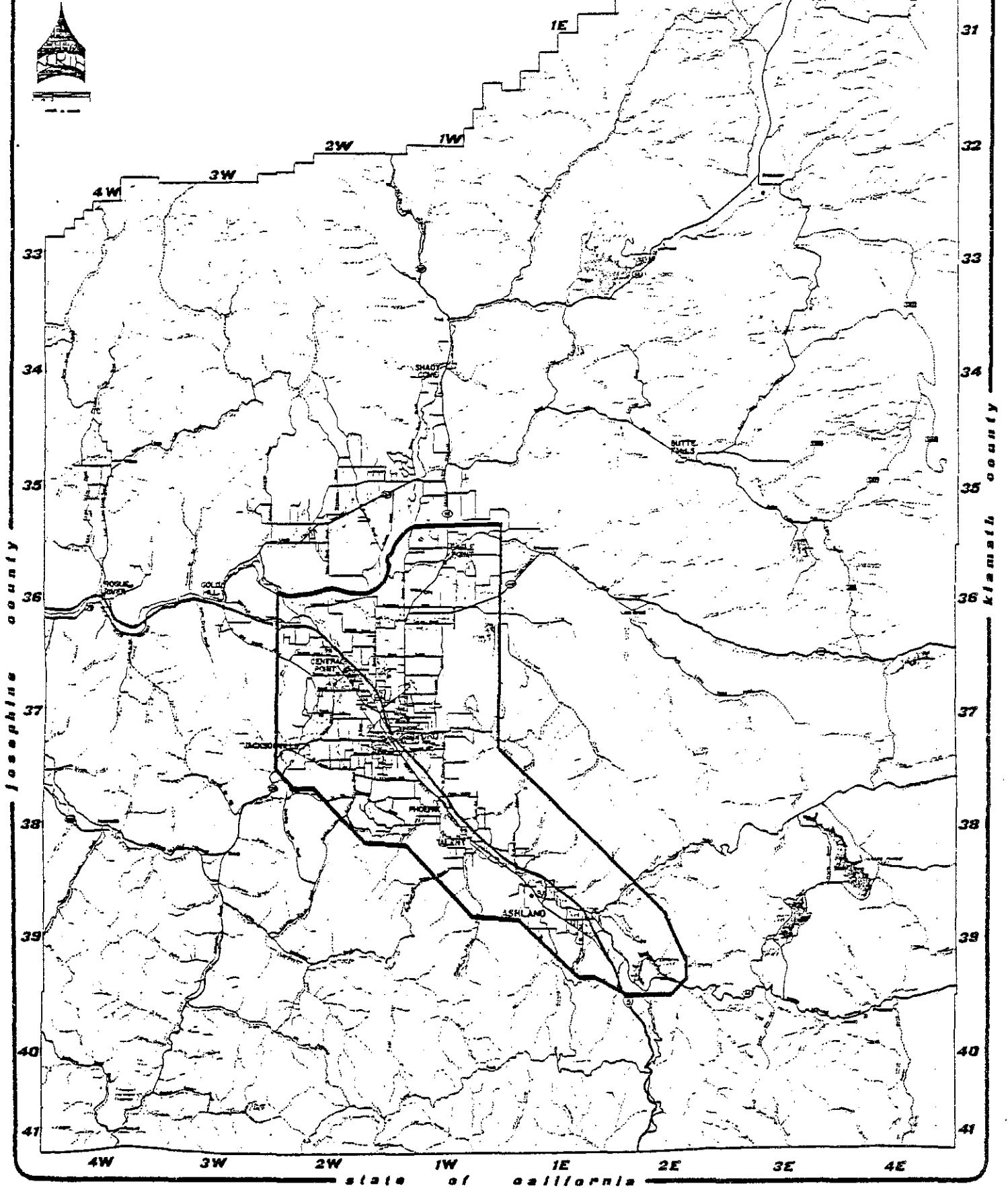
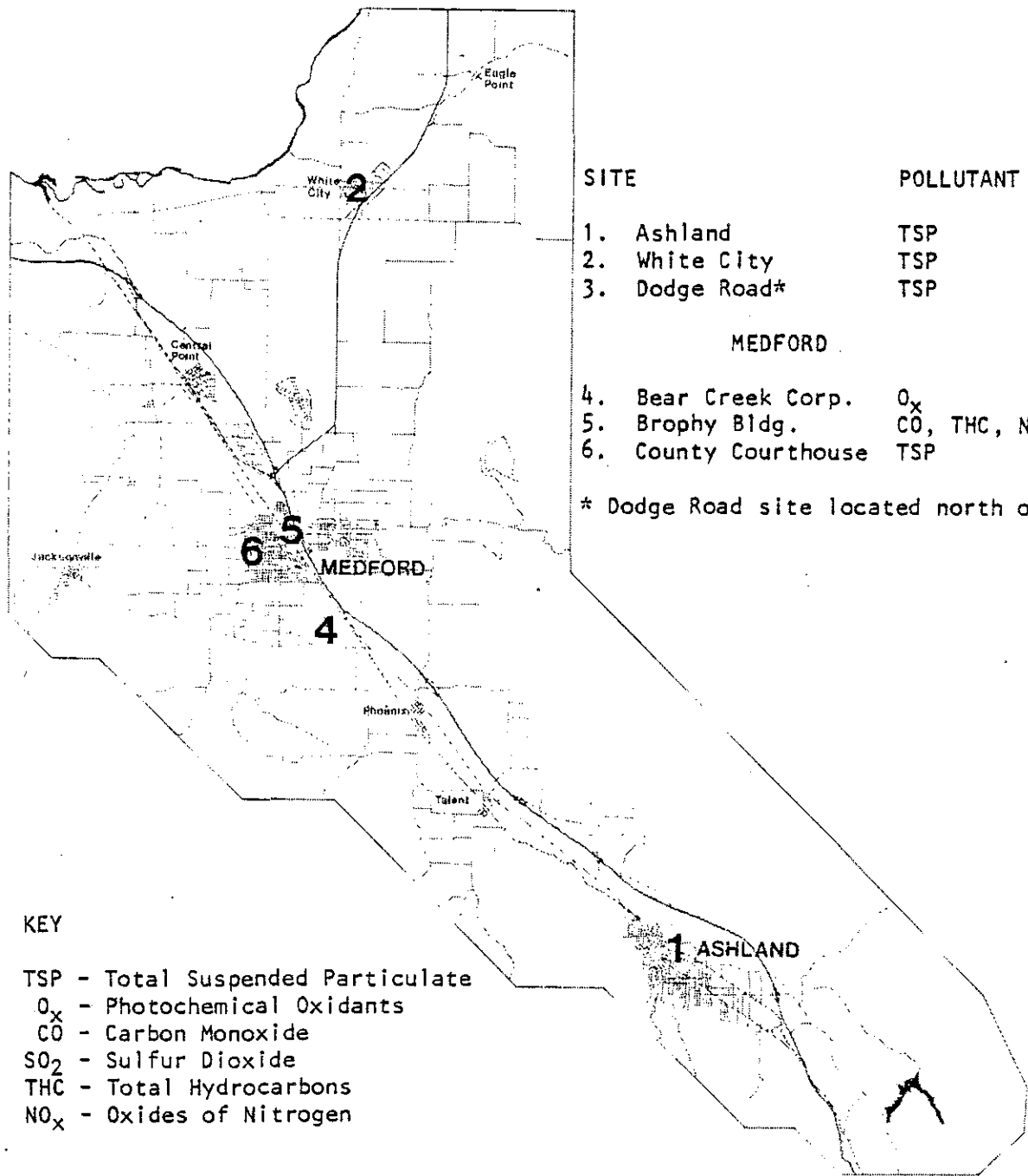


Figure 4.10-2
MEDFORD-ASHLAND AQMA AIR SURVEILLANCE NETWORK



SITE	POLLUTANT
1. Ashland	TSP
2. White City	TSP
3. Dodge Road*	TSP
MEDFORD	
4. Bear Creek Corp.	O _x
5. Brophy Bldg.	CO, THC, NO _x
6. County Courthouse	TSP

* Dodge Road site located north of AQMA

- KEY**
- TSP - Total Suspended Particulate
 - O_x - Photochemical Oxidants
 - CO - Carbon Monoxide
 - SO₂ - Sulfur Dioxide
 - THC - Total Hydrocarbons
 - NO_x - Oxides of Nitrogen

The Federal primary and secondary standards and the State standard for particulate matter are outlined in the following table. [The] Compliance with the annual standard is based on the geometric mean of the 24-hour samples collected every sixth day during the year. [The] Compliance with 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) 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

<u>Year</u>	<u>Total Suspended Particulate (ug/m³)</u>			
	<u>Medford</u>	<u>White City</u>	<u>Ashland</u>	<u>Dodge Road</u>
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 rainfall 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

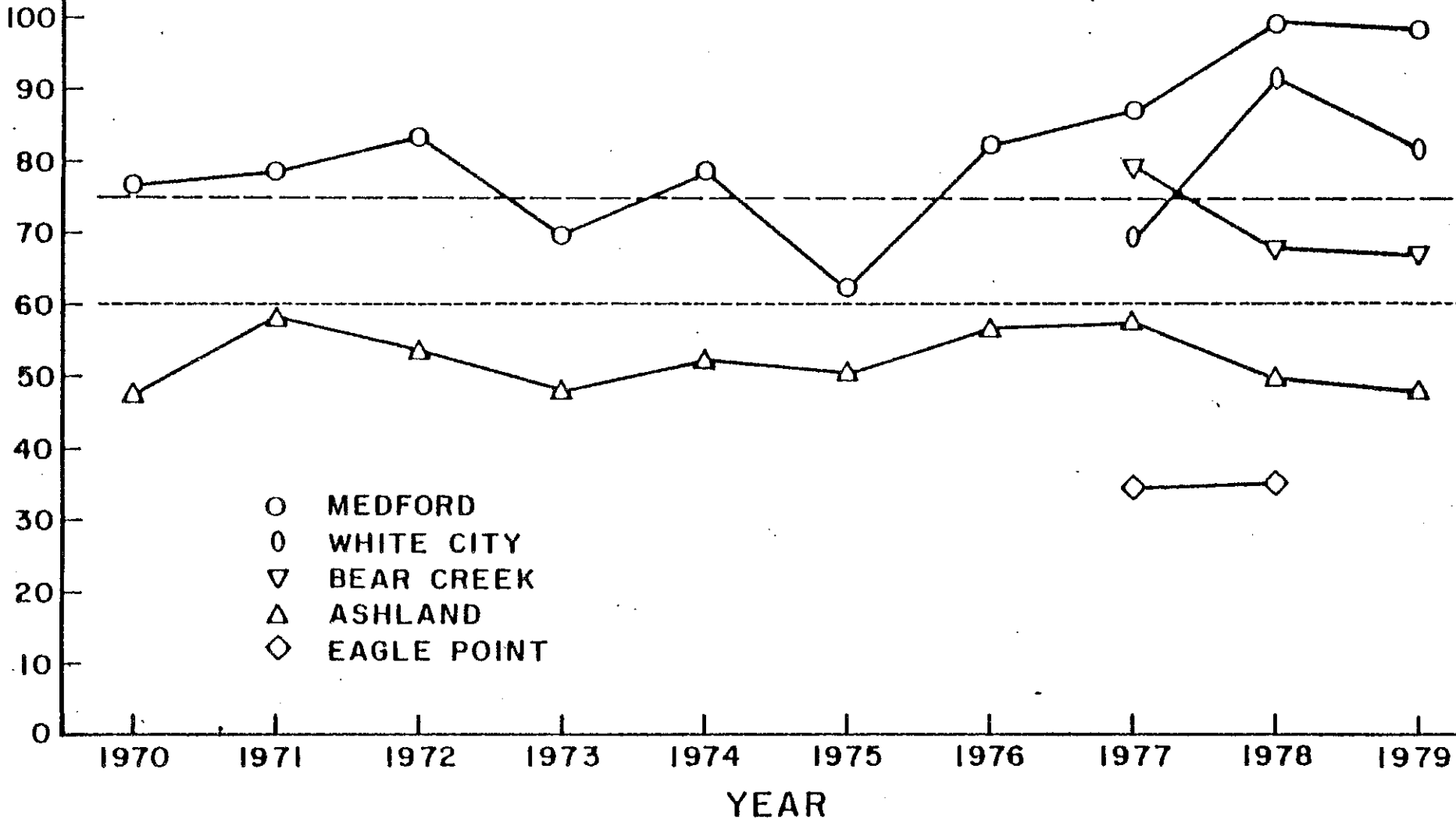
Figure 4.10-3

ANNUAL GEOMETRIC MEAN TSP

ANNUAL GEOMETRIC MEAN TSP

----- Federal Secondary Standard (Welfare)
----- Federal Primary Standard (Health)

○ MEDFORD
○ WHITE CITY
▽ BEAR CREEK
△ ASHLAND
◇ EAGLE POINT



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

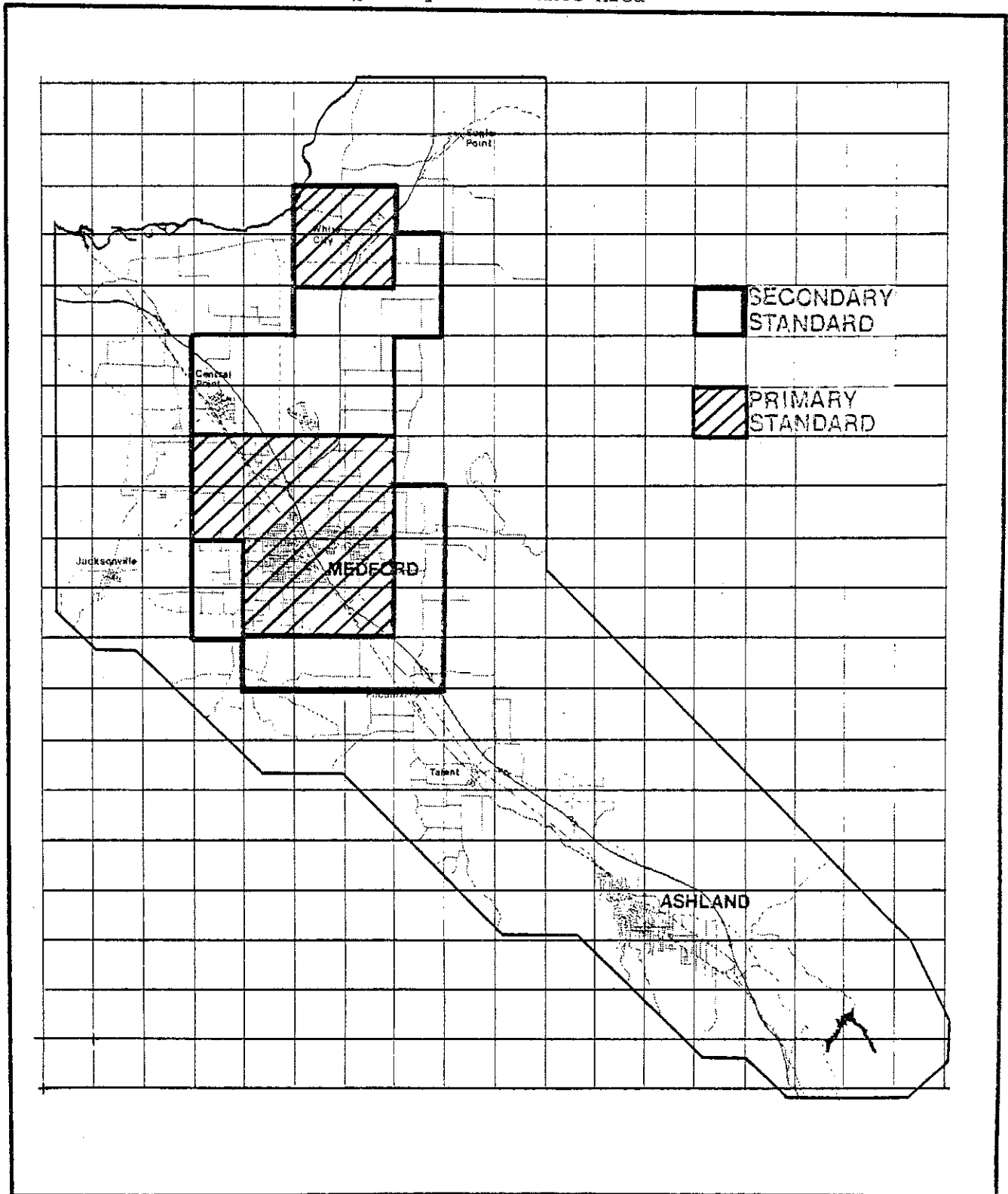


Table 4.10.2-1

MACS BASE YEAR (1979-80) EMISSION INVENTORY

<u>Source Category</u>	<u>Particulate Emissions, Tons Per Year</u>		
	<u>Point</u>	<u>Area</u>	<u>Total</u>
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	<u>Projected Particulate Emissions, Tons Per Year</u>			
	<u>MACS</u>	<u>1984</u>	<u>1990</u>	<u>2000</u>
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 particles 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

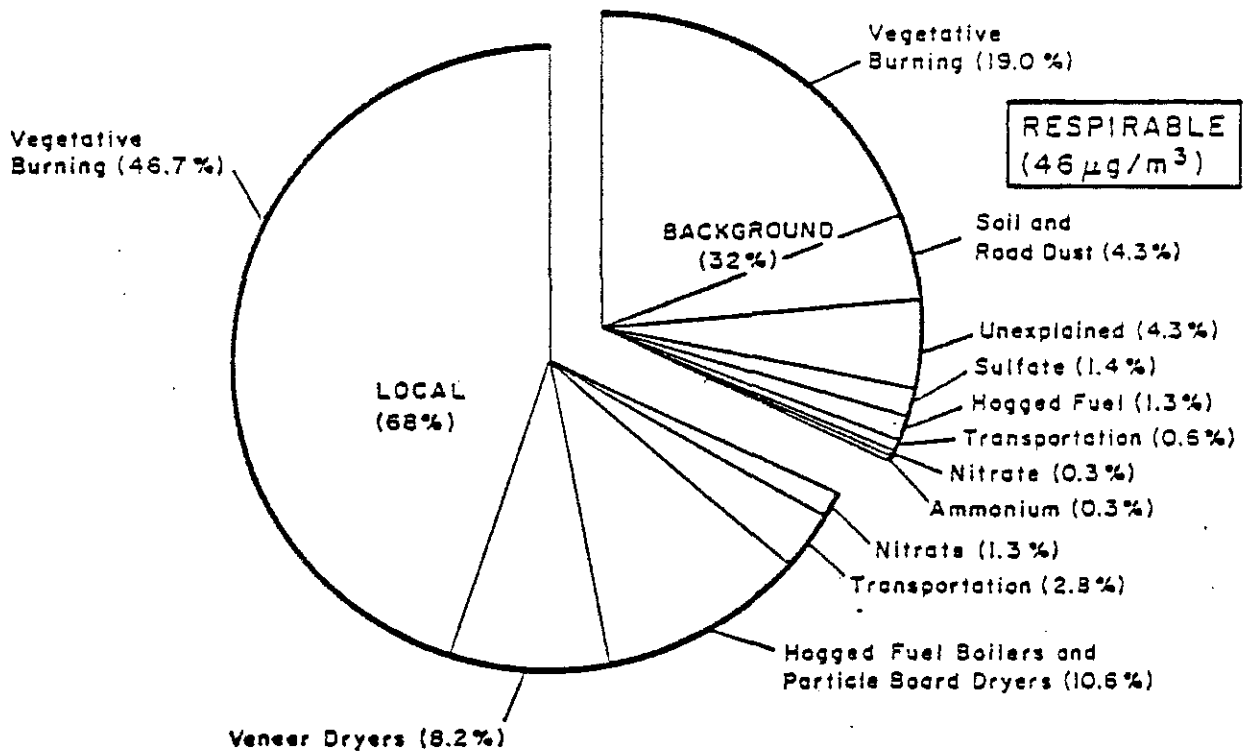
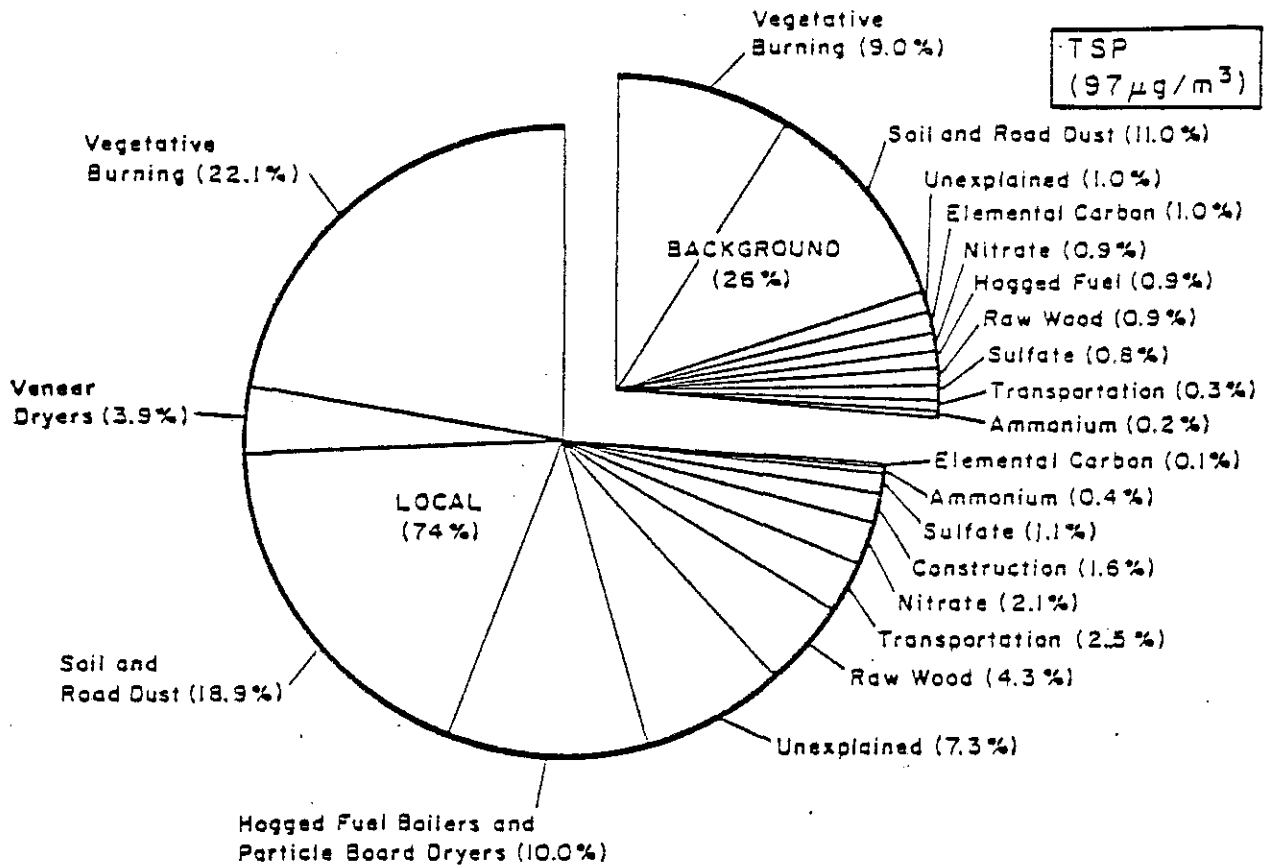


Figure 4.10-6

Residential Wood Burning and Industrial Emission Trends in the Medford AQMA

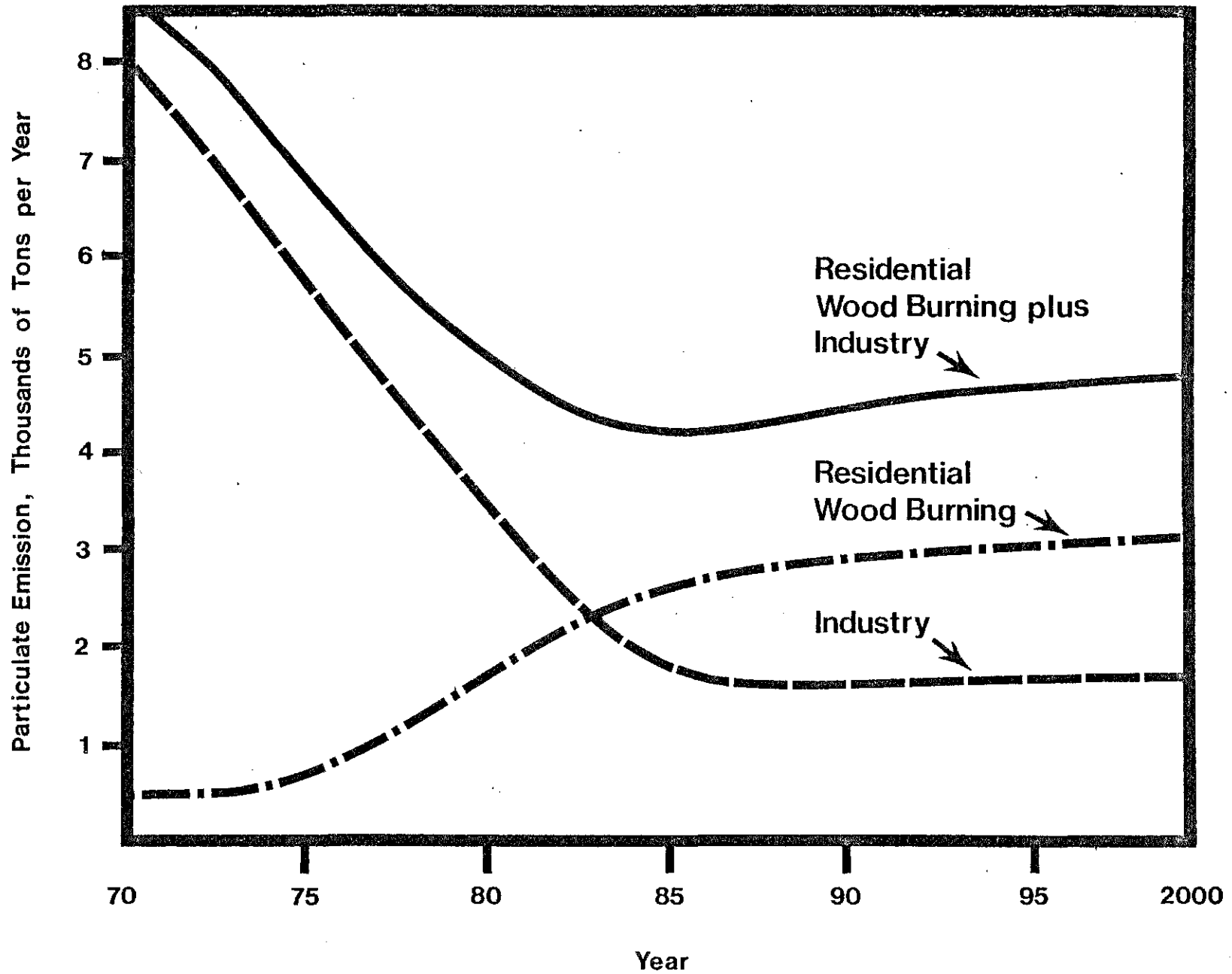


Table 4.10.3-2

Source Category	PROJECTED SOURCE CONTRIBUTIONS IN 1984 Annual Average TSP Impact (ug/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 ug/m³ (annual geometric mean). The MACS concentration of 97 ug/m³ 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 ug/m³, 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 ug/m³ by 1984. Thus, a 30 ug/m³ reduction would be needed to meet the primary particulate standard of 75 ug/m³ in 1984 and a 45 ug/m³ reduction would be needed to meet the secondary standard of 60 ug/m³.

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/m³ subsequent to MACS. Thus, an additional reduction of 18 ug/m³ 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 ug/m^3 . The new strategy, combined with completion of the industrial control strategy adopted in 1978, is expected to reduce particulate levels by 32 ug/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 (ug/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 ug/m^3 in the Medford area. About 12 ug/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/m³, 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

<u>Sources</u>	<u>Projected Particulate Emissions, Tons Per Year</u>			
	<u>MACS</u>	<u>1984</u>	<u>1990</u>	<u>2000</u>
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. <u>Other</u>	<u>281</u>	<u>308</u>	<u>335</u>	<u>365</u>
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

<u>Source Category</u>	<u>Projected TSP Impact (ug/m³) Annual Geometric Mean</u>					
	<u>1984</u>		<u>1990</u>		<u>2000</u>	
	<u>WS^a</u>	<u>WO^b</u>	<u>WS^a</u>	<u>WO^b</u>	<u>WS^a</u>	<u>WO^b</u>
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

<u>Source Category</u>	<u>Projected RP Impact (ug/m³) Annual Geometric Mean</u>					
	<u>1984</u>		<u>1990</u>		<u>2000</u>	
	<u>WS^a</u>	<u>WO^b</u>	<u>WS^a</u>	<u>WO^b</u>	<u>WS^a</u>	<u>WO^b</u>
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

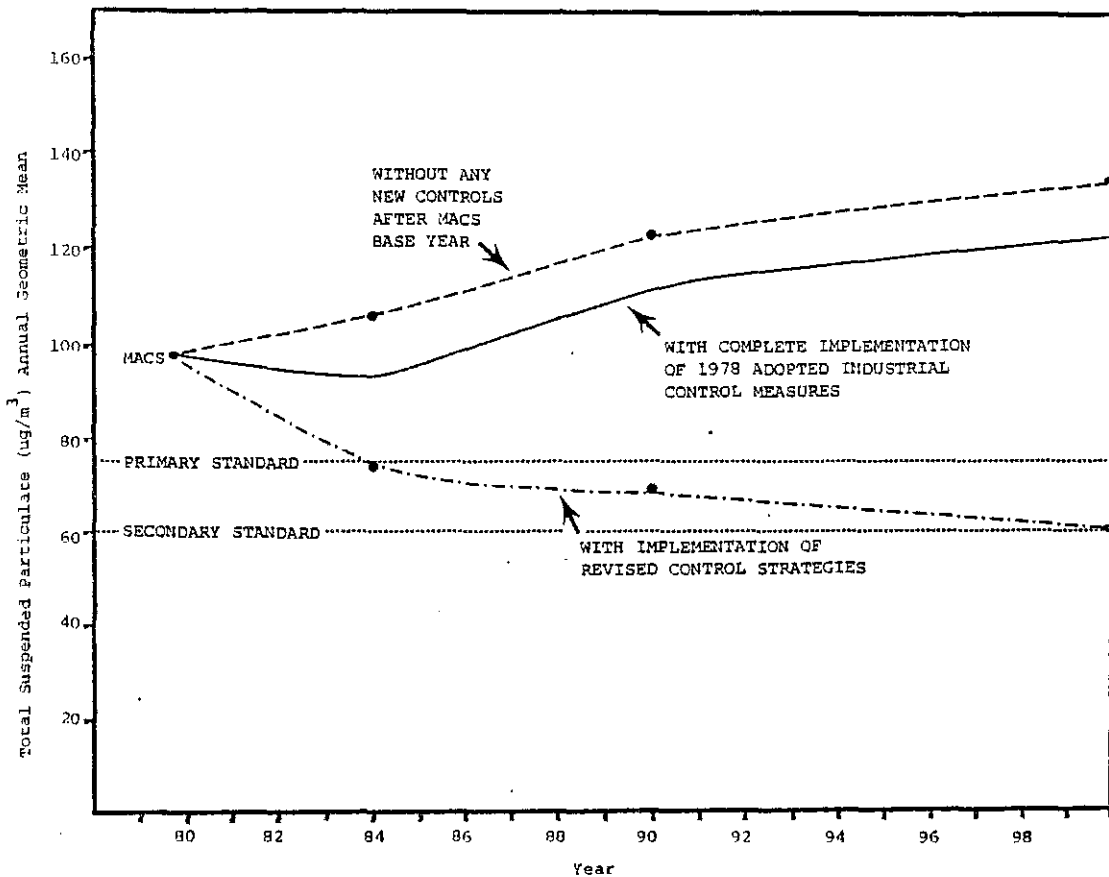
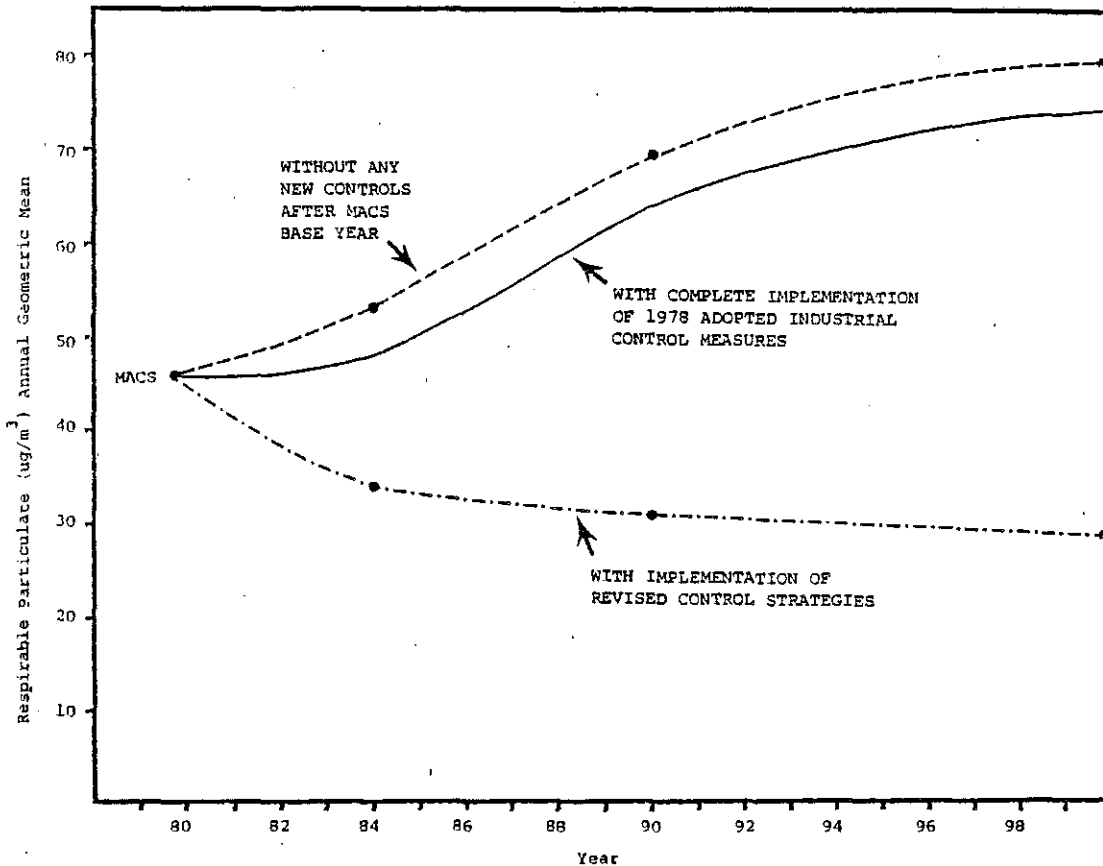


Figure 4.10-8

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

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
R E C E I V E D
SEP 13 1982

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 unhealthful 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.

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.

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.

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 260 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.

- 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

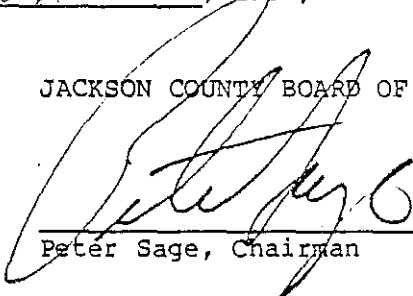
10.1 Persons acting in violation of provisions of this ordinance, or of permits issued, shall be subject to appropriate legal proceedings to enjoin or abate such violation(s).

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 Bladek

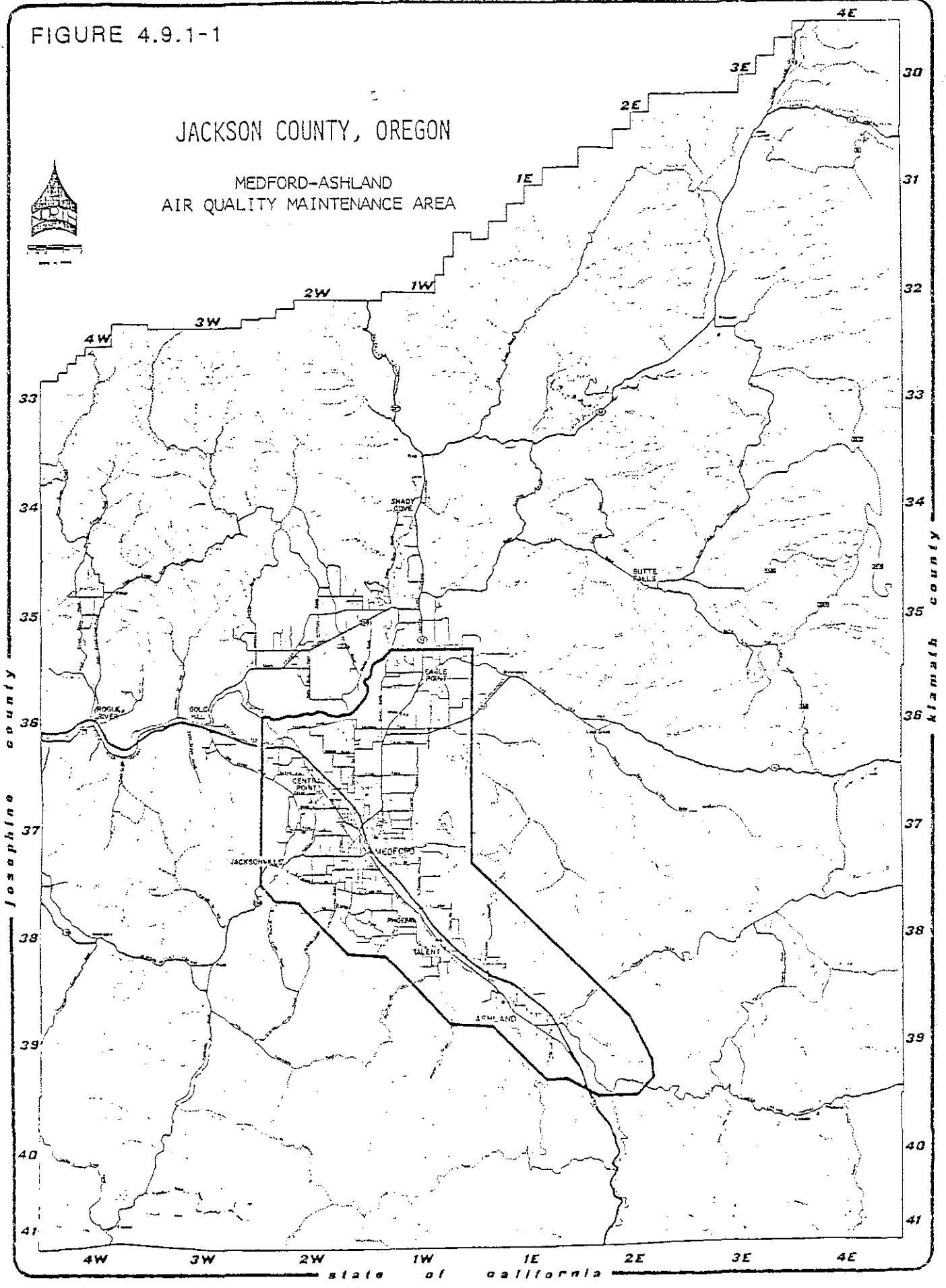
By: Recording Secretary

Neil Blubb

County Counsel

FIGURE 4.9.1-1

JACKSON COUNTY, OREGON
MEDFORD-ASHLAND
AIR QUALITY MAINTENANCE AREA





OFFICE OF THE MAYOR

CITY OF MEDFORD
MEDFORD, OREGON 97501

MEDFORD'S SISTER CITY:
ALBA, ITALY

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

- 391 -
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 250 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-Ordinance No. 4740

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. Kirkham
City Recorder

Jim Haller
Mayor

APPROVED November 11, 1982.

Jim Haller
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. Zerkow St. Neufville
City Recorder Mayor

APPROVED: October 21, 1982. St. Neufville
Mayor

CITY OF MEDFORD

INTER-OFFICE MEMORANDUM

RECEIVED
DEC 15 1982
PLANNING DEPARTMENT

To Planning Director via Public 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

DEC 11 1982
PLANNING DEPARTMENT

To *to* Public Works Director

From Public Works Superintendent *AS*

Subject Sweeping Report

Date August 16, 1982

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.

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



PUBLIC WORKS DEPARTMENT

CITY OF MEDFORD
MEDFORD, OREGON 97501

TELEPHONE: 776-7485
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JAN 20 1983

AIR QUALITY CONTROL

January 17, 1983

Merlyn Hough
DEQ-Air Quality Division
P. O. Box 1760
Portland, Oregon 97207

Subject: Particulate Strategies: Winter Sanding/Cleanup Program

Dear Mr. Hough:

This letter is in addition to the December 17, 1982, documents from the City of Medford regarding program commitments to reduce particulate emissions. This letter describes the Medford winter street sanding and cleanup program.

1. Material. Pea gravel will continue to be used as the sanding material. This material minimizes the amount of fines available for resuspension.
2. Locations. Subject to public safety requirements, a minimal amount of sanding material is normally used. Winter sanding will generally be limited to the necessary curves, intersections and overpasses.
3. Cleanup. Sanding material will be picked up using the regular street sweeping equipment as described in the Sweeping Report. Sanding material will be cleaned up as soon as possible, normally within two days following the icing episode. The prompt cleanup of sanding materials reduces the material resuspension time period.
4. Records. Cubic yards of pea gravel and man-hours spent on winter sanding are included in reports each December and June. This information can be obtained from the Medford Public Works Department by July 1 for the preceding fiscal year.

The City of Medford winter sanding and cleanup program is designed to provide safe driving conditions and also minimize road dust emissions. Please call me if you need additional information on this program.

Sincerely yours,

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

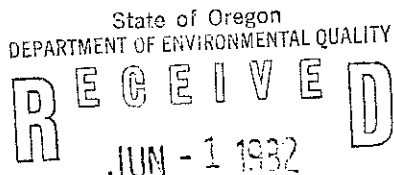
CC: Mayor and Council
(via City Manager)
City Manager
Public Works Superintendent
Planning Director

ahf



May 26, 1982

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



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
Curtilment Ordinance
Solar Access Code
Draft Solar Access Code

RECEIVED
MAY 19 1982

ORDINANCE NO. 2189

AN ORDINANCE AMENDING SECTION 9.08.060 OF THE
ASHLAND MUNICIPAL CODE RELATIVE TO NUISANCES
AFFECTING THE PUBLIC HEALTH - DUST AND TRACKOUT
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."

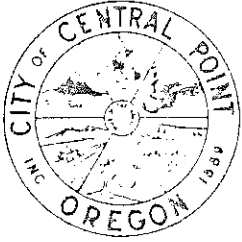
The foregoing ordinance was first read by title only in accordance
with Article X, Section 2(C) of the City Charter on the 6th day
of April, 1982, and duly PASSED and ADOPTED this 30th day of
April, 1982.

ATTEST:

Nan E. Franklin
Nan E. Franklin
City Recorder - Treasurer

SIGNED and APPROVED this 22nd day of April, 1982.

Don Laws
Don Laws
Acting



CITY OF CENTRAL POINT

OFFICE OF THE MAYOR

155 SOUTH 2ND - P.O. BOX 3576

CENTRAL POINT, OREGON 97502

DON JONES
MAYOR

4 June 1982

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 07 1982

AIR QUALITY CONTROL

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.

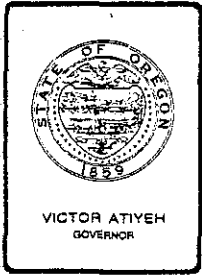
We hope this information helps you in your efforts.

Sincerely yours,

The City of Central Point


Don Jones
Mayor

DJ:DK:ris
cc: Council reading file
DEQ file
file



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

RECEIVED
JUN 1 1982

AIR QUALITY CONTROL

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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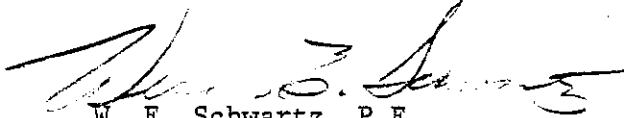
JUN 7 1982

OFFICE OF THE DIRECTOR

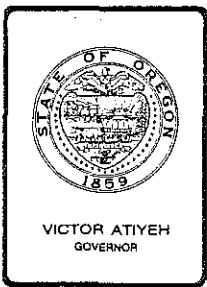
William H. Young
Page 2
June 1, 1982

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



Department of Transportation

HIGHWAY DIVISION

MAINTENANCE SECTION - P. O. BOX 14030 - SALEM, OR 97310

In Reply Refer to
File No.:

ENV 6

January 21, 1983

Merlyn L. Hough
Air Quality Control Division
Department of Environmental Quality
522 S.W. 5th
Portland, OR 97204

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 26 1983
AIR QUALITY CONTROL

Street Sweeping and Sanding
Medford AQMA

This is an update and report of the Highway Division's response to help implement trackout and street sanding/sweeping control measures in the Medford area. We have implemented the following changes to reduce air pollution while continuing to meet traffic safety objectives on the state highway system in the Medford area.

1. Sanding materials are now washed pea gravel to eliminate and reduce fines available for resuspension.
2. While we are trying to minimize the use of sanding material, we find that the clean pea gravel requires slightly heavier application rates than the finer sanding material. We still endeavor to follow the Highway Division policy for sanding rates.

Our experience is that the North Medford area, where we are confronted with fallout from fog seeding operations, continues to be a serious problem.

3. Our District office works with the City of Medford on the cleanup of sanding materials and we generally try to clean up the material within one week of the end of a storm. Once again, our experience in the North Medford area with the continued prevalence of high humidity, fog and ice conditions has made this routine difficult.

The Highway Division has reviewed its construction contract Standard Specifications and project Special Provisions for the inclusion of appropriate terminology relating to local ordinances concerning the deposition of soil materials from construction

sites onto paved roadways. Our contract language leaves the responsibility up to the contractor to determine the specific ordinances that apply. Experience tells us that being more detailed increases the chance of leaving out the newest revisions to ordinances.

The Oregon State Highway Division is interested and concerned both in a healthful environment and safe operation of the state highway system and our response will continue toward those objectives.



John W. Sheldrake, P.E.
Maintenance Operations Engineer



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
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APR 29 1982

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.

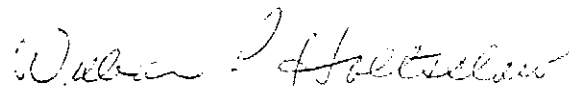
If it can be demonstrated that problems are originating from the indicated areas, it would seem preferable to try voluntary regulation before instituting a mandatory system. Experience has shown that the forest land owners in these kinds of areas will voluntarily refrain from burning when smoke would 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



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Medford District Office
3040 Biddle Road
Medford, Oregon 97501

IN REPLY
REFER TO:

5409(110.31)

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

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JAN 31 1983

JAN 27 1983

AIR QUALITY CONTROL

Dear Mr. Hough:

In reply to your letter of December 30, 1982, our comments are as follows:

The Medford District currently attaches a stipulation packet to each firewood permit or contract. This packet outlines the stipulations under which the wood can be cut and has an attachment on utilization and seasoning of wood.

We have shifted our wood cutting from virtually 100% fall cutting for both logging debris and hardwoods to approximately 40% of the volume being cut, depending on weather conditions, between February and June. Most of this volume is hardwood while the emphasis on fall cutting is on the removal of logging debris.

The BLM disposes of firewood by free-use permits, short form contracts, and regular timber sale contracts. Free use permits are normally issued in areas which contain forest residues having no in-place value for domestic or commercial use. The short form contract (Form 5450-5) is used for domestic/home use contracts and for some negotiated commercial contracts having a value of under \$1,000.00.

A minimum charge of \$10.00 per contract is required under current regulations and the normal contract is for two cords of wood at \$5.00 per cord when selling for domestic use. The recommended value for commercial wood on negotiated sales is \$10.00 per cord plus a \$2.00 road maintenance fee, and may be more or less depending on actual conditions and contract requirements. Advertized sales are usually offered for oral auction at \$5.00 per cord plus maintenance.

Records are kept for free use permits and short form contracts on a monthly basis, with the wood usually being cut within one to two weeks of issuance. Larger long form sales may have a contract duration of six months or longer, and if the sale has been paid in full, may not be reported as cut until the expiration date.

With an increasing demand for commercial firewood, we may in the future have larger project type long-term sales to provide an even flow of firewood from lands under BLM management. Beginning this past fall, a large amount of our

commercial firewood has been transported out of the Rogue Valley to California and Nevada by truck or rail. If this trend continues, the demand for hardwoods will increase making less available for local domestic use.

If you have any further comments or questions regarding the Medford District firewood program, contact Bob Anderson at 776-4172.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Hugh R. Shea".

District Manager

cc: Gardner Ferry, OSO 932

(The U.S. Forest Service commitments on firewood seasoning programs will be included here. The written commitments are expected by February 25, 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

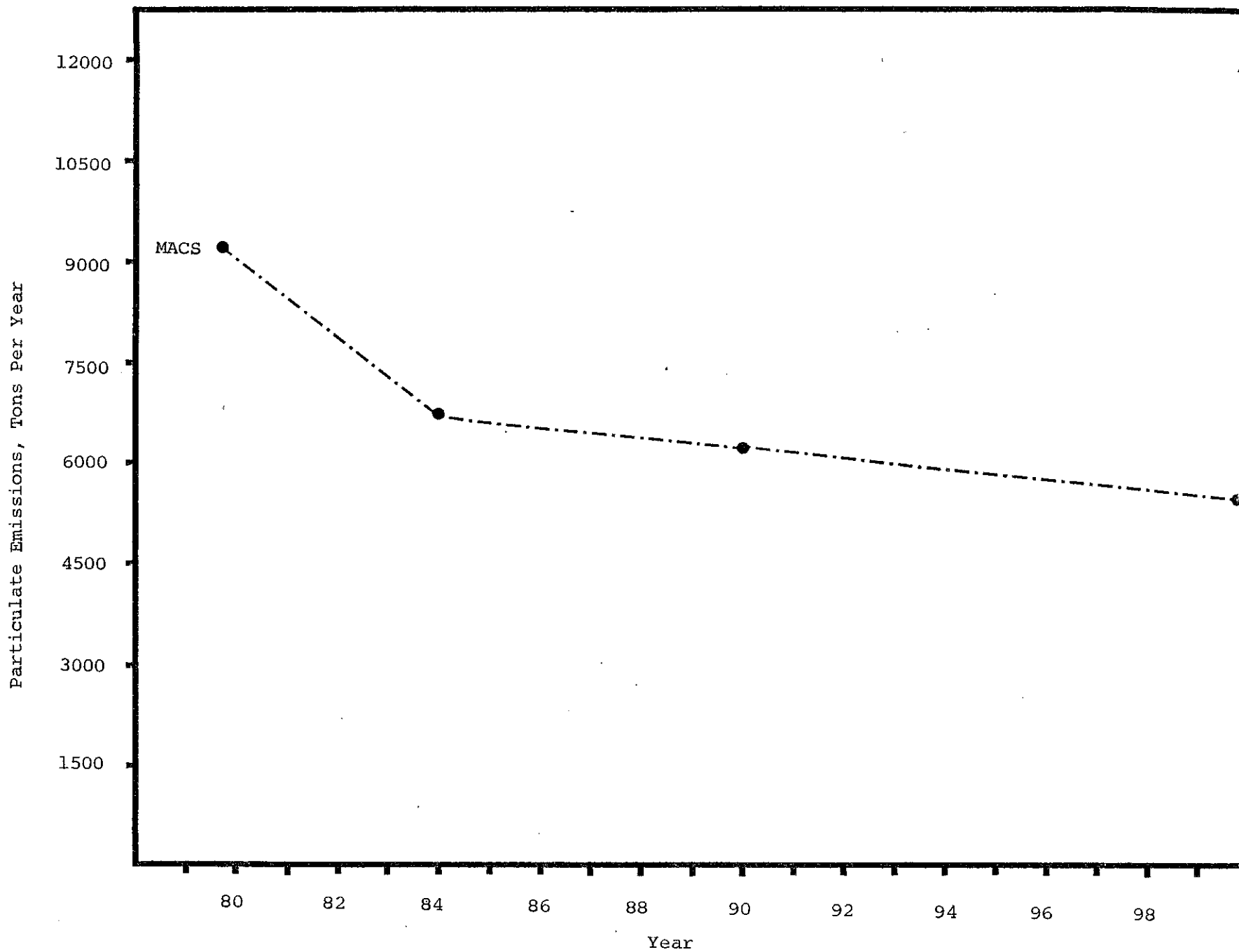
4.10.6 REASONABLE FURTHER PROGRESS

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 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.

Appendix 4.10-1

LEGAL DEFINITION OF PARTICULATE NONATTAINMENT AREA
WITHIN THE MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA

The area projected to exceed the secondary National Ambient Air Quality Standard for Total Suspended Particulate in 1984 within the Medford-Ashland Air Quality Maintenance Area is legally defined as the area within the bounds of the Universal Transverse Mercator (UTM) mapping and coordinate system, zone 10, as follows:

Beginning at the point of intersection of the UTM easting coordinate 510 kilometers (510 kmE) and the UTM northing coordinate 4700 kilometers (4700 kmN), extending thence east along the last referenced coordinate to the intersection with UTM 514 kmE, thence south along the last referenced coordinate to the intersection with UTM 4698 kmN, thence east along the last referenced coordinate to the intersection with UTM 516 kmE, thence south along the last referenced coordinate to the intersection with UTM 4694 kmN, thence west along the last referenced coordinate to the intersection with UTM 514 kmE, thence south along the last referenced coordinate to the intersection with UTM 4688 kmN, thence east along the last referenced coordinate to the intersection with UTM 516 kmE, thence south along the last referenced coordinate to the intersection with UTM 4680 kmN, thence west along the last referenced coordinate to the intersection with UTM 508 kmE, thence north along the last referenced coordinate to the intersection with UTM 4682 kmN, thence west along the last referenced coordinate to the intersection with UTM 506 kmE, thence north along the last referenced coordinate to the intersection with UTM 4694 kmN, thence east along the last referenced coordinate to the intersection with UTM 510 kmE, thence north along the last referenced coordinate to the point of beginning.

ATTACHMENT 4

AGENDA ITEM H

2/25/83 EQC MEETING

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) 0.30 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct natural gas or propane fired veneer dryers;

(b) 0.30 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.

(5) A public hearing shall be held no later than April 1, 1988 to determine if the upgrading of veneer dryer control equipment to meet the emission limits in 340-30-020(2)(d) and (3) is necessary to attain the particulate standards, and to consider amendments to these limits.

[(3)] (6) 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)] (7) 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)] (8) 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.]

(9) 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)] (10) 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.

(11) 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:

Division	Submit Plans to the Dept.	Place Purchase Orders	Begin Construction	Complete Construction	Demonstrate Compliance
-020 <u>(2)(c)</u> <u>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)
2/1/83

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>10/1/83</u>	<u>6/1/84</u>
<u>Emissions</u>		
<u>Control</u>		

MLH:a
AA2350 (1)
2/1/83

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.

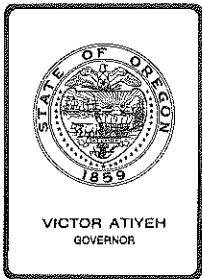
- (2) The purposes of the operation and maintenance plans are to:
- (a) Reduce the number of upsets and breakdowns in particulate control equipment;
 - (b) Reduce the duration of upsets and downtimes; and
 - (c) Improve the efficiency of control equipment during normal operations.
- (3) The operation 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>10/1/83</u>	<u>6/1/84</u>
<u>& Maintenance</u>		

MLH:a
AA2349 (1)
2/1/83



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. I, February 25, 1983 EQC Meeting

Report on Disposal of Liquid Scintillation Counting
Waste at Arlington Pollution Control Center

Background

Radionuclide tracers are used extensively in biomedical research and for the diagnosis of diseases in humans. One of the end products of these research and medical activities is radioactive wastes contained in an organic solvent (liquid scintillation media) or animal carcass.

Two of the most commonly used radionuclides in biomedical research (and to a lesser extent in medical procedures) are hydrogen-3 (tritium) and carbon-14. The concentrations of these radionuclides in biomedical waste are minute, generally less than 0.05 microcuries per gram.

Liquid scintillation counting (LSC) has become a widespread technique for detecting radioactivity in biological samples such as blood or urine. Typically, a fraction of a milliliter of the biological sample containing tracer levels of hydrogen-3 or carbon-14 is combined with 20 milliliters or less of an organic solvent such as toluene, benzene or p-dioxane in a small vial to make a liquid scintillation medium. The vial is placed in a liquid scintillation counter and the biological sample is assayed (see Attachment I for a more complete discussion of LSC).

Until recently, the Nuclear Regulatory Commission (NRC) required LSC wastes and radioactively contaminated animal carcasses to be disposed of at radioactive waste burial sites. On October 8, 1980, however, the NRC proposed to deregulate certain biomedical research and medical wastes containing radioactivity below 0.05 microcuries per gram (principally LSC and animal carcass wastes). The NRC cited several reasons for taking such action:

1. The chemical (flammable, toxic) or biological (pathogenic) hazards were greater than the radiological hazard.
2. The chemical or biological fluids could increase the leaching and migration of radioactivity from other wastes in a burial trench.

3. Valuable trench volume (only three commercial low-level radioactive waste disposal sites operating at this time) was being used up by wastes whose principal hazards were chemical or biological.
4. Other acceptable alternatives existed in the form of incinerators, solid or hazardous waste landfills, and sanitary sewers that could handle some or all of the LSC and animal carcass wastes.

On March 11, 1981, the NRC finalized their deregulation of certain biomedical research and medical procedure wastes (see Attachment II).

In response to the NRC's action, the Oregon Department of Energy (in consultation with the Health Division and DEQ) proposed to amend ORS Chapter 469 to allow LSC and animal carcass wastes containing radioactivity to be treated or disposed of at a hazardous waste disposal facility. Contained in SB 108, ORS 469.525(2) was amended to read:

"(2) Medical, industrial and research laboratory wastes contained in small, sealed, discrete containers in which the radioactive material is dissolved or dispersed in an organic solvent or biological fluid for the purpose of liquid scintillation counting and experimental animal carcasses shall be disposed of or treated at a hazardous waste disposal facility licensed by the Department of Environmental Quality and in a manner consistent with rules adopted by the Department of Environmental Quality after consultation with and approved by the Health Division."

SB 108 passed and became Chapter 581 - Oregon Law 1981.

Lynn Frank, Director of DOE, requested that DEQ and Health Division take the actions necessary to implement ORS 469.525(2).

Evaluation

The Department routinely authorizes waste toluene from industrial processes to be disposed of at the Arlington Pollution Control Center (APCC) as an ignitable hazardous waste. Although used less frequently by industry, benzene and p-dioxane wastes are also authorized by the Department for disposal at APCC. To date, biological wastes such as animal carcasses have not been disposed of at APCC.

On January 26, 1982, the Department forwarded its current hazardous waste rules to the Health Division for review and approval according to the requirement in ORS 469.525(2). On March 9, 1982, the Health Division found the rules adequate to regulate the disposal of LSC wastes. They concurred with our opinion that rules would be needed to regulate animal carcasses contaminated with radioactivity. On November 9, 1982, the Health Division recommended that no rules be adopted for animal carcasses since they can

continue to be disposed of at Washington's Low-Level Radioactive Waste Disposal Site at Hanford (operated by U.S. Ecology). This is confirmed in a letter of November 4, 1982, from Washington's Department of Social and Health Services - Radioactive Waste Program, in which they state that a December 31, 1983 cutoff of LSC wastes only is contained in U.S. Ecology's license no. WN-1019-2.

On August 18, 1982, the Department further proposed to the Health Division that LSC wastes be shipped to the APCC in "lab packs." Lab packs were first proposed by EPA on November 17, 1981, as an acceptable way to store, transport and dispose of small containers of chemically hazardous laboratory chemicals. Specifically, the procedure calls for placing sealed containers of laboratory chemicals in a 55-gallon metal drum with a volume of absorbent material, such as fullers earth or vermiculite, adequate to absorb all the liquid content of the inside containers. The Health Division concurred with the Department's recommendation on November 9, 1982.

In its March 11, 1981 report, the NRC estimated that approximately 400,000 cubic feet of landfill space would be needed to dispose of LSC wastes annually. In discussions with Nancy Kenner of Washington's Radioactive Waste Program on January 31, 1983, however, we learned that Hanford received only 745 cubic feet of LSC wastes in September 1982, or approximately 9000 cubic feet annually. Further, the site operator has noted in their reports to Washington a noticeable drop in receipt of LSC wastes recently. Apparently, NRC's recognition of other acceptable alternatives is resulting in a multiplicity of solutions for the management of LSC wastes. To put 9000 cubic feet in perspective, for the period November 1981 to October 1982, the APCC received 116,000 cubic feet of ignitable wastes and receives approximately 2.0 million cubic feet annually of all wastes.

Conclusion

1. On March 11, 1981, the NRC deregulated certain biomedical research and medical procedure wastes containing radioactivity (LSC wastes and animal carcasses containing hydrogen-3 or carbon-14).
2. The 1981 Legislature in regular session amended ORS 469.525(2) to allow LSC wastes and animal carcasses to be treated or disposed of at a hazardous waste disposal site according to rules adopted by the DEQ and approved by the Health Division.
3. The Health Division finds the Department's current hazardous waste rules adequate to manage LSC wastes. The Health Division further recommends that animal carcasses continue to be disposed of at Washington's Low-Level Radioactive Waste Disposal Site at Hanford.

4. The Health Division further concurs that LSC wastes be stored, transported and disposed of in EPA-approved "lab packs."
5. Considering other available disposal options that generators have, the increase in waste volume at Arlington should be small.

Recommendation

Based upon the Evaluation and Conclusion, it is recommended that the Commission concur with the Director's decision to allow LSC waste to be disposed at the APCC. As with other chemically hazardous waste, generators of LSC wastes would be subjected to the prior approval program currently in effect.



William H. Young

Attachments:

- I - Liquid Scintillation Counting
- II - Federal Biomedical Waste Disposal Rules, 10 CFR Part 20 (3/11/81)

Richard P. Reiter:c
ZC837
229-6434
February 4, 1983

LIQUID SCINTILLATION COUNTING

All methods of detecting ionizing radiation involve an energy transfer from the radiation itself to the detecting system. One way involves taking advantage of the property of certain substances to give off visible light as a result of radiation interaction. For radioisotopes such as tritium (hydrogen-3) and carbon-14, the low energy beta radiation produced by nuclear decay is quite non-penetrating in nature. In practice, the energy of the beta particles from tritium and C-14 are so low that they cannot penetrate a sample vial or the window of an external detector. Liquid scintillation counting was developed as a technique to easily detect such low energy radiations. The process works by incorporating the sample, containing the low energy beta emitter, into a solution containing chemical substances capable of producing visible light upon absorption of energy from beta particles in the same vial.

The flashes of light produced by this direct sample-detector interaction are detected by horizontally opposed photomultiplier tubes, and the resulting electrical impulses are quantified by the instrument's amplifiers and scalar components.

Because of the nature of the scintillating chemicals used, only certain solvents have proven to be acceptable to contain the sample-fluor mixture. Examples of such solvents are toluene, benzene and p-dioxane.

In practical terms, the counting vials, ranging from 10 ml volume to about 20 ml and made from either plastic or glass, are not reusable. The entire vial, with the sample/cocktail mixture, becomes the solid waste result of liquid scintillation analysis. The radioactive component of liquid scintillation waste is very low in concentration and is a very low energy beta emitter with little biological significance. The overriding concern from the

use and disposal of these wastes involves those types of precautions one would take in handling flammable, and in some cases, hazardous chemical wastes.

Wednesday
March 11, 1981

REGISTRATION REPORT

Part III

**Nuclear Regulatory
Commission**

Biomedical Waste Disposal

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Biomedical Waste Disposal

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations to permit licensees greater leeway in disposing of liquid scintillation media and animal carcasses containing tracer levels of hydrogen-3 (tritium) or carbon-14. These rule changes will primarily affect NRC licensed hospitals and medical research institutions. Most licensees presently dispose of these items by sending them to a radioactive waste burial ground or by obtaining special authorization from NRC for incineration or onsite burial. Under the new regulations, the licensee may dispose of specified concentrations of these materials without regard to their radioactivity. The NRC is also amending its regulations to raise the annual limits for disposal of hydrogen-3 and carbon-14 by release to the sanitary sewerage systems. The rule changes will conserve waste burial capacity that is already in short supply.

EFFECTIVE DATE: March 11, 1981.

ADDRESSES: Copies of the value/impact analysis and the analysis of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Single copies of the value/impact analysis are available from John R. Cook, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301-427-4240).

FOR FURTHER INFORMATION CONTACT: John R. Cook, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301-427-4240).

SUPPLEMENTARY INFORMATION:

Background

Radionuclide tracers are used extensively in biomedical research and for the diagnosis of diseases in humans. One of the end products of these research and medical activities is radioactive wastes. These wastes are usually shipped to radioactive waste burial grounds although certain water soluble or dispersible wastes are released into sanitary sewerage systems. Two of the most commonly used radionuclides in biomedical research (and to a lesser extent in medical procedures) are hydrogen-3 and

carbon-14. The concentrations of these radionuclides in biomedical waste are minute, generally less than 0.05 microcuries per gram.

Liquid scintillation media and animal carcasses, both containing tracer quantities of hydrogen-3 or carbon-14, constitute the largest volume of radioactive biomedical waste.

Liquid scintillation counting has become a widespread technique for detecting radioactivity in biological samples such as blood or urine. Typically, a fraction of a milliliter of the biological sample containing tracer levels of hydrogen-3 or carbon-14 is combined with 20 milliliters or less of an organic solvent, primarily toluene, in a small vial to make a liquid scintillation medium. The vial is placed in a liquid scintillation counter, and the biological sample is assayed. The vials are used once and then collected for shipment to a radioactive waste burial ground.

Research laboratories and hospitals throughout the country presently use between 84 and 159 million vials per year, which represents between 200,000 and 400,000 gallons of liquid scintillation media. Disposal of this waste in radioactive waste burial grounds requires approximately 400,000 cubic feet of space at a cost of over \$13 million per year for packing materials, transport, and disposal (this does not include the cost of licensee labor or overhead). Liquid scintillation media are approximately 43% of the total volume of radioactive waste shipped to burial grounds that is not related to industrial applications or nuclear power generation and its supporting fuel cycle.

Animals are used in research mainly for the development and testing of new drugs. Virtually every chemical compound that is considered for use as a human or veterinary drug is first tagged with a hydrogen-3 or carbon-14 tracer and injected into research animals to study how the chemical compound behaves. These research animals include mice, rats, dogs, monkeys, swine, and sheep. The animal carcasses containing tracer quantities of hydrogen-3 and carbon-14 are usually shipped to radioactive waste burial grounds. Animal carcasses annually require about 80 thousand cubic feet of burial space at a cost of almost \$3 million per year. Animal carcasses are approximately 9% of the total volume of radioactive waste shipped to burial grounds that is not related to industrial applications or nuclear power generation and its supporting fuel cycle.

There are other hydrogen-3 and carbon-14 waste streams in the research laboratory that do not result in liquid scintillation vials and animal carcasses:

for example, the solutions and attendant material used to prepare the research samples. These materials also contain tracer levels of hydrogen-3 and carbon-14.

Under present NRC regulations, hydrogen-3 and carbon-14 wastes that are readily soluble or dispersible in water can be disposed of by release to the sanitary sewerage systems. The annual limit for release to the sanitary sewerage systems is found in 10 CFR 20.303 and is limited to a total of 1 curie for all radionuclides per year for each licensee. Several associations of academic institutions have together asked the Radiation Policy Council to suggest that NRC raise this limit to 5 curies per year for hydrogen-3, 1 curie per year for carbon-14, and 1 curie per year for all other radionuclides. This rule amends the regulations accordingly. This change will result in a negligible addition to the level of these radionuclides already present in the natural environment.

There are alternatives for disposal of liquid scintillation media and animal carcasses containing hydrogen-3 and carbon-14 other than consignment to a radioactive waste burial ground. Liquid scintillation media can be evaporated, distilled, burned, or buried on a licensee's site if an appropriate location is available. Animal carcasses can be incinerated in a pathogen incinerator. Currently, one of these alternatives to radioactive waste burial are readily available. Generally, liquid scintillation media and animal carcasses with any added hydrogen-3 or carbon-14 are being handled as radioactive waste and consigned to a radioactive waste burial ground under NRC's regulations (10 CFR 30.41 and 20.301) and similar Agreement State regulations.

The state agencies that control the existing radioactive waste burial grounds do not want to accept liquid scintillation media or animal carcasses. Liquid scintillation media are flammable and are suspected of leaching other radioactive chemicals out of the burial trenches. Also, some of the shipping containers arrive at the burial grounds leaking. Liquid scintillation media are chemically toxic and are suspected of being carcinogenic and thus pose a waste hazard unrelated to their radioactive character. Animal carcasses decompose and can be a pathogen hazard. Sometimes the animal carcasses will cause their containers to burst during shipment. The voids formed in the burial trenches by the decaying animal carcasses are also believed to contribute to migration of chemicals by

increasing rain water percolation in the trenches.

The three operating commercial radioactive waste burial grounds in the U.S. are located in Barnwell, South Carolina; Beatty, Nevada; and Richland, Washington. The Richland, Washington and Beatty, Nevada sites accept both liquid scintillation media and animal carcasses. However, after December 1984, the Richland, Washington site will not accept liquid scintillation media. The Barnwell, South Carolina site does not accept liquid scintillation media but does accept animal carcasses. At all three sites, the state regulatory bodies are attempting to reduce the volume of incoming waste to prolong site use.

During a temporary state-imposed embargo in mid-1979, some hospitals and research institutions across the country apparently came within days of curtailing operations involving liquid scintillation counting and animal research before the radioactive waste burial grounds in Richland, Washington and Beatty, Nevada resumed accepting liquid scintillation vials and animal carcasses.

The Rule

This final rulemaking will allow NRC licensees to dispose of liquid scintillation media and animal carcasses containing less than 0.05 microcuries of hydrogen-3 or carbon-14 per gram without regard to their radioactivity. This regulation will not relieve licensees from complying with other applicable regulations of federal, state, and local government agencies regarding the disposal of non-radioactive materials. Scintillation media are toxic and flammable, and animal carcasses are sometimes pathogenic. These characteristics, which are a more important public health problem than their radioactivity, may require them to be disposed of under applicable federal, state, and local laws governing chemical and biological hazards. This rulemaking will also allow licensees to dispose by release to sanitary sewerage systems of up to 5 curies of hydrogen-3 and 1 curie of carbon-14 per year, in addition to the presently allowed 1 curie per year for all radionuclides. Neither the rulemaking allowing disposal of liquid scintillation media and animal carcasses without regard to their radioactivity nor that raising the limit for disposal of hydrogen-3 and carbon-14 to sanitary sewerage systems, authorizes disposal of liquid scintillation media (e.g., toluene) into the sanitary sewerage systems.

The rule will essentially remove any NRC restrictions on the disposal of liquid scintillation media and animal

carcasses. It will no longer be necessary for NRC licensees to ship these materials, which could pose a chemical and biological hazard, up to thousands of miles across the country for disposal in a radioactive waste burial ground. NRC Agreement States could make similar amendments to their regulations in order to extend the benefit of this action to their licensees.

The value/impact analysis prepared by the NRC staff to support the rule concludes that this rule change is the best solution to the problem of disposal of liquid scintillation media and animal carcasses containing tracer amounts of hydrogen-3 and carbon-14. If also adopted by the Agreement States, this action would save hospitals and research institutions in excess of \$13 million annually (\$16 million for the cost of packaging materials, transportation, and disposal, minus the \$3 million estimated for non-radioactive waste disposal). Also, it will save almost one-half million cubic feet of radioactive waste burial capacity annually, or half of that used for radioactive waste not related to industrial applications or nuclear power generation and its supporting fuel cycle.

The value/impact analysis indicates that the action is non-substantive and insignificant from the standpoint of environmental impact. The amount of hydrogen-3 and carbon-14 that might be released to the environment each year as a result of the rule change pertaining to scintillation media and animal carcasses is small (28 curies and 6 curies respectively), particularly when compared to the steady state environmental inventory of 28 million curies of hydrogen-3 and 280 million curies of carbon-14. Calculations employing conservative assumptions indicate that if radiation exposure occurs as a result of the rule change, the maximum dose to exposed individuals is likely to be less than 1 millirem per year.

The value/impact analysis shows that highest estimated collective dose results from the assumed incineration of all 6 curies of carbon-14 contained in liquid scintillation media and animal carcasses. We calculate this release will result in a total of about 0.4 health effect during the next 1,000 generations. The average lifetime dose per person would be about 0.000001 millirem (this is a fraction of a percent of the dose and health effects attributable to natural background radiation). If incineration were to continue for the next 50 years, the average lifetime dose would be about 0.00005 millirem (for perspective, the average dose per person from a coast-to-coast airline flight is about 2.5

millirem). Further, the doses resulting from incineration of hydrogen-3 or the release to the sanitary sewerage systems of hydrogen-3 and carbon-14 are calculated to be much less than the dose from incineration of carbon-14.

In summary, the amendments concerning the disposal of tracer levels of hydrogen-3 and carbon-14 in liquid scintillation media and animal carcasses are appropriate because: (a) the amendments will not pose an unreasonable risk to the common defense and security and to the health and safety of the public; (b) disposal of these wastes in radioactive waste burial grounds is expensive and without benefit commensurate with the expense; (c) the flammability of liquid scintillation media (organic solvents) and the decomposition of animal carcasses cause a significant problem in transporting these wastes to burial grounds; and (d) these wastes consume a significant portion of radioactive waste burial capacity which is in short supply.

Similarly, the amendment raising the limit for sanitary sewerage disposal of hydrogen-3 and carbon-14 is appropriate because it will not pose an unreasonable risk to the public. In addition, the shipment of this waste to radioactive waste burial grounds is costly and consumes valuable burial space that could be made available for more hazardous radioactive waste.

The Comments

This rule was published as a proposed rule in the Federal Register of October 8, 1980 (45 FR 67018). The final rule is essentially the same as the proposed rule except for minor editorial changes and an additional statement regarding the non-radioactive hazardous and toxic properties of the wastes. This additional statement was included at the request of the Environmental Protection Agency and is discussed below under the heading *Fate of Wastes*. The Federal Register notice on the proposed rule contained essentially the same background information provided above, and invited public comments for a 45 day period ending November 24, 1980.

NRC received 321 comments on the proposed rule from academic institutions, medical facilities, state governments, professional groups, private individuals and special interest groups. Two hundred seventy one commenters supported the rule, 44 opposed it and 7 commented without indicating support or opposition. The comments supporting the rule came primarily from institutions, professional

groups and individuals whose work would benefit from the rule and they cited those benefits both to their research and to society. The comments opposing the rule were split between individuals who were opposed to any release of radioactive material into the environment and individuals or special interest groups who were concerned about where this rule would lead, e.g., to a policy of dispersal of radioactive material as opposed to containment.

The comments addressed the following aspects of the proposed rule.

Need

Most of the 271 commenters who supported the rule stated their reasons. Their reasons are basically the same as those stated in the preamble to this rulemaking. The estimates of annual savings offered by the commenters if the proposed regulations went into effect ranged from \$2,000-\$250,000, depending on the size of the institution's biomedical program. Some of the organizations that supported the rule were the National Institutes of Health, the American Medical Association, the American College of Nuclear Physicians, the American College of Radiology, the American Hospital Association, the Joint Commission on Accreditation of Hospitals, the Society of Nuclear Medicine, the Endocrine Society, the American Council on Education, Scientists for Public Safety and the Intersociety Council for Biology and Medicine.

A few of the opposing comments questioned the need for the rulemaking. One of these commenters asked, "If there were no space problems, would the question of changing the regulations ever have arisen?"

The answer to this question is, yes, the regulations need changing even without the problem of space in the burial grounds because present regulations impose an economic and administrative burden on licensees that is not justified. As one commenter who favored the proposed rule observed:

" * * * My own experience is that the strict regulations now in effect have resulted in the holding of hundreds of dead carcasses until money becomes available for proper packaging of these materials for disposal. The result has been a significant reduction in research and a reluctance to undertake projects which involve low levels of radioactivity in animals. Thus, my experience indicates that present restrictions have inhibited research * * *"

There are additional reasons for the rule changes regarding safety at the burial grounds, transportation to the burial grounds and safety in the laboratory. The problems in shipping

these wastes to the burial grounds and the problems that these wastes cause in the burial trenches are discussed above under *Background*. Regarding safety in the laboratory, one commenter favoring the regulation observed:

"I believe the effort expended in meeting previous regulations has been more damaging to the health of my laboratory personnel than the small amount of radiation, i.e., difficulties of lung and skin exposure to toluene-based fluids (despite the use of hoods, gloves, etc.). I hope these hazards will decrease with these rules."

Scope

While one-third of the commenters supporting the rule urged NRC to expand the scope of the rule to include other hydrogen-3 and carbon-14 waste streams or to include other radionuclides in various waste streams, several of the commenters opposing the rule urged NRC to abandon the rule because it might lead to other rulemakings identifying further waste streams or radionuclides as candidates for disposal without regard to their radioactivity. These latter comments most often cited the need for a comprehensive environmental analysis covering all possible radionuclides and all possible waste streams as their reason for opposing this present rulemaking.

The Commission is aware of the merit of having one comprehensive rulemaking to include many or perhaps all of the possible radionuclides and waste streams. This type of comprehensive rulemaking and its associated generic environmental analysis of all of the benefits and risks is theoretically an optimum approach, but as a practical matter it is an unworkable approach. The practical approach is to examine the specific waste streams which contribute a large volume to the burial grounds as candidates for alternative regulatory approaches. The U.S. Radiation Policy Council at their September 25, 1980 public meeting discussed both the generic approach and the specific waste streams approach. At that meeting the Council:

"Adopted a Federal policy acknowledging that there are concentrations of specific radionuclides in specific waste streams which pose such small risks that control for radiation protection purposes is not necessary. In accordance with this policy requested that the NRC present to the (Council's) Working Group by November 18 an interim plan for identification and analysis of specific waste streams beginning with the C-14 and H-3 (tritium) medical waste streams for which early action is appropriate and develop a proposed regulatory framework for this activity."

Single copies of that interim plan, called for by the Council, are available from John R. Cook at the above address.

Fate of Wastes

Several commenters, both for and against the proposed rule, expressed concern about the fate of these biomedical wastes if the NRC allowed disposal without regard to their radioactivity. Most of these commenters were concerned that the liquid scintillation medium toluene, which is flammable and toxic, would be poured down the drain and into the sanitary sewerage systems. The Environmental Protection Agency (EPA), while supporting NRC's amendment covering liquid scintillation media and animal carcasses, recommended that the regulation itself include a clarifying statement that disposal of scintillation media and animal carcasses without regard to their radioactivity will not relieve licensees from complying with other applicable regulations of federal, state and local government agencies regarding chemical and biological hazards. This recommendation was echoed by two other commenters. Also, a group of sanitation workers expressed concern that they might face an increased occupational hazard from the radioactive wastes, which they believed might concentrate in certain sewerage system components.

The preambles to both the proposed rule and this final rule include a statement similar to that recommended by EPA and others. However, the Commission agrees with EPA and those commenters who would like to see such a clarifying statement in the regulation itself regarding the non-radioactive hazards of liquid scintillation media and animal carcasses. Therefore, a statement has been added to the final rule at 10 CFR 20.306(d) as follows:

"(d) Nothing in this section relieves the licensee from complying with other applicable federal, state, and local regulations governing any other toxic or hazardous property of these materials."

Finally, regarding the question of a radiation hazard to sanitation workers from deposition in sewerage system components, because the hydrogen-3 and carbon-14 behave chemically the same as non-radioactive hydrogen and carbon, there is no reason to expect significant deposition or accumulation in sewerage system components. Further, hydrogen-3 and carbon-14 emit weak beta radiations, which are completely shielded by piping, conduit, ground, water, etc.

Concentration Limit

A few commenters questioned the concentration limit in the proposed rule which was set at 0.05 microcuries or less of hydrogen-3 or carbon-14, per gram of liquid scintillation medium or animal tissue. Some commenters simply asked about the basis for the 0.05 microcuries per gram value. One commenter said the concentration limit should be raised to 0.1-0.2 microcuries per gram. Another commenter said that the concentration limit should be lowered to 0.02 or 0.025 microcuries per gram.

The commenter who suggested raising the concentration limit said that this could be done on the basis of the analysis of risks due to releases at these levels. The commenter who suggested lowering the proposed concentration limit offered an analysis which shows that 0.05 microcuries per gram is too high an activity for liquid scintillation counting and that 0.02 microcuries per gram will cover most applications of liquid scintillation counting. This latter commenter pointed out that the "as low as is reasonably achievable" (ALARA) concept of radiation protection dictates going to the lower concentration limit. This same commenter argued for an overall release limit for each licensee based on his analysis which assumes that all of the 200,000-400,000 gallons of liquid scintillation media are released at the maximum 0.05 microcuries per gram level.

The 0.05 microcuries per gram concentration limit was recommended to the Commission by its expert consultants as a level that would cover most biomedical research involving tracer use in animals. The Commission adopted the same level for liquid scintillation media as an administrative simplification, recognizing that the 0.05 microcuries per gram level will be higher than that normally encountered in liquid scintillation work. If the limit were set much closer to the concentrations actually used, licensees would be required to perform more exacting calculations and analytical steps to demonstrate compliance with the rule. This adds to the cost of administration for both the licensees and NRC. Setting the concentration limit at 0.05 microcuries per gram for both animal carcasses and liquid scintillation media does not violate the ALARA principle because the concentrations actually used are controlled by the sensitivity of the counting equipment and the cost of hydrogen-3 and carbon-14 labelled compounds which typically are quite expensive.

The Commission derived its estimates of the potential quantities of hydrogen-3

and carbon-14 released to the environment as a result of this rulemaking from actual production and use data. It would be erroneous to assume that all of the liquid scintillation media would be released at the maximum 0.05 microcuries per gram concentration. This assumption leads to release estimates that exceed the total produced for such uses.

Basically, the value/impact analysis does not indicate the need for a maximum release limit for each licensee. The Commission does not believe that setting the concentration limit higher than that actually used in practice will result in unnecessary (non-ALARA) releases to the environment. The Commission does believe that these higher limits will reduce the cost of administration of these regulations.

Value/Impact Analysis

Several commenters both for and against the proposed rule commented on the preliminary value/impact analysis. A few commenters suggested that the final value/impact analysis consider the impact of multiple users on a common sewerage system disposing of hydrogen-3 and carbon-14 under the new limits. Also, the Environmental Protection Agency recommended lower dilution factors for this part of the analysis. The Commission agrees with these comments and the final value/impact analysis addresses the impact of multiple users and employs adjusted dilution factors. The conclusion of the analysis, however, has not changed, i.e., the amendment raising the limit for sanitary sewerage disposal of hydrogen-3 and carbon-14 is appropriate because it will not pose an unreasonable risk to the public.

The Environmental Protection Agency and at least one other commenter observed that the information presented in the preliminary value/impact analysis was not sufficient to support the need to raise the limits for hydrogen-3 and carbon-14 which can be discharged to sanitary sewers. The EPA also stated that the increased health risk from the release of hydrogen-3 and carbon-14 in the quantities now in use appears to be very low.

The Commission believes that raising the limits for release of hydrogen-3 and carbon-14 to the sanitary sewerage systems will benefit perhaps 20-30 NRC licensees. The dollar savings in radioactive waste burial capacity are not known; however, even some savings in the cost of medical research and some savings in radioactive waste burial capacity are a direct benefit to the public and should not be foregone because they are difficult to quantify.

Finally, the Environmental Protection Agency noted that the preliminary value/impact analysis gave estimates of the individual doses which might result from the proposed changes; however, they suggested that the final value/impact analysis include an assessment of the collective dose commitment. The preliminary value/impact analysis included a brief treatment of the collective dose commitment. The final value/impact analysis includes a more rigorous treatment of this question. However, the conclusion of the final value/impact analysis has not changed. Basically, the value/impact analysis concludes this rulemaking is non-substantive and insignificant from the standpoint of environmental impact.

Clarifications

Several commenters requested clarification on the boundaries of the rule change. Does the term liquid scintillation media include the vials containing the media? Does the term animal tissue include organs or fluids which may have been removed from the carcasses for analysis?

The regulation in 10 CFR 20.306(a) applies to the disposal of liquid scintillation media of 0.05 microcuries or less of hydrogen-3 or carbon-14 per gram of medium. Licensees may dispose of liquid scintillation media containing this concentration of hydrogen-3 or carbon-14 without regard to its radioactivity. Scintillation vials themselves are not radioactive. Rather, it is the scintillation media remaining in the vials that contains the radioactivity. The rule covers that material. Therefore, it would be permissible to dispose of the used vials along with the media.

Similarly, the regulation in 10 CFR 20.306(b) applies to the disposal of animal tissue of 0.05 microcuries or less of hydrogen-3 or carbon-14 per gram of tissue averaged over the weight of the entire animal, whether the tissue (or organ) is ultimately removed from the carcass or not. However, the regulation does not apply to either the radioactive chemicals before they are administered to the animals or to the animal feces or urine or contaminated bedding.

Finally, some commenters asked if the rule change would permit incineration of the scintillation media and animal carcasses without obtaining permission from NRC via a license amendment. The answer is, yes, liquid scintillation media and animal carcasses may be incinerated without a license amendment to the extent permitted by applicable non-radioactive waste disposal regulations.

This rule is being made effective on March 11, 1981, because it relieves licensees from restrictions.

Authority: Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 20, are published as a document subject to codification.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. In § 20.301, paragraph (c) is revised to read as follows:

§ 20.301 General requirement.

* * * * *

(c) As provided in § 20.303, applicable to the disposal of licensed material by release into sanitary sewerage systems, or in § 20.306 for disposal of specific wastes, or in § 20.106 (Radioactivity in effluents to unrestricted areas).

2. In § 20.303, paragraph (d) is revised to read as follows:

§ 20.303 Disposal by release into sanitary sewerage systems.

* * * * *

(d) The gross quantity of licensed and other radioactive material, excluding hydrogen-3 and carbon-14, released into the sewerage system by the licensee does not exceed one curie per year. The quantities of hydrogen-3 and carbon-14 released into the sanitary sewerage system may not exceed 5 curies per year for hydrogen-3 and 1 curie per year for carbon-14. Excreta from individuals undergoing medical diagnosis or therapy with radioactive material shall be exempt from any limitations contained in this section.

3. Section 20.305 is revised to read as follows:

§ 20.305 Treatment or disposal by incineration.

No licensee shall treat or dispose of licensed material by incineration except for materials listed under § 20.306 or as specifically approved by the Commission pursuant to §§ 20.106(b) and 20.302.

4. A new § 20.306 is added to read as follows:

§ 20.306 Disposal of specific wastes.

Any licensee may dispose of the following licensed material without regard to its radioactivity:

(a) 0.05 microcuries or less of hydrogen-3 or carbon-14, per gram of medium, used for liquid scintillation counting; and

(b) 0.05 microcuries or less of hydrogen-3 or carbon-14, per gram of animal tissue averaged over the weight of the entire animal; provided however, tissue may not be disposed of under this section in a manner that would permit its use either as food for humans or as animal feed.

(c) Nothing in this section, however, relieves the licensee of maintaining records showing the receipt, transfer and disposal of such byproduct material as specified in § 30.51 of Part 30 of this chapter; and

(d) Nothing in this section relieves the licensee from complying with other applicable federal, state and local regulations governing any other toxic or hazardous property of these materials.

(Sec. 81, 161b, Pub. L. 83-703, 68 Stat. 935, 948 as amended (42 U.S.C. 2111, 2201), Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C., this 6th day of March 1981.

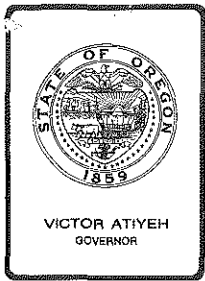
For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-7583 Filed 3-10-81; 8:45 am]

BILLING CODE 7590-01-M



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, February 25, 1983, EQC Meeting

Proposed Adoption of Amendments to Pollution Control
Bond Fund Rules for Sewerage Projects, OAR Chapter 340,
Division 81.

Background

At the December 3, 1982 Environmental Quality Commission meeting, the Department was authorized to hold a hearing on proposed revised rules for use of the Pollution Control Bond Fund for sewerage works construction. The December 3, 1982 staff report is included as Attachment A.

Notice of the hearing was published in the Secretary of State's Bulletin on December 15, 1982. Notice was also mailed to all cities and sewerage districts in the state as well as the list of those expressing interest in water quality program rules.

The hearing was held on January 11, 1983 at 10 a.m. in Room 1400 of the Yeon Building. Other than staff, three people attended the hearing. One person testified. The hearings officer's report is included as Attachment B.

Three letters were received regarding the proposed rules. These are included as Attachment C.

Evaluation of Testimony

The issues raised in the testimony are discussed in the following paragraphs.

1. The preference expressed in the draft rules for general obligation bonds as security for loans should be eliminated. In particular, the inclusion of the preference language in the definition of the term "loan" should be deleted. The requirement that the EQC approve any security other than G. O. Bonds is unduly discriminatory. Bancroft Bonds should be as acceptable as G. O. Bonds.

The Department agrees that it is appropriate to eliminate the statement of preference on security for a loan from the definition of the term "loan".

The Department believes that EQC approval of security other than G. O. Bonds is appropriate and therefore does not propose any change in the proposed rule.

Bancroft Bonds are General Obligation Bonds and therefore are not viewed differently.

2. The definition of "public agency" should be expanded to include special districts such as County Service District, Sanitary Districts, and Sanitary Authorities.

The term "municipal corporation" that is included within the definition of public agency is generally interpreted to include the special districts noted. Therefore, no change in the proposed rule is necessary.

3. The conditions where the Department may impose special loan processing fees should be clarified, and the charge should be defined as an eligible cost.

The Department does not believe any clarification of this section (340-81-120(6)) is needed. As a practical matter, extra costs would only be expected for loans secured by other than General Obligation Bonds. Since the costs for arranging financing are generally an eligible cost, the Department again sees no need to modify the proposed rule language.

4. The Department notes that the word "required" should be "requested" in Section 340-81-125(1)(f).
5. The majority of comments and concerns on the proposed rule relate to the priority point schedule in section 340-81-135. Concern was expressed over the lack of precision of design population, the inappropriateness of only including General Obligation Bond indebtedness, and the lack of relative significance of sewer user charges as normally established by most agencies.

The Department generally agrees with the comments on the priority point system. The intent was to devise a simple system that relies on information that would be readily available and that would produce a list that would be reasonably fair and equitable.

With respect to the cost of the proposed project, the Department now believes that a better factor to use would be the equivalent annual cost of the project divided by the population served by the Public Agency's sewerage facilities.

In place of bonded debt and user charges, the Department believes the same general intent can be achieved in a more equitable manner by relying on data from the public agency's adopted budget for the year in which the

project is prioritized. Specifically, it is proposed to use the budgeted expenditures for debt service on sewerage bonds and for operation of sewerage facilities divided by the population presently served.

With the above changes in priority criteria, the method of calculating points for the Regulatory Emphasis category should be changed to include simply the regulatory emphasis points as set forth in OAR 340-53-015.

6. Mean household income and all present community indebtedness should be included in the priority criteria as indicators of financial burden and need.

The Department initially proposed to include some consideration of ad valorem tax retired bonded debt for drinking water systems in the priority criteria. This added to the complexity of the determination since some applicants would be districts which are only involved in sewerage services. Thus, it is proposed to consider only sewerage system costs and base the priority on relative sewerage system financing burden.

The Department has, in the past, attempted to include per capita income and per capita valuation as priority factors for hardship financing consideration. These factors were difficult to develop in many cases since data is not readily compiled for each potential project area. Thus, in order to maintain a relatively simple system, they are not proposed for inclusion.

It is noted that prioritization of projects will only be necessary if demand for loans exceeds available funds. To date, this has not been a big problem. As more experience becomes available, criteria will certainly be revised.

Based on the above discussion, the proposed rules have been revised and are included as Attachment D.

Summation

1. A hearing on proposed revised Pollution Control Bond Fund rules was authorized by the Commission on December 3, 1982.
2. Public Notice was published in the Secretary of State's Bulletin on December 15, 1982, and was mailed to the Water Quality Program's mailing list including all cities and sewerage agencies.
3. A public hearing was held on January 11, 1983, with one person providing oral testimony. Three letters providing comments were received.
4. Based on an evaluation of comments received, the proposed rules have been revised and are included in this report as Attachment D.

Director's Recommendation

Based on the summation, it is recommended that the Commission repeal the existing rules contained in OAR 340-81-005 through 340-81-050 and enact the rules contained in Attachment D in lieu thereof.

Bill

William H. Young

Attachments:

- "A" December 3, 1982 Staff Report, including Public Notice, Statement of Need and Fiscal Impact Statement.
- "B" Hearings Officer's Report
- "C" Written Testimony Submitted
- "D" Proposed Rules

Harold L. Sawyer:g
229-5324
February 3, 1983

WG2034



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, December 3, 1982, EQC Meeting

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)

Background

Existing rules regarding Pollution Control Bond Fund financial assistance for water pollution control facilities were enacted in 1971. At that time, use of the Bond Fund was to supplement federal grant funding. Rules were written to be consistent with federal grant rules and procedures.

In recent years, federal grant laws and rules have been substantially revised. Federal funding assistance has diminished. Project eligibilities have been modified and reduced.

The 1981 Legislature modified statutes to allow 100% loans on qualifying projects. This change recognized the need to disconnect the Bond Fund from the Federal Grant Program and provide some assistance to those cities that would not receive federal funds.

Following the 1981 legislative session, the bond fund rules have been modified by one permanent rulemaking action and the adoption of two temporary rules. These actions were intended to "get by" until the rules could be completely rewritten.

Evaluation and Alternatives

Two basic alternatives are available:

1. Make minor modifications to the existing rules to correct known problems and make the previously adopted temporary rules permanent; or
2. Repeal the existing rules and replace them with new rules designed to implement a loan program.

In order to clarify intended uses of the bond fund and clarify and simplify the application process, it is easiest to proceed with Alternative 2. Attachment I contains draft rules which would repeal the existing rules (OAR 340-81-005 to 050) and enact new rules. Following are the major topic areas and a brief discussion of significant issues:

PURPOSE

The purpose is essentially the same as the existing rules.

DEFINITIONS

Definitions are added for "Loan" and "Sewerage Facilities."

ELIGIBLE PROJECTS

Eligible projects are defined as "sewerage facilities" unless otherwise provided by law. This definition conveys basic intent and should minimize the need for rule changes in the event of legislative changes.

ELIGIBLE COSTS

Total project costs are defined as eligible unless otherwise provided by law. This definition conveys basic intent and should minimize the need for rule changes in the event of legislative changes.

NATURE AND LIMITATIONS OF FINANCIAL ASSISTANCE

This section limits financial assistance to loans unless otherwise approved by the Legislature or Emergency Board (pursuant to existing law). It further requires loans secured by other than General Obligation Bonds to be approved by the EQC. The other provisions are drawn from the existing rules.

PRELIMINARY REQUEST FOR FINANCIAL ASSISTANCE

The proposed rule requires public agencies desiring financial assistance to file a preliminary application on Department supplied forms. This is intended to standardize and organize the requests to the Department and facilitate management of the Bond Fund.

PRIORITIZATION OF PRELIMINARY APPLICATIONS

This section provides for prioritization of preliminary applications if potential demand is greater than the available funds. Otherwise, funding would be on a first-come, first-served basis.

PRIORITY POINT SCHEDULE

The proposed priority point calculation schedule emphasizes measures that reflect financial burden, financial need and the regulatory emphasis placed by the Department on the project.

LOAN AGREEMENT

The Loan Agreement is described in terms of a basic agreement with attachments to fill in details. Many of the documents requested were previously required as part of the application.

LOAN CLOSING

This section describes timing for loan closing and advancing of funds.

REJECTION OF APPLICATIONS

This section describes the basis for rejection of loan applications.

In general, the proposed new rules are intended to guide the use of the Bond Fund for sewerage facility financial assistance while, hopefully, leaving sufficient flexibility to react to potential changes without the need for rule modification.

Summation

1. Existing Bond Fund Rules adopted in 1971 to mesh with federal grant processes are now out of date and, as a result, unnecessarily restrict the use of the Bond Fund.
2. Two temporary rules have recently been adopted to correct problems and need to be made permanent.
3. Financial assistance opportunities for public agencies that are not likely to receive federal grants can be clarified and simplified by totally revising the present rules for use of bond fund monies for sewerage works construction.

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.

Bill

William H. Young

Attachments: I. Proposed Rules
II. Statement of Need and Fiscal Impact Statement
III. Public Notice

H. L. Sawyer:g
229-5324
November 12, 1982

WG1742

STATE FINANCIAL ASSISTANCE
TO
PUBLIC AGENCIES
FOR
WATER POLLUTION CONTROL FACILITIES

REPEAL OF EXISTING RULES

OAR 340-81-005 through 81-050 are hereby repealed and the rules which follow are enacted in lieu thereof.

PURPOSE

340-81-100 The purpose of these rules is to prescribe procedures and requirements for obtaining state financial assistance for the construction of water pollution control facilities pursuant to Article XI-H of the Oregon Constitution and ORS 468.195 et.seq.

DEFINITIONS

340-81-105 As used in these rules, unless otherwise required by context:

- (1) "Commission" means the Environmental Quality Commission.
- (2) "Department" means the Department of Environmental Quality. Department actions shall be taken by the Director as defined herein.
- (3) "Director" means the Director of the Department of Environmental Quality as defined in ORS 468.040 and 468.045.
- (4) "Loan" means any advance of funds from the Pollution Control Fund to a Public Agency pursuant to a signed Agreement wherein the Public Agency obligates itself to repay the funds received in full together with accumulated interest in accordance with a schedule to be set forth in the Agreement. Purchase of qualifying General Obligation bonds from the Public Agency is the preferred method for securing a Loan from the Pollution Control Fund.
- (5) "Public Agency" means a municipal corporation, city, county, or agency of the State of Oregon, or combinations thereof, applying or contracting for state financial assistance under these rules.
- (6) "Sewerage Facilities" means facilities for the collection, conveyance, treatment, and ultimate disposal of sewage and includes collection sewers installed in public right-of-way, interceptor sewers, pumping stations and force mains, treatment works, outfall sewers, land treatment and disposal systems, sludge treatment, conditioning and disposal facilities, projects necessary to remove inflow and infiltration from sewer systems, and such other appurtenances as may be necessary to achieve an operable system for sewage treatment and disposal.

ELIGIBLE PROJECTS

340-81-110 Projects eligible to receive financial assistance under these rules shall be:

- (1) Sewerage Facilities as defined in OAR 340-81-105 unless otherwise provided by law, and
- (2) Self supporting and self liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments, and other fees.

ELIGIBLE COSTS

340-81-115 Costs for planning, design, implementation, and construction, including essential land acquisition and related fiscal and legal costs may be included as eligible costs for projects receiving financial assistance unless otherwise provided by law. Costs shall be limited to those reasonable and necessary to complete an operable facility that will serve the projected population during the design life of the facility, consistent with the applicable Land Use Plan.

NATURE AND LIMITATIONS OF FINANCIAL ASSISTANCE

340-81-120 (1) Unless otherwise approved by the Legislature, Legislative Ways and Means Committee or Legislative Emergency Board, financial assistance shall be limited to Loans.

(2) Loans secured by means other than sale of General Obligation Bonds by the Public Agency shall be subject to approval by the Environmental Quality Commission.

(3) Loans shall not exceed 100 percent of the eligible project cost. In the event the project receives grant or loan assistance from any other sources, the total of such assistance and any loan provided from the Pollution Control Fund shall not exceed 100 percent of eligible costs.

(4) The loan interest rate paid by the Public Agency shall be equal to the interest rate on the state bonds from which the loan is made, except as provided in sections (5) and (6) of this rule.

(5) The Department shall add to the rate of interest otherwise to be charged on loans a surcharge not to exceed an annual rate of one-tenth of one percent to be applied to the outstanding principal balances in order to offset the Department's expenses of administering the loan and the Pollution Control Fund.

(6) The Department may assess a special Loan processing fee of up to \$10,000 to recover extraordinary costs for legal and financial specialists that may be needed to enable the Department to satisfy itself that the Loan is legally and financially sound.

ELIGIBLE PROJECTS

340-81-110 Projects eligible to receive financial assistance under these rules shall be:

- (1) Sewerage Facilities as defined in OAR 340-81-105 unless otherwise provided by law, and
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- (2) Loans secured by means other than sale of General Obligation Bonds by the Public Agency shall be subject to approval by the Environmental Quality Commission.
 - (3) Loans shall not exceed 100 percent of the eligible project cost. In the event the project receives grant or loan assistance from any other sources, the total of such assistance and any loan provided from the Pollution Control Fund shall not exceed 100 percent of eligible costs.
 - (4) The loan interest rate paid by the Public Agency shall be equal to the interest rate on the state bonds from which the loan is made, except as provided in sections (5) and (6) of this rule.
 - (5) The Department shall add to the rate of interest otherwise to be charged on loans a surcharge not to exceed an annual rate of one-tenth of one percent to be applied to the outstanding principal balances in order to offset the Department's expenses of administering the loan and the Pollution Control Fund.
 - (6) The Department may assess a special Loan processing fee of up to \$10,000 to recover extraordinary costs for legal and financial specialists that may be needed to enable the Department to satisfy itself that the Loan is legally and financially sound.

(7) The Public Agency must retire its debt obligation to the state at least as rapidly as the state bonds from which the loan funds are derived are to be retired; except that special debt service requirements on the Public Agency's loan may be established by the Department when (a) a debt requirement schedule longer than the state's bond repayment schedule is legally required, or (b) other special circumstances are present.

(8) Interest and principal payments shall be due at least thirty days prior to the interest and principal payment dates established for the state bonds from which the loan is advanced.

(9) Any excess loan funds held by the Public Agency following completion of the project for which funds are advanced shall be used for prepayment of loan principal and interest.

PRELIMINARY REQUEST FOR FINANCIAL ASSISTANCE

A340-81-125 (1) Public agencies desiring to receive financial assistance from the Department shall file a preliminary application on forms supplied by the Department. This application will set forth:

(a) A description of the project for which funding assistance is desired.

(b) A description of the pollution control problem that the project will assist in resolving.

(c) The estimated cost of the project.

(d) The schedule for the project including the schedule for a bond election if one is necessary.

(e) The funding sources for the project.

(f) The method for securing the loan being required from the Department.

(g) Such other information as the Department deems necessary.

(2) Preliminary applications may be filed with the Department at any time.

(3) The Department may give notice of intent to receive preliminary applications by a date certain in order to prepare a priority list if such list becomes necessary to allocate anticipated available funds.

PRIORITIZATION OF PRELIMINARY APPLICATIONS

340-81-130 (1) If it appears that the potential requests for financial assistance may exceed the funds available, the Department shall notify potential applicants of the deadline for submitting preliminary applications to receive consideration in the prioritization process. Such prioritization will generally occur no more frequently than once per year. To the extent possible, the prioritization process will be completed in February in order to mesh with local budget processes and facilitate project initiation during favorable construction weather.

(2) The process for prioritization shall be as follows:

(a) Each project shall be assigned points based on the schedule contained in OAR 340-81-135.

(b) Projects shall be ranked by point total from highest to lowest with the project receiving the highest points being the highest priority for funding assistance. A fundable list shall then be established based on available funds.

(c) The Department shall notify each Public Agency within the fundable range on the list and forward a draft Loan Agreement for review, completion, and execution.

(d) If the loan agreement is not completed, executed, and returned to the Department within 60 days of notification, the Public Agency's priority position for funding assistance during that year shall be forfeited, and the funds made available in order of priority to projects below the fundable line on the list. The 60-day time limit may be extended by the Department upon request of the applicant with a demonstration of need to complete required legal and administrative processes.

(3) If funds remain after all qualifying applications on the list are funded, the Department may fund new requests from qualifying applicants on a first come-first serve basis.

PRIORITY POINT SCHEDULE

340-81-135 The priority points for each project shall be the total of the points assigned for each of the following categories:

(1) Total locally funded share of project cost per capita based on design population--priority points will be the per capita cost divided by 100 rounded to two decimal places.

(2) Outstanding general obligation bonded indebtedness for the Public Agency per capita for drinking water and sewerage facilities (excluding Bancroft Bonds) that is being repaid by Ad Valorem taxes--priority points will be the per capita debt divided by 100 rounded to two decimal places.

PRIORITIZATION OF PRELIMINARY APPLICATIONS

340-81-130 (1) If it appears that the potential requests for financial assistance may exceed the funds available, the Department shall notify potential applicants of the deadline for submitting preliminary applications to receive consideration in the prioritization process. Such prioritization will generally occur no more frequently than once per year. To the extent possible, the prioritization process will be completed in February in order to mesh with local budget processes and facilitate project initiation during favorable construction weather.

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PRIORITY POINT SCHEDULE

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(2) Outstanding general obligation bonded indebtedness for the Public Agency per capita for drinking water and sewerage facilities (excluding Bancroft Bonds) that is being repaid by Ad Valorem taxes--priority points will be the per capita debt divided by 100 rounded to two decimal places.

(3) Monthly sewer user charge--priority points will be the monthly charge for a single family residence.

(4) Water pollution control regulatory emphasis--priority points will be the point value for regulatory emphasis as set forth in OAR 340-53-015 (Table 1) divided by 5 rounded to two decimal places.

EXECUTION OF LOAN AGREEMENT

340-81-140 (1) The loan agreement shall at a minimum specify:

- (a) The specific purpose for which funds are advanced.
- (b) The security to be provided.
- (c) The schedule for payment of interest and principal.
- (d) The source of funds to be pledged for repayment of the loan.
- (e) The additional approvals that must be obtained from the Department prior to advance of funds or start of construction.

(2) The loan agreement shall have as attachments the following:

- (a) A list of general Assurances and Covenants as approved by the Attorney General.
- (b) An official resolution or record of the Public Agency's governing body authorizing the loan agreement and authorizing an official of the Public Agency to execute all documents relating to the loan.
- (c) A legal opinion of the Public Agency's attorney establishing the legal authority of the public agency to incur the indebtedness and enter into the loan agreement.
- (d) Copies of ordinances pertinent to the construction, operation, and loan repayment for the project and the Public Agency's total sewerage facility including relevant user charges, connection charges, and system development charges.
- (e) A 5-year projection of revenues and expenditures related to the construction, operation and debt service for the project and the Public Agency's total sewerage facility which assures that the project is self-supporting and self-liquidating.

LOAN CLOSING

340-81-150 (1) Upon final signature of the Loan Agreement by both the Public Agency and the Department, funds will be advanced in accordance with the terms of the Loan Agreement.

(2) The Department may schedule final signature and advancement of funds as necessary to coordinate with the schedule for state bond sales.

REJECTION OF APPLICATIONS

340-81-160 (1) The Department may reject any loan application if:

(a) The security proposed is judged to be inadequate to protect the State's interest, or the project does not appear to be conservatively self-supporting and self-liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments, and other fees.

(b) The project does not comply with the requirements of ORS Chapters 454 or 468 and rules adopted by the Environmental Quality Commission pursuant to these chapters.

(2) Any action by the Department to deny an application may be appealed to the Environmental Quality Commission.

WL2126

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(b) The project does not comply with the requirements of ORS Chapters 454 or 468 and rules adopted by the Environmental Quality Commission pursuant to these chapters.

(2) Any action by the Department to deny an application may be appealed to the Environmental Quality Commission.

WL2126

STATEMENT OF NEED FOR RULEMAKING

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

LEGAL AUTHORITY AND PRINCIPAL DOCUMENTS RELIED UPON:

Oregon Constitution Article XI-H

ORS 468.195 et. seq.

OAR 340-81-005 et. seq.

NEED FOR THE RULE:

Existing rules regarding use of Pollution Control Bond Funds for construction of sewerage facilities were adopted in 1971 based on then existing federal grant assistance. Federal grant programs have been significantly modified. As a result, loans from the Bond Fund are unnecessarily restricted. The Department proposes to disconnect the use of the Bond Fund from the Federal Grant Program and clarify the procedures for local governments to follow to obtain loans from the fund.

FISCAL IMPACT STATEMENT

The fiscal impact of this proposed rulemaking upon the Department is minimal and a function of the amount of bond fund money available and the number of loans processed. The surcharge on interest already implemented pursuant to Chapter 312, Oregon Laws 1981 should cover Department administrative costs.

The fiscal impact upon local governments constructing sewerage facilities should be positive. Financial assistance through slightly lower interest rate money will aid in financing needed facilities.

There should be no impact on small business. However, increase sewerage facility construction activity may benefit them as contractors and material suppliers.

WG1745
October 12, 1982

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON . . .

Sewerage Facility Financing Public Hearing

Date:

WHO IS AFFECTED: Public agencies in Oregon who seek financial assistance from the Pollution Control Bond Fund for sewerage facility construction.

WHAT IS PROPOSED: Revisions to Oregon Administrative Rules Chapter 340, Division 81 "Financial Assistance to Public Agencies for Pollution Control Facilities".

Current rules were adopted in 1971 and were developed around Federal Grant procedures that were in effect at the time. Limited amendments have been adopted to respond to new laws, but a complete updating of rules is now necessary. The Department proposes to repeal the existing rules in their entirety and enact new rules in their place.

WHAT ARE THE HIGHLIGHTS:

Proposed rules would disconnect the bond Fund Financial Assistance Program from the Federal Sewerage Works Construction Grant Program, revise the definition of eligible projects and eligible costs, simplify Loan Application and Loan Agreement procedures, and establish a procedure for prioritizing loan applications.

HOW TO COMMENT: Public Hearing

Written comments should be sent to the Department of Environmental Quality, P. O. Box 1760, Portland, Oregon 97207 and should be received by 5 p.m. January 11, 1983.

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

Date: January 11, 1983
 Time: 10 a.m.
 City: Portland, Oregon
 Location: DEQ Conference Room
 Room 1400
 Yeon Building
 522 S.W. Fifth Avenue



P.O. Box 1760
 Portland, OR 97207

9/10/82

WG1744

October 12, 1982

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.

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

DEQ Water Quality Division
P. O. Box 1760
Portland, Oregon 97207

Phone: (503) 229-6493

LEGAL REFERENCES IN THIS PROPOSAL:

Oregon Constitution -- Article XI-H
Oregon Revised Statutes 468.195 et. seq.
Oregon Administrative Rules Chapter 340, Division 81.

LAND USE CONSISTENCY

The proposed rule does not affect land use as defined in the Department's coordination program approved by the Land Conservation and Development Commission. The rule relates to financial assistance to public agencies for construction of sewerage facilities that are consistent with land use plans.

Considering the reduced availability of federal grant funds, the revised rules should increase assistance to local governments as they seek to construct essential sewerage facilities in conformance with their local land use plans.

WHAT IS THE NEXT STEP:

After the public hearing, the Environmental Quality Commission may adopt rules identical to those proposed, adopt modified rules on the same subject matter, amend the proposed rule or decline to act. The Commission deliberation should come after the public hearing as part of the agenda of a regularly scheduled meeting following the hearing.

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

WG1744

October 12, 1982

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Copies of the proposed rules may be obtained from:

DEQ Water Quality Division
P. O. Box 1760
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A Statement of Need and Fiscal Impact Statement are attached to this notice.

WG1744

October 12, 1982

Hearings Officer's Report

Public Hearing On
Proposed Pollution Control Bond Fund Rules
for Sewerage Projects (OAR, Chapter 340, Division 81)January 11, 1983
10 a.m.

The Hearing was opened by the Hearings Officer at about 10:15 a.m. Those in attendance weres:

Gordon Merseth, CH2M-Hill
Fred Neal, League of Oregon Cities
R. Lyman Houk, City of Philomath

Testimony offered by Fred Neal on behalf of the League of Oregon Cities is summarized as follows:

- (1) Expressed preference for General Obligation Bonds.
 - Expressed preference for G.O. Bonds contained in the definition of a loan (OAR 340-81-105(4)) should be removed.
 - Requiring EQC approval of security other than G.O. Bonds seems unduly discriminatory (OAR 340-81-120(2)).

In general, the Commission should require appropriate security. However, the Commission should recognize other forms of security including, specifically, revenue bonds and should not by policy bias the security to G.O. Bonds.

- (2) Priority Point Schedule
 - Use of the sewer user charge is limited in its equity as a priority factor since they are not necessarily established in a systematic way.
 - Use of the 5 year projections for revenue and expenditure submitted as part of a loan agreement may be appropriate as part of a priority system.
- (3) As a point of informtion, the League is supporting legislation to make revenue bonds a more usable tool for cities. The legislation will clarify the ability of cities to guarantee repayment of revenue bonds.

There was no further testimony so the hearing was adjourned.

Respectfully submitted,



Harold L. Sawyer, Administrator
Water Quality Division

City of Winston

January 05, 1983

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

Subject: Sewerage Financing Public Hearing

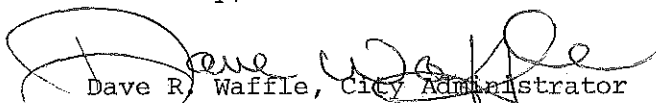
Dear Bill Young and Friends:

The City Council at their meeting on January 03, 1983, received the proposed rules for the "State Financial Assistance to Public Agencies for Water Pollution Control Facilities" (OAR Chapter 340, Division 81). The City of Winston is supportive of the rule-making and offer these comments to clarify the rules.

- A. The definition of "loan" contains a significant policy statement about how the loan will be secured (general obligation bonds). The Definitions Section of the rules (340-81-105) is not an appropriate place to describe the preferred method of loan security.
- B. The section on Eligible Projects (340-81-110) seems to have words or a phrase missing between statements 1 and 2. Is the intent that the project for which the loan is to be expended be "self-supportive and self liquidating...? Then say so!
- C. The Special Loan Processing Fee (340-81-120-6) is supposedly to be used for the purchase of revenue bonds or other loans not backed by G.O. bonds. A definition of "extraordinary costs" and when the loan processing fee would be due is desirable. Also this section should clarify that the fee is an eligible expense.
- D. The Priority Point Schedule seems fair to small cities but could be clarified as to how the monthly user charge will be rated. Apparently the higher the charge, the more priority points will be gained.

Thank you.

Sincerely,


Dave R. Waffle, City Administrator

DRW/rme

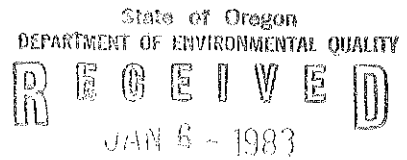
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

R E F E R E D

JAN 7 - 1983

WATER QUALITY CONTROL

P. O. Box 750 • Winston, Oregon. 97496 • Telephone 503/679-6739



HGE INC./ENGINEERS & PLANNERS
19 N. W. Fifth Street/Portland, Oregon 97209/(503) 222-1687

WATER QUALITY CONTROL

January 5, 1983

Harold L. Sawyer
Water Quality Division
P.O. Box 1760
Portland, Oregon 97207

RE: Revisions to OAR 340
Division 81 - Pollution
Control Bond Fund

Dear Hal:

I have reviewed with interest your proposed rules governing the distribution of funds from the Pollution Control Bond Fund. All sources of funding for sewerage projects are well appreciated in these economic times. It is gratifying to see DEQ responding in this timely manner.

Several items in the proposed rules are foreseen as potentially troublesome from the municipal perspective. I will attempt to take these in the order presented.

1. The preferential acceptance of G.O. Bonds is understandable. However, Bancroft bonds are also secured by real property and allow the same remedies for non-payment as general obligation bonds. Bancroft bonds should be basically as acceptable as general obligation bonds.
2. Does "Municipal Corporation" refer only to multi-purpose governments or do special districts qualify?
3. Priority Point Schedule:

The intent of this point schedule is clearly to benefit the financially burdened community facing an expensive sewer construction need. This is most laudable and I fully concur with the intent. However, comparing community need on the bases of "design population" and monthly sewer service charge may not be consistent with the clear intent. Exclusion of some significant bonded indebtedness may also be questionable.

- a. Design population is not universally applicable or usable

when considering construction of sewer extensions, pumping stations, force mains and I/I control. It is suggested that the population bearing the burden of bond repayment at the time of completion of construction be used to provide a basis for comparison. While this criterion would open the doors to developmental pressures on open-land, these could be mitigated by the "Regulatory Emphasis" points and land-use plan consistency requirements.

- b. Outstanding public burden for the provision of utilities services should be the sum of all indebtedness of the benefited citizens. No exclusions should be made for the type of indebtedness or the repayment mechanisms inasmuch as all utilities bonds are essential for public health, safety, welfare and community viability.

The mechanisms available for repayment or the local property tax impacts should not be a factor if bonded indebtedness is to be a criterion for comparing community need. All bonds are an obligation on the individual citizen and his ability to repay the obligations is the ultimate security regardless of the vehicle selected for repayment. Whether revenue bonds, Bancroft bonds or general obligation bonds, if the citizen cannot stand the repayment arrangements in his household budget, the security of the bond is jeopardized and the mechanisms for enforcing payment are cumbersome at best.

All bonded indebtedness for drinking water and sewerage facilities should be included for purposes of comparison.

- c. Monthly sewer user charges are historically established by the governing body of the community. Even in large communities, few attempts are made to ensure any semblance of equity.

Sewer user charges are simply a vehicle for passing to the consumer the costs of performing collection and disposal of waste water. They are part of a revenue package which includes system development charges, fees, licenses, permits, senior citizens discounts, volume discounts and surcharges, etc., etc. They are very seldom an index of fiscal burden and should not be used as such.

In general, public need and public burden should and can be evaluated much more distinctly by assessing the ability of the citizens to accommodate indebtedness. Since the 1980 census information on Household Income has been tabulated in usable form by the Bureau of Governmental Research and Service in Eugene, it seems as though it ought to be useful in determining

Harold L. Sawyer
Portland, Oregon 97207

January 5, 1983
Page Three

public need and citizen fiscal impact. Although the census information is now almost four years old, most federal programs attending to urban needs are based on these figures.

It is my suggestion that needs criteria be modified to involve Mean Household Income and all present community indebtedness. This should take into account the percent of low income households whose obligation to repay community debt service should be an important factor in ensuring debt security.

Monthly sewer user charge should be ignored. It is an arbitrary index at best and too easily manipulated by self-serving political interests.

I am hopeful that the Pollution Control Bond Fund can be organized in a manner to equitably and usefully help re-establish water pollution control impetus in this awkward economic period. Financing expensive sewerage construction is extremely difficult today and every little bit helps.

I appreciate the opportunity to comment on the proposed rules.

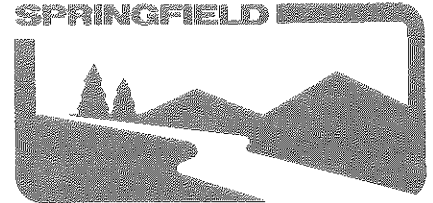
Very truly yours,

H.G.E., INC.

A handwritten signature in black ink, appearing to read "Patrick D. Curran", written over a circular stamp or mark.

Patrick D. Curran, P.E.

PDC:td



CITY OF SPRINGFIELD
Department of Public Works

January 21, 1983

Mr. Harold L. Sawyer, Administrator
Water Quality Division
Dept. of Environmental Quality
P. O. Box 1760
Portland, OR 97207

Subject: Pollution Control Bond Fund

Dear Mr. Sawyer:

Please accept my apologies for the tardiness of this response. Although the period for written comments on this matter expired on January 11, 1983, it is hoped that the concerns indicated below will be addressed during preparation of the final draft.

Most sections of the proposed legislation appear reasonable and appropriate. However, Section 340-81-135 which defines the assignment of priority points is sufficiently nebulous to allow applicants to "pad" their score if they were so inclined. What prevents preparation of excessive project cost estimates? Why should the applicant who has a higher per capita sewer or water indebtedness receive more points than one who may have exhibited greater fiscal responsibility? Other measures of fiscal status and need should be devised for inclusion in the legislation and determination of priority. Perhaps total bonded indebtedness, bond rating or per capita income could be used in the assessment.

Thank you for the opportunity to comment on this matter.

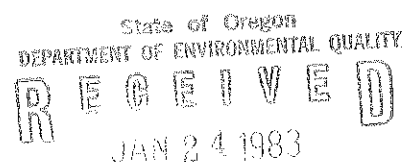
Very truly yours,

A handwritten signature in cursive script that reads "Edward Black".

Edward Black
Environmental Affairs Supervisor

EB:sk

cc: Susan Racette, MPMC



WATER QUALITY CONTROL

STATE FINANCIAL ASSISTANCE
TO
PUBLIC AGENCIES
FOR
WATER POLLUTION CONTROL FACILITIES

REPEAL OF EXISTING RULES

OAR 340-81-005 through 81-050 are hereby repealed and the rules which follow are enacted in lieu thereof.

PURPOSE

340-81-100 The purpose of these rules is to prescribe procedures and requirements for obtaining state financial assistance for the construction of water pollution control facilities pursuant to Article XI-H of the Oregon Constitution and ORS 468.195 et.seq.

DEFINITIONS

340-81-105 As used in these rules, unless otherwise required by context:

- (1) "Commission" means the Environmental Quality Commission.
- (2) "Department" means the Department of Environmental Quality. Department actions shall be taken by the Director as defined herein.
- (3) "Director" means the Director of the Department of Environmental Quality as defined in ORS 468.040 and 468.045.
- (4) "Loan" means any advance of funds from the Pollution Control Fund to a Public Agency pursuant to a signed Agreement wherein the Public Agency obligates itself to repay the funds received in full together with accumulated interest in accordance with a schedule to be set forth in the Agreement. [Purchase of qualifying general Obligation Bonds from the Public Agency is the preferred method for securing a Loan from the Pollution Control Fund.]
- (5) "Public Agency" means a municipal corporation, city, county, or agency of the State of Oregon, or combinations thereof, applying or contracting for state financial assistance under these rules.
- (6) "Sewerage Facilities" means facilities for the collection, conveyance, treatment, and ultimate disposal of sewage and includes collection sewers installed in public right-of-way, interceptor sewers, pumping stations and force mains, treatment works, outfall sewers, land treatment and disposal systems, sludge treatment, conditioning and disposal facilities, projects necessary to remove inflow and infiltration from sewer systems, and such other appurtenances as may be necessary to achieve an operable system for sewage treatment and disposal.

NOTE: For clarity, deletions from the proposal that went to hearing are shown in brackets and new language is underlined.

ELIGIBLE PROJECTS

340-81-110 Projects eligible to receive financial assistance under these rules shall be:

- (1) Sewerage Facilities as defined in OAR 340-81-105 unless otherwise provided by law, and
- (2) Self supporting and self liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments, and other fees.

ELIGIBLE COSTS

340-81-115 Costs for planning, design, implementation, and construction, including essential land acquisition and related fiscal and legal costs may be included as eligible costs for projects receiving financial assistance unless otherwise provided by law. Costs shall be limited to those reasonable and necessary to complete an operable facility that will serve the projected population during the design life of the facility, consistent with the applicable Land Use Plan.

NATURE AND LIMITATIONS OF FINANCIAL ASSISTANCE

340-81-120 (1) Unless otherwise approved by the Legislature, Legislative Ways and Means Committee or Legislative Emergency Board, financial assistance shall be limited to Loans.

(2) Loans secured by means other than sale of General Obligation Bonds by the Public Agency shall be subject to approval by the Environmental Quality Commission.

(3) Loans shall not exceed 100 percent of the eligible project cost. In the event the project receives grant or loan assistance from any other sources, the total of such assistance and any loan provided from the Pollution Control Fund shall not exceed 100 percent of eligible costs.

(4) The loan interest rate paid by the Public Agency shall be equal to the interest rate on the state bonds from which the loan is made, except as provided in sections (5) and (6) of this rule.

(5) The Department shall add to the rate of interest otherwise to be charged on loans a surcharge not to exceed an annual rate of one-tenth of one percent to be applied to the outstanding principal balances in order to offset the Department's expenses of administering the loan and the Pollution Control Fund.

(6) The Department may assess a special Loan processing fee of up to \$10,000 to recover extraordinary costs for legal and financial specialists that may be needed to enable the Department to satisfy itself that the Loan is legally and financially sound.

(7) The Public Agency must retire its debt obligation to the state at least as rapidly as the state bonds from which the loan funds are derived are to be retired; except that special debt service requirements on the Public Agency's loan may be established by the Department when (a) a debt requirement schedule longer than the state's bond repayment schedule is legally required, or (b) other special circumstances are present.

(8) Interest and principal payments shall be due at least thirty days prior to the interest and principal payment dates established for the state bonds from which the loan is advanced.

(9) Any excess loan funds held by the Public Agency following completion of the project for which funds are advanced shall be used for prepayment of loan principal and interest.

PRELIMINARY REQUEST FOR FINANCIAL ASSISTANCE

340-81-125 (1) Public agencies desiring to receive financial assistance from the Department shall file a preliminary application on forms supplied by the Department. This application will set forth:

(a) A description of the project for which funding assistance is desired.

(b) A description of the pollution control problem that the project will assist in resolving.

(c) The estimated cost of the project.

(d) The schedule for the project including the schedule for a bond election if one is necessary.

(e) The funding sources for the project.

(f) The method for securing the loan being [required] requested from the Department.

(g) Such other information as the Department deems necessary.

(2) Preliminary applications may be filed with the Department at any time.

(3) The Department may give notice of intent to receive preliminary applications by a date certain in order to prepare a priority list if such list becomes necessary to allocate anticipated available funds.

PRIORITIZATION OF PRELIMINARY APPLICATIONS

340-81-130 (1) If it appears that the potential requests for financial assistance may exceed the funds available, the Department shall notify potential applicants of the deadline for submitting preliminary applications to receive consideration in the prioritization process. Such prioritization will generally occur no more frequently than once per year. To the extent possible, the prioritization process will be completed in February in order to mesh with local budget processes and facilitate project initiation during favorable construction weather.

(2) The process for prioritization shall be as follows:

(a) Each project shall be assigned points based on the schedule contained in OAR 340-81-135.

(b) Projects shall be ranked by point total from highest to lowest with the project receiving the highest points being the highest priority for funding assistance. A fundable list shall then be established based on available funds.

(c) The Department shall notify each Public Agency within the fundable range on the list and forward a draft Loan Agreement for review, completion, and execution.

(d) If the loan agreement is not completed, executed, and returned to the Department within 60 days of notification, the Public Agency's priority position for funding assistance during that year shall be forfeited, and the funds made available in order of priority to projects below the fundable line on the list. The 60-day time limit may be extended by the Department upon request of the applicant with a demonstration of need to complete required legal and administrative processes.

(3) If funds remain after all qualifying applications on the list are funded, the Department may fund new requests from qualifying applicants on a first come first serve basis.

PRIORITY POINT SCHEDULE

340-81-135 The priority points for each project shall be the total of the points assigned [for each of the following categories:] as follows:

[(1) Total locally funded share of project cost per capita based on design population--priority points will be the per capita cost divided by 100 rounded to two decimal places.

(2) Outstanding general obligation bonded indebtedness for the Public Agency per capita for drinking water and sewerage facilities (excluding Bancroft Bonds) that is being repaid by Ad Valorem taxes--priority points will be the per capita debt divided by 100 rounded to two decimal places.

(3) Monthly sewer user charge--priority points will be the monthly charge for a single family residence.]

(1) [(4)] Water pollution control regulatory emphasis -- priority points will be the point value for regulatory emphasis as set forth in OAR 340-53-015 (Table 1) $\frac{1}{5}$ [divided by 5 rounded to two decimal places.]

(2) Sewerage Facility Costs -- priority points will be calculated by totaling the:

(a) Current years budgeted payment for debt service for sewerage facility bonds as reflected in the Public Agency's adopted budget;

(b) Current year budgeted expenditures for operation of sewerage facilities as reflected in the Public Agency's adopted budget;

(c) The equivalent annual cost for the project proposed to be constructed. The interest rate to be used by all projects deriving this cost will be determined by the Department;

and dividing the total by the population presently served by the Public Agency's sewerage facilities.

EXECUTION OF LOAN AGREEMENT

340-81-140 (1) The loan agreement shall at a minimum specify:

(a) The specific purpose for which funds are advanced.

(b) The security to be provided.

(c) The schedule for payment of interest and principal.

(d) The source of funds to be pledged for repayment of the loan.

(e) The additional approvals that must be obtained from the Department prior to advance of funds or start of construction.

(2) The loan agreement shall have as attachments the following:

(a) A list of general Assurances and Covenants as approved by the Attorney General.

(b) An official resolution or record of the Public Agency's governing body authorizing the loan agreement and authorizing an official of the Public Agency to execute all documents relating to the loan.

(c) A legal opinion of the Public Agency's attorney establishing the legal authority of the public agency to incur the indebtedness and enter into the loan agreement.

(d) Copies of ordinances pertinent to the construction, operation, and loan repayment for the project and the Public Agency's total sewerage facility including relevant user charges, connection charges, and system development charges.

(e) A 5-year projection of revenues and expenditures related to the construction, operation and debt service for the project and the Public Agency's total sewerage facility which assures that the project is self-supporting and self-liquidating.

LOAN CLOSING

3340-81-150 (1) Upon final signature of the Loan Agreement by both the Public Agency and the Department, funds will be advanced in accordance with the terms of the Loan Agreement.

(2) The Department may schedule final signature and advancement of funds as necessary to coordinate with the schedule for state bond sales.

REJECTION OF APPLICATIONS

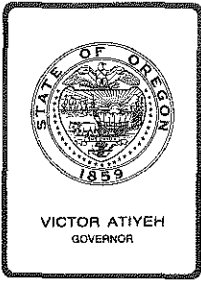
340-81-160 (1) The Department may reject any loan application if:

(a) The security proposed is judged to be inadequate to protect the State's interest, or the project does not appear to be conservatively self-supporting and self-liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments, and other fees.

(b) The project does not comply with the requirements of ORS Chapters 454 or 468 and rules adopted by the Environmental Quality Commission pursuant to these chapters.

(2) Any action by the Department to deny an application may be appealed to the Environmental Quality Commission.

WL2126
2/8/83



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, February 25, 1983 EQC Meeting

Public Hearing to Consider Revocation of a Variance
to Allow Open Burning of Solid Waste at the Elsie
Disposal Site (Clatsop County)

Background

At the January 14, 1983 EQC meeting, staff recommended revocation of the Elsie Disposal Site variance to continue open burning (Agenda Item No. N and Amendment to Agenda Item No. N, attached).

Due to legal technicalities (proper notice to affected parties), the EQC was unable to revoke the variance at that meeting. Staff was directed to serve proper notice and return to the February 25, 1983 EQC meeting.

Clatsop County Commissioners were informed of the EQC action by letter dated January 21, 1983. That letter also gave them the option to voluntarily stop burning at the Elsie Disposal Site by March 1, 1983, and offered assistance in review of any private industry proposal (Attachment III). No response to the Department's letter had been received by February 8, 1983.

Reasons cited by staff to support the variance revocation were as follows:


1. Failure to comply with condition 1 of the variance granted at the October 15, 1982 EQC meeting (submission of a progress report and time schedule by December 15, 1982).
2. County correspondence and a meeting with the County which substantiated that there was actually no need for variance continuation.
 - a. County letter indicated the disposal site could be converted to a transfer station during the summer of 1983.
 - b. County staff estimated a two-year life of the site without burning.

Summation

1. In October 1982, a variance was granted to allow open burning at the Elsie Disposal Site.
2. Two conditions were imposed on the variance:
 - a. Status report and time schedule by December 15, 1982.
 - b. Steps be taken to close the Elsie Disposal Site.
3. The County did not comply with condition 1 of the October 15, 1982 variance.
4. Since issuance of the Elsie variance, additional information has been obtained by staff which indicates the variance is no longer necessary for operation of the disposal site.

Director's Recommendation

Based on the Summation, it is the Director's recommendation that the variance granted to allow open burning at the Elsie Disposal Site be revoked effective March 1, 1983.


William H. Young

Attachments:

- I - Agenda Item No. N, January 14, 1983 EQC Meeting
- II - Agenda Item No. N - Amendment, January 14, 1983 EQC Meeting
- III - Department letter to Clatsop County, January 21, 1983

Robert L. Brown:c
SC843
229-5157
February 8, 1983



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: 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



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

January 21, 1983

Clatsop County Board of Commissioners
Courthouse
Astoria, OR 97103

Re: SW-Clatsop County

Dear Commissioners:

On January 14, 1983, the Environmental Quality Commission (EQC) adopted the "Director's Recommendation" regarding the open burning variance on Clatsop County disposal sites with one exception. Statute and rules regarding variance revocation require public notice to all affected parties. Therefore, the EQC could not revoke the Elsie variance effective March 1, 1983 as recommended by staff.

The EQC did direct staff to prepare a report for their February 25, 1983 meeting for a hearing to revoke the variance effective March 1, 1983. If the Department receives a confirmation in writing by February 1, 1983 of Clatsop County's intent to discontinue open burning at Elsie effective March 1, 1983, this hearing will not be necessary.

Department staff will be available to Clatsop County on a limited basis to give assistance in a review of any private industry proposal regarding solid waste disposal.

If you wish any clarification of the EQC action, please contact me at 229-5913.

Sincerely,

Robert L. Brown, Supervisor
Solid Waste Operations
Solid Waste Division

RLB:b
SB1736

cc: City of Astoria
City of Cannon Beach
City of Hammond
City of Seaside
City of Warrenton
Northwest Region, DEQ
North Coast Branch Office, DEQ



JOINT WAYS AND MEANS COMMITTEE

Room H178, State Capitol
SALEM, OREGON 97310

February 22, 1983

*EQC
why Young
Lawyer
Gillaspie -
pls respond*

Joe B. Richards
Chairman, Environmental Quality Commission
522 SW 5th
Portland, OR 97204

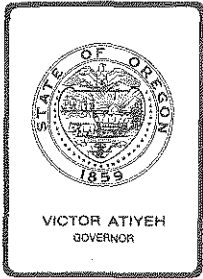
Dear Joe,

The Natural Resources/Economic Development Subcommittee of the Joint Committee on Ways and Means requested and received a status report from the Fish and Wildlife Department on the issue of spraying Sevin on the Tillamook Bay oyster beds. The Subcommittee concluded that the Department of Fish and Wildlife is appropriately designated by law to determine this issue and is adequately staffed to conduct a professional biological review. The Subcommittee is further of the opinion that the existing review process involving both the Fish and Wildlife Commission and the Land Conservation and Development Commission has afforded ample opportunity for input from both proponents and opponents of the spraying. Therefore, the Subcommittee would urge the Environmental Quality Commission to deny the Oregon Environmental Council's request to involve yet another agency in this issue and further delay its resolution.

Sincerely,

Senator Mike Thorne

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
FEB 24 1983
OFFICE OF THE DIRECTOR



Department of Environmental Quality

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Gary Grimes, Manager
Southwest Region

SUBJECT: Agenda Item M, February 25, 1983, EQC Meeting

SIGNIFICANT SOUTHWEST REGION ACTIVITIES AND CONCERNS

Attached is a county-by-county presentation of significant environmental activities and concerns in the Southwest Region. We would be glad to highlight those items of special interest to the Commission.

It has been nearly two years since the Commission has met in the Southwest Region and we have tried to include many positive things that have occurred during that period in this report.

GG:cs
1/31/83
Attachment:

COOS COUNTY

Coos Bay - North Bend Sewage Treatment Plants

Inflow and infiltration continues to be a major problem that requires ongoing corrective programs at Coos Bay #1, Coos Bay #2 and, the North Bend Plant. Results of the 208 field work and data acquisition study recently completed more clearly show the impact of these plants on Coos Bay. The Cities have been responsive to our requests for addressing problems and improvements have been noted in the maintenance and operation of the facilities.

Solid Waste - Powers

An open burning dump still serves the City of Powers and surrounding vicinity, operating under a Commission granted variance. The costs of direct hauling or transfer of wastes some 50 miles to the County's Beaver Hill incineration facility are even greater now and prohibitive in today's economy. The City has recently made an overture to the Department concerning upgrading of the existing site in lieu of transfer. We will be assisting the City of Powers in the evaluation of alternatives. The variance runs through June of 1984.

On-Site Sewage Disposal Program

The Department administers the on-site sewage disposal program in Coos County. Due to fiscal constraints, the County has decided to forego, for at least another year, any negotiations for assuming that program. We do not have a full time Waste Management Specialist in Coos Bay to work this program. The Coos Bay Branch Office Manager, Ruben Kretzschmar, provides program coverage as a function of regular duties. We monitor the program to insure reasonable response time to permit applicants. We have the capability of drawing upon the resources of other Branch Offices to assist in removing any temporary backlogs. Activity is very sporadic and any attempts to trend staffing needs are nearly impossible.

Coos Bay Log Storage

The estuarine storage and handling of logs has been at a minimum due to the economic decline in the Timber Industry. We expect that activity to pick up thus requiring staff effort to assure compliance with permit conditions. Overall response by Industry has been good and we expect substantial compliance.

CURRY COUNTY

Knoxtown Sanitary District Lagoons

In January, 1983, severe storms coupled with high tides caused a breaching of the seaward dike walls of this lagoon system leaving only one cell intact. As of this writing the Region has requested that the Sanitary District Board of Directors 1) hold emergency meetings to develop a strategy and retain such help as necessary; 2) implement an unconditional moratorium on new hookups and 3) submit regular reports of progress to the Department.

Timber Products Company - 3M Company

The commission is scheduled to tour recent air pollution control installations at these facilities while in Medford. Viewed will be installations costing in excess of \$5 million to meet requirements of the non-attainment area. Timber Products installation is for the control of particulates. 3M's installation is for the control of volatile organic compounds (VOC), a precursor of smog. Both companies utilized County Pollution Control Bonding provisions to finance the pollution control components of the installations.

Butte Falls - Solid Waste

The City of Butte Falls operates and maintains an open burning dump. The County has done preliminary design work on implementing a transfer station to serve Butte Falls and the surrounding County area. Current financial problems have precluded much action or implementation of this alternative. Long haul distances to the disposal site make operational costs very high. The ability of the system to operate without subsidy is doubtful. The variance expires July 1, 1985 and the final progress report is due this July.

JOSEPHINE COUNTY

Gold Mining - Enforcement Actions

For years the Department has made attempts to control hydraulic mining in the Rogue River Basin. The greatest majority of mining activity occurs in Josephine County. The Department administrative approach to enforcement was not fast enough to respond to sporadic hydraulic mining activities. A recent development has been the enlistment of the Oregon State Police to cite violators on-site using the criminal and misdemeanor sections of the Statutes. Three (3) citations were issued the last week in January.

City of Grants Pass - Air Quality

The Grants Pass air shed has been exceeding the Ambient Air Quality Standards for TSP and CO. Recent study of the problem shows a very high percentage of the TSP violations is due to area sources and, the automobile remains the leading contributor to CO. Grants Pass is "looked down" into by those travelling I-5 and that perspective magnifies the visual impact of air pollution levels. Air Quality Division is evaluating the air quality impact in this area.

Hazardous Waste - Airport Lagoons

These non-overflow lagoons receiving industrial sludges and glue wastes were closed by the County in 1981. The remaining liquid in the lagoons was "land farmed". The lagoons have been leveled and permanently closed.

Potential Amendment No. 2 to Agenda Item H, February 25, 1983
EQC Meeting.

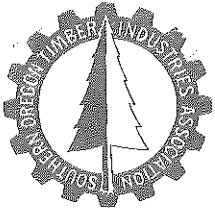
Additions are underlined; deletions are enclosed in [brackets].

The Medford-Ashland Air Quality Maintenance Area State Implementation
Plan for Particulate Matter, page 31, paragraph 2, would be replaced
with:

Rules for upgraded veneer dryer controls or other equivalent
controls will be adopted by December 31, 1983 and implemented
by July 1, 1990. The upgraded veneer dryer controls or other
equivalent controls are expected to reduce annual particulate
concentrations in Medford by 0.8 ug/m³.

Table 4.10.5-3 on page 42 would be modified as follows:

Upgraded veneer dryer controls <u>(or other equivalent controls)</u> and compliance schedules.	1990	<u>Rules to be adopted by December 31, 1983.</u>
--	------	--



Stem H

SOUTHERN OREGON TIMBER INDUSTRIES ASSOCIATION

2680 N. PACIFIC HWY.

MEDFORD, OREGON 97501

TELEPHONE 773-5329

TESTIMONY PRESENTED BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
FEBRUARY 25, 1983 IN MEDFORD, OREGON CONCERNING REVISIONS IN THE PARTICULATE
CONTROL STRATEGY FOR THE MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA

Mr. Chairman, ladies and gentlemen of the commission:

I am John L. Smith, Secretary-manager of Southern Oregon Timber Industries Association, headquartered in Medford. We are a two county organization, serving timber industry firms in Jackson and Josephine Counties. We have been involved in the air quality issue locally since its inception. Our posture has always been one of cooperation in the pursuit of reasonable and workable regulation.

A number of our members have facilities operating with air contaminant discharge permits in the Medford-Ashland AQMA. Our Air and Water Quality Committee has studied the proposals being considered today at some length. A representative of that committee was an active participant on the Jackson County Air Quality Committee which proposed the particulate SIP approved by the County Commissioners, a portion of which you are considering today. He also chaired the industrial control subcommittee of that body. As you can see, our record of concern and involvement is well established.

Our membership is justifiably proud of our accomplishments in particulate emissions control. We have invested an estimated 20 million dollars. The results cannot be argued. For the past two years Medford has been in compliance with the federal primary particulate standard, and this past year White City was significantly under the standard. It may be argued that industrial curtailment was responsible, but that is only partially true. A major uncontrolled facility was permanently shutdown in White City making

a major contribution to the improvement. However, our larger facilities operated throughout 1982 at production levels greater than 80% of normal capacity. One facility experienced a record year. Emission control in the industry has worked. It will continue to work.

We are willing to take further steps to control emissions provided they are reasonable, economically defensible, and a part of an equitable control program. Without pointing the finger at any one sector, and without accusing anyone of failure to act, we think it is high time that something be done to control the other sectors. We will not docilely accept further industrial controls unless they are a minor part of a program aimed at the sources responsible for the bulk of the current emissions. One cannot refute evidence such as the MACS Study. We are a part of the total emissions picture, but 20 million dollars later we are a minor part, and one with limited opportunities for further control. Consider that the entire primary particulate attainment strategy before you projects an annual TSP reduction of 32 micrograms. Of that, new industrial controls will contribute only 2 micrograms, or 6 percent.

To get into secondary standard attainment we quickly enter the realm of diminishing returns. Thus far we have bought 15.2 micrograms at a cost of \$20 million; \$1.3 million per microgram. The proposed veneer dryer upgrade will cost an estimated \$370,000 per dryer in 1990, with 15 dryers requiring upgrading. That is a total cost of \$5.5 million. It will account for an estimated 1 microgram of reduction toward attainment of the secondary standard. That is a significant jump from our current average. Secondary attainment through industrial controls will be very expensive.

Our Board of Directors has considered the elements of this proposal and has directed me to comment on those which directly impact our membership. We will defer comment on the weatherization, woodstove, firewood and paving

elements with one exception. We would like it noted that we support a program which will reasonably and realistically deal with those sectors proportional to their contribution to the particulate problem.

The department has addressed our earlier comments on the draft proposal. You have in hand a copy of our February 2 letter to Bill Young, and a copy of the department's response. Unfortunately, we were not provided a copy of the response until noon yesterday. My comments were prepared prior to that delivery and are based on telephone conversations with the department. As such, they may not fully address the department's response.

The exception I mentioned above deals with the wood stove curtailment element of the primary standard strategy. I will not address the element directly because it is not an industrial regulation. However, you should be aware that industry has a curtailment program for our operations. As a responsible particulate contributor we will participate in curtailment efforts when needed to protect the health of the citizens of this county. However, we would strenuously object to being the only participant in such an effort. During the recent pollution episode, we were alerted to the possibility of implementing that program and were prepared to take the necessary action. Fortunately, meteorological conditions changed and it was unnecessary.

You have our earlier comments on the fugitive emissions element. We can accept the proposed rule with the minor changes suggested and recognition of the rule's inapplicability to veneer dryer fugitives control. Our primary concern was with the timeliness of submissions and compliance dates. It is my understanding the department has modified the proposal in line with our request.

SOTIA has developed a prototype Operations and Maintenance Plan in conjunction with department efforts. The department has reviewed that

prototype and have found it acceptable. The proposed operations and maintenance element before you integrates with that prototype plan. We were concerned with the timeliness of the submission and compliance dates, but understand the department has modified the proposal in response to our request. Given that, we accept the proposal.

We have a number of concerns on the veneer dryer proposal. Basically, we are opposed to a program designed to meet a secondary or welfare standard which will cost the industry a significant amount of money. We would prefer to see the proposal geared to meet the primary standards. The Jackson County Committee's proposal on this element was written that way. The department has found it necessary to modify the committee's recommendation so that it becomes a secondary standard attainment element. We object to this. In essence, the targets have been changed.

The Jackson County committee's recommendation involved a trigger mechanism which would have required upgrading of installed veneer dryer emissions equipment, specifically the Burleys, only upon a future finding of continued noncompliance with the federal primary particulate standard. The committee was very concerned that there be recognition of the improving particulate situation in the AQMA and the possibility that reauthorization of the Clean Air Act would involve modifications to the primary/secondary standard approach. They were also concerned that industry not be shackled with an unnecessary economic burden should these things occur, eliminating the physical need for upgrading.

We feel the committee's approach is preferable to the department's original mandatory upgrade requirement. Due to the late delivery of the department's response to our concerns, we have not had an opportunity to discuss their hearings approach. However, we philosophically prefer an approach which would have a specified trigger and which would require imposition of further controls over one which would look at a waiver

of approved control requirements upon a finding that conditons had changed.

We recognize that the Oregon particualte standard is equal to the Federal secondary standard. We have testified before you in the past that such a standard is overly stringent and should be modified. We still believe that. Furthermore, we would support modification of the existing federal primary/secondary setup to a single health based approach, eliminating entirely the welfare aspects.

We have two specific requests relative to the veneer dryer proposal. First, we feel it is essential to raise the level of dryer emissions to 0.3 lbs per MSF of veneer for all dryers. We support the proposed increments for heat sources and steam generation. We appreciate the department's willingness to modify the proposal for gas and steam fired dryers. However, further study by our members has raised concerns about meeting the standards proposed for direct fired dryers.

While it may be possible to meet the proposed standards under test conditions running white fir or Douglas-fir heart stock, there is a question if the standards could be attained with pine or Douglas-fir sap stock. Furthermore, we seriously question our ability to meet the standards on the hourly basis using the maximum 8 hour capacity of the plant. We request that the dryer emissions for both direct dry and wet wood fired dryers be raised to 0.3 lbs per MSF and the basis changed to an annual average. The overall emission limit for direct dry wood fired dryers would then be 0.4 lbs per MSF, and 0.45 lbs per MSF for wet wood fired dryers.

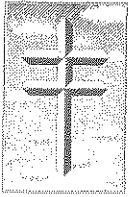
Second, we support the committee's proposed 1992 compliance date, in deference to the department's 1990 proposal. The 1990 date is based solely on the tax life of installed equipment, not the operational life. At this point there is no means of upgrading Burley equipment. We must

either force technology or replace the Burley Equipment. Replacement, if necessary, will be extremely costly and the added service life on the installed equipment will definitely make the economics less painful. We request that the compliance date be changed from 1990 to 1992.

As discussed earlier, we have not had an opportunity to discuss the hearings approach proposed by the department.

The department has proposed reducing the size of the AQMA. We have no objection to that proposal. It seems a well reasoned and logical move.

Thank you for your consideration in these matters, and for coming to Medford to hear our concerns. I will be happy to answer any questions you may have.



Oregon Lung Association, Southern Region
243 South Holly Street
Medford, Oregon 97501
Telephone: 772-4466

February 25, 1983

Comments to the Environmental Quality Commission Expressing Support of the Oregon Lung Association, Southern Region for Proposed Revisions to the State Air Quality Implementation Plan for the Medford - Ashland Air Quality Maintenance Area Regarding Particulate Control Strategy.

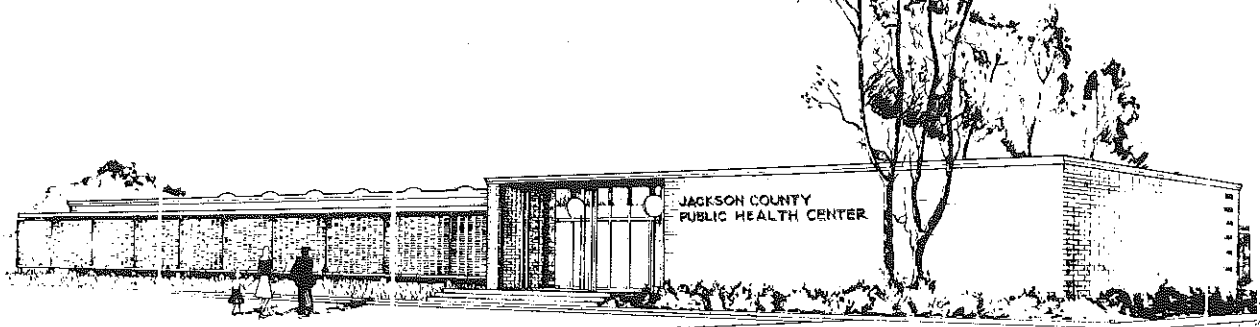
As on previous occasions, regarding other air pollution control measures, the Oregon Lung Association, Southern Region, feels that it is appropriate and necessary to express our support for the particulate air pollution control strategy that is under consideration today. As a non-profit volunteer organization concerned with respiratory health, we are obliged to help assure that state and federal air quality standards designed to protect health are achieved and maintained. We believe that the proposed particulate control strategy is required to achieve and maintain those standards in our air quality maintenance area. They are the necessary means to the necessary end.

Having been a member of the Jackson County Air Quality Advisory Committee, representing the Oregon Lung Association, Southern Region, I am confident of this. The Air Quality Committee represented a broad cross-section of our community, and it had the opportunity to examine in some detail both the evidence of our very serious particulate pollution, exceeding the health standard, and all the possible control measures. The Committee had the opportunity to discuss the alternatives, and hear various points of view. The proposed control strategy is the one which this Committee recommended. The recommendation of this Committee is a fair representation of what our fellow citizens would recommend given the same opportunity to study and discuss the evidence and the alternatives.

In closing I would like to mention a number of public opinion surveys taken in the past year, several nationally and one locally, which show that our fellow citizens find air pollution to be a serious problem and that they support implementation and enforcement of measures to control air pollution. I refer to the Harris Survey of July, 1982, which reported that 85% of the public surveyed supports strict enforcement of air and water pollution controls as currently required by the Clean Air and Clean Water Acts; and to a Harris poll conducted between June and November, 1982, which reported that 89% of the public believes that anti-pollution efforts need not be sacrificed to get the economy moving again; and to another Harris public opinion poll commissioned by Business Week magazine in early January which reported 47% of Americans in favor of a stricter Clean Air Act - this represents an 18% increase over responses to the same question in 1981 - while only 7% of the public favor easing our clean air laws. Finally, a survey conducted in Medford this past January by our own Association found that 86% consider air pollution to be a serious problem in the Medford area.

We urge, therefore, that the Environmental Quality Commission adopt the proposed particulate control strategy as written.

Submitted by Genevieve Pisarski Sage, Regional Director, Oregon Lung Association, Southern Region.



1313 MAPLE GROVE DRIVE, MEDFORD, OREGON, 97501

PHONE 776-7300

February 24, 1983

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

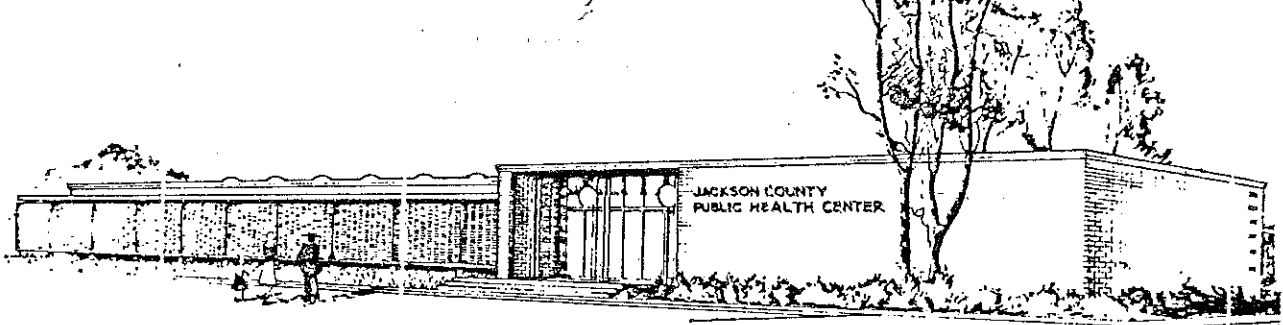
Dear Sirs:

On February 8, 1983, the Jackson County Board of Health unanimously reaffirmed their previous position that the air quality in Jackson County is a significant health threat to the citizens of the county. The Board also unanimously endorsed and publicly supports the findings and recommendations for particulate control strategies of the Jackson County Air Quality Committee. We request this testimony be considered during deliberation on particulate control strategy at the public hearing on February 25, 1983.

Sincerely,

Taira Fukushima, M.D.
Health Director
Jackson County Health Department

TF:pb



1313 MAPLE GROVE DRIVE, MEDFORD, OREGON, 97501

PHONE 776-7300

February 16, 1983

Representative Darlene Hooley
Chairperson, House Environment and
Energy Committee
House of Representatives H 479
Capital Building
Salem, Oregon 97310

Dear Representative Hooley:

The Jackson County Board of Health, in their meeting of February 8, 1983, reaffirmed their previous position that the lack of air quality in Jackson County is a significant health threat. The Board also unanimously endorsed and publicly supports the findings and recommendations for particulate control and strategies of the Jackson County Air Quality Committee. A copy of these control strategies is attached.

Of specific importance to your committee is item number eleven which recommends emission standards, testing and certification of new wood stoves.

We encourage your conscientious efforts to support passage of H.B. 2235 which will aid in reducing the serious adverse health effects of our air quality problem.

We request this testimony be considered during deliberation of this bill.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nedra B. Belloc".

Nedra B. Belloc
Chairperson
Jackson County Board of Health

cc: Jackson County Board of Commissioners
Jackson County Board of Health members
Enc.