

10/7/1983

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
**Department of
Environmental
Quality**

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

October 7, 1983

14th Floor Conference Room
Department of Environmental Quality
522 SW Fifth Avenue
Portland, Oregon

AGENDA

9:00 am CONSENT ITEMS

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

- APPROVED A. Minutes of August 19, 1983, EQC meeting.
- APPROVED B. Monthly Activity Reports for July and August, 1983.
- APPROVED C. Tax Credits.

9:05 am PUBLIC FORUM

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

HEARING AUTHORIZATIONS

- APPROVED D. Request for authorization to conduct a public hearing to amend OAR 340-21-025(2)(b) to establish special municipal incinerator standards for coastal areas and to amend the State Implementation Plan.
- APPROVED E. Request for authorization to conduct a public hearing on proposed solid waste disposal permit fees, OAR 340-61-115.
- APPROVED F. Request for authorization to conduct a public hearing on proposed rules relating to closure, post-closure maintenance, and financial assurance of solid waste disposal sites, OAR 340-61-005 to 340-61-043.

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 G. Approval of Lane Regional Air Pollution Authority Ozone Standard and submission as a revision to the State Implementation Plan.
- APPROVED H. Proposed adoption of amended rules for air pollution emergencies, OAR Chapter 340, Division 27, as a revision to the Oregon State Implementation Plan.

(more)

- APPROVED I. Proposed adoption of amendments to OAR 340-22-110(2)(b) to exempt 1,000-gallon or smaller gasoline storage tanks in Medford AQMA from submerged-fill requirements.
- APPROVED J. Proposed adoption of rules amending standards of performance for new stationary sources, OAR 340-25-510 to 655 to incorporate new federal rules for asphalt processing and asphalt roofing and five volatile organic compound sources and to amend the State Implementation Plan.
- APPROVED K. Request for approval of preliminary plan, specifications, and schedule for sanitary sewers to serve health hazard annexation area known as Fir Villa Area, contiguous to City of Dallas, Polk County.
- APPROVED L. Request for approval of proposed fee schedules for services related to the on-site sewage disposal program in Josephine County.
- APPROVED M. Request for class variance from OAR 340-22-020(4) to allow for extension of time to January 1, 1984, to apply for an exemption from the residential coal sales restriction.
- APPROVED N. Request for variance from OAR 340-25-315(1)(b), veneer dryer emission limits, for Brand S Corporation, Leading Plywood Division, Corvallis.
- APPROVED O. Request for continuance of open burning variances from OAR 340-61-040(2) for Seaside and Cannon Beach, Clatsop County.

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 Portland Motor Hotel, 1414 SW Sixth Avenue, Portland; and will lunch at DEQ Headquarters, 522 SW Fifth Avenue, Portland.

OREGON ENVIRONMENTAL QUALITY COMMISSION

October 7, 1983

BREAKFAST AGENDA

1. Field burning wrap-up O'Connell
2. Future EQC meetings outside
the Portland area Shaw



STATE OF OREGON

INTEROFFICE MEMO

TO: Environmental Quality Commission

DATE: October 7, 1983

FROM: Jan Shaw *jas*

SUBJECT: EQC meetings and expenses
outside the Portland area

Some time ago, Chairman Petersen requested figures reflecting expenditures for EQC meetings held outside the Portland area as compared to expenses for those meetings held in Portland. Following are estimates of those expenses:

<u>Item</u>	<u>Portland</u>	<u>Salem</u>	<u>Medford</u>
Vehicles/travel	\$ 300	\$ 150	\$ 200
Lunch	100	138	200
Dinner	30	---	332
Sleeping rooms	128	100	520
Breakfast	100	100	145
Staff time	<u>2,400*</u>	<u>600</u>	<u>2,880</u>
TOTALS:	\$3,058	\$1,088	\$4,277

*More staff seem to attend EQC meetings when held at headquarters.

Some suggestions have been received from staff regarding areas of the state where it might be useful for the Commission to hold meetings and particular dates for those meetings:

<u>Meeting</u>	<u>Location</u>	<u>Purpose</u>
January 6, 1984	Medford	Jackson County I/M program; redesignation of Grants Pass to nonattainment (Salem and Eugene redesignation, also).
February 17	Eugene	Field burning update; Eugene/Springfield sewage treatment facilities; River Road/Santa Clara.
Flexible	Klamath Falls	On-site sewage disposal program; Stewart-Lennox sewer system.
Flexible	Ontario/ Malheur County	
Flexible	Arlington	Chem-Security site

cc: Young
Downs



Contains
Recycled
Materials

1984 CALENDAR

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THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC.

MINUTES OF THE ONE HUNDRED FIFTY-FIRST MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

October 7, 1983

On Friday, October 7, 1983, the one hundred fifty-first meeting of the Oregon Environmental Quality Commission convened at the Department of Environmental Quality, Portland, Oregon. Present were Commission members Chairman James Petersen; Vice-Chairman Fred J. Burgess; Wallace Brill; and Mary Bishop. Commissioner Arno Denecke 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 SW 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

Commissioners Petersen and Bishop were present. Commissioners Burgess and Brill were absent from the breakfast meeting but were present at the start of the formal meeting.

1. The Director introduced Susan Payseno, the agency's new Personnel Officer, to the Commission members.
2. Field burning wrap-up: Sean O'Connell, Field Burning Manager, reported on how the field burning program progressed this year. 203,000 acres were burned, which is down from the previous three years. The burns tended to be slower and smokier than usual this year because the wet weather had caused excessive greening of the fields.

O'Connell reviewed for the Commission the total number of hours of smoke impact in those cities affected. Overall, the program functioned fairly well in this area, and the overall complaints were down from previous years.

O'Connell described a plan for reorganizing and streamlining the field burning rules during this fiscal year. In preparation, he is studying performance standards for areas other than Eugene. The staff recommended that rule hearings be held before the Commission, and Chairman Petersen was inclined to agree.

Linda Zucker, EQC Hearings Officer, requested discussions be held on how enforcement procedures can be improved to address current problems with enforceability of the rules.

3. Future EQC meetings outside of Portland: Jan Shaw, EQC Assistant, reviewed for the Commission a suggested tentative schedule and locations for EQC meetings during the first part of 1984. Her report also included some typical costs involved in taking the Commission members and staff to cities outside of Portland.

Chairman Petersen favors meetings which are held in various areas of the state where it is appropriate to deal with specific issues. He suggested, however, that the Commission attempt to meet in Portland on alternate dates of the meeting schedule.

It was agreed that, barring unexpected complications, the Commission would meet in Medford on January 6, 1984, and in Eugene on February 17, 1984.

FORMAL MEETING

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

AGENDA ITEM A: Minutes of the August 19, 1983, EQC Meeting

It was MOVED by Commissioner Bishop, seconded by Commissioner Burgess, and passed unanimously that the Minutes be approved.

AGENDA ITEM B: Monthly Activity Reports for July and August, 1983

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

AGENDA ITEM C: Tax Credits

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

PUBLIC FORUM: No one chose to appear.

AGENDA ITEM D: Request for Authorization to hold a Public Hearing to Amend OAR 340-21-025(2) (b) to Establish Special Municipal Incinerator Standards for Coastal Areas, and to Amend the State Implementation Plan.

The Department's particulate emission limits for incinerators appears to be a significant economic barrier to the application of this means of solid waste volume reduction in coastal areas. With very good ventilation and air quality in coastal areas, the Department believes its particulate emission limit could be relaxed without creating an air quality problem. The rule change proposed here would contain adequate safeguards to insure that visible emissions, odors, and toxic compounds will be adequately controlled.

Director's Recommendation

Based on the Summation, the Director recommends that the EQC authorize a hearing to consider establishment of special municipal waste incineration emissions rules for coastal counties. (See Attachment A).

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

AGENDA ITEM E: Request for Authorization to Conduct a Public Hearing on Proposed Solid Waste Disposal Permit Fees, OAR 340-61-115.

The Department's FY83-85 budget anticipated support of 3 Solid Waste positions by permit fees. HB 2236, which enables the Department to charge solid waste permit fees, was passed by the Legislature. The Commission is empowered to adopt rules setting the permit fees. The proposed rule and all pertinent documents are attached to the staff report requesting permission to hold a public hearing.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize a public hearing to take testimony on the proposed Solid Waste Disposal Permit fee schedule, OAR 340-61-115.

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

AGENDA ITEM F: Request for Authorization to Conduct a Public Hearing on Proposed Rules Relating to Closure, Post-Closure Maintenance, and Financial Assurance of Solid Waste Disposal Sites, OAR 340-61-005 to 340-61-043.

The 1983 Legislature passed HB 2241 which enables the Department to more closely regulate closure of landfills. The legislation also requires post-closure maintenance and financial assurance of post-closure maintenance. The Department seeks Commission approval to hold a public hearing on rules relating to HB 2241.

Director's Recommendation

It is recommended that the Commission authorize a public hearing to take testimony on the proposed amendments to the Department's solid waste management rules, OAR 340-61-005 through 61-043.

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

AGENDA ITEM G: Approval of Lane Regional Air Pollution Authority Ozone Standard and Submission as a Revision to the State Implementation Plan.

Item G proposes to approve the ozone standard recently adopted by the Lane Regional Air Pollution Authority (LRAPA). The ozone standard adopted by LRAPA is identical to that adopted by the Commission in 1982 and that adopted by the Environmental Protection Agency in 1979. LRAPA held a public hearing on July 12, 1983, and did not receive any adverse testimony on the new ozone standard.

Director's Recommendation

It is recommended that the Commission approve LRAPA's new ozone standard at .12 ppm, as identical to OAR 340-31-030 and direct the Department to submit it to EPA as a SIP revision.

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

AGENDA ITEM H: Proposed Adoption of Amended Rules for Air Pollution Emergencies, OAR Chapter 340, Division 27, as a Revision to the Oregon State Implementation Plan.

The Emergency Action Plan proposed for adoption makes some needed changes in the existing rules. These changes were proposed to streamline administration of the Emergency Action Plan. Highlights include modification of the state ozone alert level to match the federal alert guideline level and more specific criteria to enable industrial sources to know when they must submit source emergency reduction plans.

Director's Recommendation

Based upon the Summation, it is recommended that the rules proposed in Attachment 1 be adopted. It is further recommended that OAR 340-27-005, 340-27-010, 340-27-015, 340-27-025, 340-27-035, and Tables 1, 2, 3, and 4 be submitted to EPA as a revision of the Oregon State Implementation Plan.

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

AGENDA ITEM I: Proposed Adoption of Amendments to OAR 340-22-110(2)(b) to Exempt 1,000 Gallon or Smaller Gasoline Storage Tanks in Medford AQMA From Submerged Fill Requirements.

This agenda item proposed to amend the state air quality rules on small gasoline storage tanks in the Medford area. It is in response to the petition accepted by the Commission at the May 20, 1983 meeting. A public hearing was held on July 7, 1983. All the testimony received by the Department was favorable to the rule change. The rule change would exempt 1,000-gallon or smaller gasoline storage tanks in the Medford area from submerged fill requirements. The Medford area has met the ozone standard and this rule relaxation would not hinder maintaining compliance.

Director's Recommendation

It is recommended the Commission adopt the amendment to the gasoline marketing rule, OAR 340-22-110, as attached as a revision to the State Implementation Plan.

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 Rules Amending Standards of Performance for New Stationary Sources OAR 340-25-510 to 655 to Incorporate New Federal Rules for Asphalt Processing and Asphalt Roofing and Five Volatile Organic Compound Sources and to Amend the State Implementation Plan.

This agenda item proposed to update the state air quality rules on New Source Performance Standards. The proposed state rules would incorporate new source categories addressed by the Environmental Protection Agency over the last year. No public or industry testimony was offered at the August 15, 1983, public hearing. The rules would allow DEQ to continue to administer the total federal program in the state.

Director's Recommendation

It is recommended that the Commission adopt the proposed attached amendments to OAR 340-25-510 to 340-25-675, rules on Standards of Performance for New Stationary Sources, and authorize the Department to submit those rule changes to EPA as amendments to the State Implementation Plan.

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

AGENDA ITEM K: Request for Approval of Preliminary Plan, Specifications and Schedule for Sanitary Sewers to Serve Health Hazard Annexation Area Known as Fir Villa Area, Contiguous to City of Dallas, Polk County.

Past surveys have shown failing septic tank systems in Fir Villa near Dallas. Pursuant to ORS 222.915, the State Health Division certified the area as a health hazard and ordered Dallas to annex the area and correct the problem.

The City of Dallas has submitted preliminary plans and specifications together with a time schedule for annexing and sewerage the area. ORS 222.898 requires the Commission to determine the adequacy of the time schedule and plans for correcting the health hazard. If approvable, the Commission must certify same to the City. The staff has reviewed the plans and timetable and consider them satisfactory.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the Commission approve the proposal of the City of Dallas and certify approval to the City.

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

AGENDA ITEM L: Request for Approval of Proposed Fee Schedules for Services Related to the On-Site Sewage Disposal Program in Josephine County.

This is a request from Josephine County for Environmental Quality Commission approval to adopt three proposed fee schedules for services related to the on-site sewage disposal program. The county cannot adopt these fee schedules without Commission approval.

Director's Recommendation

Based upon the Summation, it is recommended the Commission approve Josephine County's proposed fee schedules for test hole placement assistance, record searches, and field review of potentially invalidated site evaluations.

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

AGENDA ITEM M: Request for a Class Variance from OAR 340-22-020(4) to Allow for Extension of Time to January 1, 1984 to Apply for an Exemption from the Residential Coal Use and Sale Restriction.

This item proposed to amend the state air quality rules on the residential coal rule exemption application deadline. The proposed amendment would extend the application date for existing coal users to apply for an exemption to January 1, 1984, six months beyond the original deadline of July 1, 1983.

Director's Recommendation

Based on the findings outlined in the Summation, it is recommended that the Commission grant a class variance from the original exemption application deadline of July 1, 1983 (OAR 340-22-020(4)) and allow an extension of time to January 1, 1984 to affected parties to apply for an exemption from the residential coal rule restriction.

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

At this point in the meeting, the Commission withdrew into Executive Session to discuss personnel matters. No action was taken.

AGENDA ITEM N: Request for a Variance From OAR 340-25-315(1)(b), Veneer Dryer Emission Limits, for Brand-S Corporation, Leading Plywood Division, Corvallis.

Brand-S Corporation has requested a variance from the Department's veneer dryer opacity rule for their Leading Plywood Division at Corvallis. The plant was certified in compliance in 1979 and 1980 after "home-built" gravel bed scrubbers were installed. Operational problems (plugged nozzles and de-mister sections) occurred, and the scrubbers were modified, resulting in noncompliance. Brand-S has submitted a schedule to install an experimental "sand/fabric" filter in one scrubber by October 10, 1983; review commercially available scrubbers and select a control technology by March 1, 1984; and demonstrate final compliance by October 1, 1984. The variance is necessary to allow continued operation while funding is reviewed and the above schedule carried out.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission grant a variance to Brand-S Corporation, Leading Plywood Division, Corvallis, from OAR 340-25-315(1)(b), Veneer Dryer Emission Limits, with final compliance and increments of progress as follows:

1. Complete the experimental modifications presently underway on a fabric/sand filter for one scrubber by no later than October 10, 1983.
2. Review available "off-the-shelf" emission control systems from at least three vendors and submit documentation from the vendors on the suitability, expected performance and costs to the Department. Select the most suitable control device by no later than March 1, 1984.
3. Purchase and install the emission control system and demonstrate compliance with opacity limits by no later than October 1, 1984.
4. Submit monthly progress reports to the Department, beginning April 1, 1984, on the status of purchase and installation of the control device.

Owen Bently, Vice President for Corporate Affairs, Brand-S Corporation, addressed questions on financial matters from the Commission.

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

AGENDA ITEM O: Requests for Continuance of Open Burning Variances from OAR 340-61-040(2) -- Seaside and Cannon Beach, Oregon.

Cannon Beach and Seaside disposal sites have received a series of variances from the EQC to allow for continued open burning of garbage while planning for a suitable long-term solid waste disposal solution. Seven variances covering eight years have been granted. During this time period, various options have been explored but none have been successful. Private industry is currently exploring an incineration option and the cities in the county have formed a working group, funded a full-time position in the County Service District, and made a commitment to identify and implement an acceptable option by the 1984 construction season.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant an extension of variances from OAR 340-61-040(2), until November 1, 1984, for Cannon Beach Sanitary Service and Seaside Sanitary Service, subject to the following conditions:

1. Progress toward establishment of a regional solid waste disposal program continues so that a viable alternative is in place by November 1, 1984.
2. Quarterly progress reports beginning January 1, 1984, be submitted to the Department. The first progress report shall contain a schedule of events leading to project completion.

Joan Dukes, Clatsop County Commissioner, assured the Commission that the schedule for compliance is achievable.

John Crockett, City of Astoria, supported Commissioner Dukes' statement, and his group supports the variance extension.

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

UNSCHEDULED ITEM: Enforcement Action--David McInnis and Polly McInnis dba Clearwater Industries, Inc., Schulz Sanitation, McInnis Enterprises, McInnis & Son, and L & M Enterprises.

The unscheduled item today results from the Commission's special meeting of September 23, 1983.

At that meeting, the Commission was apprised of a major sewage dump in the Columbia Slough by McInnis Enterprises. Because McInnis had failed to remove the sludge from the slough by the requested date, the Department was seeking the Commission's authorization to pursue cleanup by a court injunction.

The Commission took two actions:

1. Authorization to pursue court action was granted.
2. Staff was requested to provide the Commission with a status report on the cleanup action and provide information concerning further enforcement action.

Staff has prepared the requested report, and the cleanup has been completed. The details of the cleanup are outlined in the report.

Likewise, the Department has prepared a summary of enforcement alternatives. Based upon this party's past history, the flagrancy of the August 5 violation, the delay incurred in performing the cleanup, and continuing violations, the Department decided to pursue the revocation of the McInnis sewage disposal license.

The Department invited any suggestions or policy direction the Commission might provide.

Director's Recommendation

This is an informational item which does not require action on the part of the Commission.

In consideration of the repeated and continuing violations of McInnis, it is the Department's intention to seek revocation of the McInnis sewage disposal license. Due to the seriousness of the violations committed, the Department intends to request the Hearing Officer to schedule any required hearings on an expedited basis.

It was MOVED by Commissioner Burgess, seconded by Commissioner Bishop, and passed unanimously to strongly approve the Director's Recommendation.

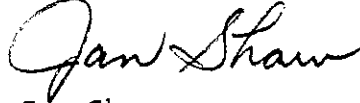
There being no further business, the meeting was adjourned.

LUNCH MEETING

1. Selection of new director: The Commission announced that Michael J. Downs, Administrator of the Management Services and Laboratory Divisions, had been chosen to serve as Acting Director until the selection of a new director. The Commission is anxious to select the best candidate they can find, even though it may take some time.

2. Director's meeting with Ernesta Barnes, EPA: The Director reviewed for the Commission his meeting with Barnes on October 6, 1983, to talk about the hazardous waste program and the work they expect the Department to accomplish. Significant difference exists between the way EPA pursues compliance and the way the Department seeks compliance. EPA would like to see documentation begin earlier in DEQ's process. EPA is not concerned with Oregon's statutes or the proposed rules but rather with the way the program would be implemented in this state.

Respectfully submitted,



Jan Shaw
EQC Assistant

JS:d
Attachments

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED FIFTIETH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

AUGUST 19, 1983

On Friday, August 19, 1983, the one hundred fiftieth meeting of the Oregon Environmental Quality Commission convened at the Department of Environmental Quality, Portland, Oregon. Present were Commission members Chairman James Petersen; Vice-Chairman Fred J. Burgess; Arno Denecke; and Mary Bishop. Commissioner Wallace Brill 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 SW 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

1. Variance tracking: The Director reviewed a proposed variance reporting format with the Commission. Chairman Petersen asked what legal authority we have for treating some cases as variances and others as merely permit conditions. The Director said the Department intends to include in the report format those cases where we have handled the noncompliance by a permit modification. The Commission would like a brief explanation for noncompliance in those cases where a facility is not complying with variance terms. The staff was instructed to return to the Commission with an expanded report for further discussion.
2. Administrative law course: The Director described this conference and asked whether any Commission members would like to attend. Jan Shaw will send each member the conference description, agenda, and registration forms.
3. Goals & Objectives: The Director reviewed the Department's G & O planning schedule and invited the Commission members to attend any sessions they would be interested in. Staff will provide the Commission with a schedule of those sessions.
4. Teledyne Wah Chang: The Director reported that he had recently assessed a \$4,000 penalty against TWCA for illegal open burning.

FORMAL MEETING

Commissioners Petersen, Burgess, Denecke, and Bishop were present at the formal meeting.

AGENDA ITEM A: Minutes of the July 8, 1983, EQC Meeting and the August 1, 1983, special meeting.

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

AGENDA ITEM B: Monthly Activity Reports for April and May, 1983

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

AGENDA ITEM C: Tax Credits

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

On another subject, the Chairman asked the Director to report on the progress of the first meeting of the Woodstove Advisory Committee.

PUBLIC FORUM: No one chose to appear.

AGENDA ITEM D: Request for Authorization to Hold a Public Hearing on Proposed Amendments to the Motor Vehicle Emission Control Inspection Test Criteria, Methods, and Standards (OAR 340-24-300 through 24-350) Specifically Affecting the Pollution Equipment Visual Inspection, the Engine Exchange Policy, Test Method, and Licensed Fleet Policy.

The Commission was asked to authorize a public hearing on proposed changes to the motor vehicle emission testing program rule. Changes are proposed to the testing schedule, equipment requirements, and inspector licensing of the licensed fleet program. Housekeeping modifications in the test method and criteria sections are proposed. Further modification is proposed to simplify the underhood inspection procedure for 1974 and older vehicles and to the engine exchange policy.

The tentative date for the hearing, if approved, would be October 3, 1983.

Director's Recommendation

Based upon the summation, it is recommended that a public hearing be authorized.

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

AGENDA ITEM E: Proposed Adoption of Amendments to Rules Governing Construction and Use of Waste Disposal Wells, OAR 340-44-005 through 340-44-055.

On May 20, the Commission authorized a hearing on a proposed revision of waste disposal well regulations. The hearing was held on June 24. There were no objections to the rules expressed at the hearing. There were some suggestions for clarifying Section (7) of Rule 340-44-015. Some changes were made in the proposed rules to address those concerns. The rules were brought back before the Commission for adoption.

Director's Recommendation

Based on the summation, the Director recommends that the Commission adopt the rules as amended.

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

AGENDA ITEM F: Request for the Commission to (1) Adopt Revisions to Administrative Rules 340-53-005 through 53-035, Development and Management of the Statewide Sewerage Works Construction Grants Priority List; and (2) Approve the FY84 Construction Grant Priority List.

This item is (1) the recommended sewerage works construction grants priority list for federal fiscal year 1984, beginning October 1, 1983; and (2) several minor changes to the administrative rules for developing and managing the priority system. A public hearing on these materials was held on June 24, 1983.

In July, the President signed the appropriations bill for EPA which includes \$2.43 billion nationally for this program. Oregon will receive approximately \$27.6 million for construction grants for FY84.

Director's Recommendation

Based on the Summation, the Director recommends that the Commission adopt the administrative rules regarding the development and management of the statewide priority list, OAR 340-53-005 through 035 as revised, and the FY84 Construction Grants Priority List.

Scott Huff, City of Gresham sanitary engineer, described the city's progress in sewerage and that it hoped for an upgraded position on the Construction Grants Priority List in order to take advantage of any additional money that might become available.

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

AGENDA ITEM G: Request For An Extension Of A Variance From OAR
340-25-315(1)(b) Veneer Dryer Emission Limits, For
Champion International Corporation, Lebanon Plywood
Division, Steam Heated Dryers 1 through 6.

Champion International has requested an extension of the Commission's April 16, 1982, variance from the Department's veneer dryer opacity rules for the Lebanon Plywood Division. The company has projected that the existing steam-heated dryer control system (hogged fuel boiler incineration) will continue to be inadequate in controlling dryer emissions because of permanent changes in mill operation brought about by the recession. Champion has submitted a schedule for modifying and upgrading the dryer controls which will achieve compliance by September 1, 1984. The variance extension is necessary to arrange for funding, design, fabrication and installation of the additional equipment necessary to complete the upgrading project.

Director's Recommendation

Based on the Summation, it is recommended that the Commission grant an extension to Champion International Corporation, Lebanon Plywood Division's April, 1982, variance from OAR 340-25-315(1)(b), Veneer Dryer Emission Limits, with final compliance and increments of progress as follows:

1. Complete engineering and obtain funding to modify the Coen sanderdust burners and install necessary ducting and related equipment by March 1, 1984.
2. Issue purchase orders for equipment and contracts for construction and installation of the burner modifications by April 15, 1984.
3. Complete burner modifications and ductwork installation (including ducting of the No. 5 dryer green end stack to the boilers) by August 1, 1984.
4. Demonstrate compliance with the Department's opacity limits by September 1, 1984.

In addition, the variance should be modified to limit the number of aborted steam-heated dryers to 1 plus the green end stack of the No. 5 dryer during the period of the variance extension. The quarterly reporting requirement should be modified to replace the forecasting of future supplies of hogged fuel with quarterly progress reports on achieving compliance. All other reporting requirements remain in effect.

Ralph Heinert, Champion International, answered some questions from the Commission regarding the possible damage to the company in the case that the requested variance is not issued.

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

Chairman Petersen requested better documentation in the future for finding of economic hardship.

AGENDA ITEM H: Public Hearing to Consider Approval of the Portland International Airport Noise Abatement Program (Pursuant to OAR 340-35-045).

Portland International Airport is the focus of substantial citizen interest and discussion regarding noise pollution. Last August, the airport proprietor, the Port of Portland, initiated development of an airport noise abatement plan in accordance with airport noise control regulations. This plan is now complete and was back before the Commission for public comment and proposed approval.

The main elements within this plan are those flight operational controls designed to shift takeoff and landing paths to less populated areas, primarily over the Columbia River.

The plan also includes major land use and development controls designed to mitigate existing noise impacts and prevent future impacts. These will be accomplished through controls such as zoning restrictions and sound-proofing programs. Some of these land use controls must be implemented by the appropriate local governmental body responsible for land use actions while others will be pursued by the Port.

Most of the flight operational controls should be fully implemented by mid-1984. These controls will reduce the number of people within the noise impact boundary by 69,000 people, a 39-percent reduction.

Director's Recommendation

Based on the Summation, it is recommended that the Commission approve the proposed Portland International Airport Noise Abatement Program outlined in this report and Attachment B with the following conditions:

1. All operational controls shall be implemented within the schedule shown in Table 2.
2. All land use controls shall be pursued as scheduled, to the extent feasible, by the Port of Portland.
3. Prior to January 1, 1985, the Department shall submit an informational report on the status of this abatement program, an evaluation of implementation progress, and the need to amend the program.
4. Approval of this program and these conditions is an order of the Commission and is enforceable pursuant to OAR 340-12-052.

Lloyd Anderson, Port of Portland Executive Director, described briefly the Noise Abatement Program and introduced Bill Supak to discuss it more fully.

Bill Supak, Director of Aviation, described in detail the Port's Noise Abatement Program.

Chuck Sears, FAA air traffic representative and tower chief at PIA, answered some questions from the Commission and assured them of his group's support and cooperation with the program.

Jane Cease, State Representative, approved of the program but hoped that the DEQ would continue to monitor the noise from the PIA.

Linore Allison, Northeast Coalition of Neighborhoods, was concerned about the west departure patterns because flight altitudes do not provide much abatement in noise, and she would prefer more distance before flight course adjustment is made to a final destination route. She continues to be concerned about commuter aircraft, helicopter, and F-4 aircraft noise over the neighborhoods which she represents. In addition, she hopes that the Department will be the agency who will monitor the implementation of this program.

Mathilda Goldsmith, Hayden Bay Homeowners Association, complained that since July 1, aircraft have been flying over her neighborhood and asked what enforcement there would be and from what agency.

George Walker, Chairman of the Rose City Park Association, spoke generally in favor of the plan and echoed some of the others' concerns and then introduced Martha Johnston to use his allotted time before the Commission.

Martha Johnston, East Columbia Neighborhood Association, suggested that Item (a) under Land Use Management Program on page 6 of the staff report should read "... under existing residential zoning or under the Portland Comprehensive Plan ..." (Underlined language to be added.)

Gene K. McLaughlin, North Portland Citizens Committee, fully approves of the proposed Noise Abatement Program.

Billie Graap, Columbia-Bridgeton Neighborhood Association, did not want new homebuilding to be prohibited in her neighborhood to avoid complete industrialization of the area.

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

AGENDA ITEM I: Administrative Review of Agency-Issued Permits.

The Commission asked staff to examine the agency permit appeal practices to see if they can be improved and to bring alternatives to the Commission for consideration. This item attempts to do that.

Director's Recommendation

It is recommended the Commission take note of this report and direct staff to use public hearing alternative "D" described on page 6.

Alexander Gordon, attorney representing the Oregon Environmental Council, reiterated OEC's concern that "any aggrieved person" be allowed to request a contested case hearing.

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

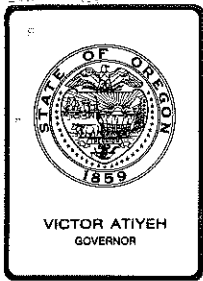
There being no further business, the meeting was adjourned.

Respectfully yours,



Jan Shaw
EQC Assistant

JS:d



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. B, October 7, 1983, EQC Meeting
July and August 1983 Program Activity Reports

Discussion

Attached are the July and August 1983 Program Activity Reports.

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

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

The purposes of this report are:

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

Recommendation

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

Bill

William H. Young

CASplettstaszer:d
229-6484
Attachments
MD26

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

July and August 1983

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JULY 1983 MONTHLY ACTIVITY REPORT

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions
(Reporting Unit)

July 1983
(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	5	77	5	80	0	1	16
Small Gasoline Storage Tanks Vapor Controls	0	0	0	0	0	0	0
Total	5	77	5	80	0	1	16
<u>Water</u>							
Municipal	15	191	20	192	0	3	11
Industrial	5	77	15	87	0	0	5
Total	20	268	35	279	0	3	16
<u>Solid Waste</u>							
Gen. Refuse	2	2	2	2	0	0	8
Demolition	0	0	0	0	0	0	0
Industrial	0	0	0	0	0	0	5
Sludge	0	0	2	2	0	0	1
Total	2	2	4	4	0	0	14
<u>Hazardous Wastes</u>							
	0	0	2	2	0	0	0
<u>GRAND TOTAL</u>	27	347	46	365	0	4	46

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

COUNTY	NUMBER	SOURCE	PROCESS DESCRIPTION	DATE OF ACTION	ACTION
MULTNOMAH	869	COFFEE BEAN DIST. INC	ADD COFFEE ROASTER W/CONT	07/20/83	APPROVED
LANE	874	FALCON MFG CORP	SCRUBBER FUEL CELL & B'HSE	07/08/83	APPROVED
LANE	883	TRIANGLE VENEER	SCRUBBER SYS	07/12/83	APPROVED
MULTNOMAH	904	MALARKEY ROOFING CO	FAN, FILTERS & DEMISTER	06/30/83	APPROVED
COLUMBIA	916	NIEDERMEYER-MARTIN CO.	PRESS TREATMENT PLANT	07/20/83	APPROVED
TOTAL NUMBER QUICK LOOK REPORT LINES			5		

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

July, 1983
(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	4	4	1	1	19		
Existing	0	0	1	1	14		
Renewals	7	7	14	14	82		
Modifications	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>15</u>		
Total	15	15	20	20	130	1709	1742
<u>Indirect Sources</u>							
New	0	0	0	0	3		
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	0	0	0	0	0	206	209
<u>GRAND TOTALS</u>	15	15	20	20	133	1915	1951

Number of
Pending Permits

Comments

29	To be reviewed by Northwest Region
16	To be reviewed by Willamette Valley Region
23	To be reviewed by Southwest Region
6	To be reviewed by Central Region
6	To be reviewed by Eastern Region
15	To be reviewed by Program Operations Section
10	To be reviewed by Planning & Development Section
14	Awaiting Public Notice
<u>11</u>	Awaiting end of 30-day Notice
130	

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
MULTNOMAH	PRIESTLY OIL & CHEM CO	26	3075 03/28/83	PERMIT ISSUED	07/01/83	NEW N
WASATILLA	PINE LAM, INC.	30	0037 04/13/83	PERMIT ISSUED	07/01/83	EXT
LINN	HALSEY PULP COMPANY	22	3501 06/23/83	PERMIT ISSUED	07/06/83	RNW
CLACKAMAS	CANBY SAND & GRAVEL CO	03	2032 04/06/82	PERMIT ISSUED	07/08/83	RNW
COLUMBIA	LAMMI SAND & ROCK PRDCTSD	05	2572 06/01/83	PERMIT ISSUED	07/03/83	RNW
LINN	HUB CITY CONCRETE CO	22	0605 10/25/82	PERMIT ISSUED	07/08/83	RNW
MARION	WILCO FARMERS, INC	24	1003 05/23/83	PERMIT ISSUED	07/08/83	RNW N
MARION	HUBBARD SEED & SUPPLY CO	24	1503 05/06/83	PERMIT ISSUED	07/08/83	RNW
MARION	SALEM SLACKTOP & ASPHALT	24	5754 05/04/83	PERMIT ISSUED	07/08/83	RNW
MULTNOMAH	COLUMBIA GRAIN, INC.	26	2907 04/13/83	PERMIT ISSUED	07/08/83	RNW Y
COLUMBIA	FRIESEN LUMBER CO	05	2552 07/15/82	PERMIT ISSUED	07/15/83	RNW
DOUGLAS	GEORGIA PACIFIC CORP	10	0014 03/21/83	PERMIT ISSUED	07/15/83	RNW
JACKSON	BOISE CASCADE CORP	15	0004 01/14/83	PERMIT ISSUED	07/15/83	RNW
MULTNOMAH	GRESHAM SAND & GRAVEL	26	1931 06/06/83	PERMIT ISSUED	07/15/83	RNW
YAMHILL	BOISE CASCADE CORP	36	8031 03/22/83	PERMIT ISSUED	07/15/83	RNW
HARNEY	EDWARD HINES LUMBER CO.	13	0001 07/06/83	PERMIT ISSUED	07/18/83	MOD
GRANT	EDWARD HINES LUMBER	12	0015 07/05/83	PERMIT ISSUED	07/19/83	MOD
GRANT	EDWARD HINES LUMBER CO	12	0016 07/05/83	PERMIT ISSUED	07/19/83	MOD
GRANT	EDWARD HINES LUMBER CO	12	0024 07/05/83	PERMIT ISSUED	07/19/83	MOD
MULTNOMAH	TROUTDALE SAND & GRAVEL	26	1939 05/23/83	PERMIT ISSUED	07/20/83	RNW

TOTAL NUMBER QUICK LOOK REPORT LINES 20

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

July, 1983
(Month and Year)

PLAN ACTIONS COMPLETED 35

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

MUNICIPAL WASTE SOURCES 20

Columbia	Riverwood Mobile Home Park Sewage Treatment Facilities	7/15/83	Comments to Owner
Lane	Creswell "A" Street Force Main Front Street to 10th Street	7/20/83	P. A.
Jackson	BCVSA North Ashland Interchange Project (No. 82-9)	7/21/83	P. A.
Josephine	Fleming-Manzanita North Valley Industrial Area Sanitary Sewer System	7/25/83	P. A.
Linn	Millersburg Contract No. 4 (Line "MC")	7/26/83	P. A.
Jackson	BCVSA Project 81-5 (Erline Way/Margaret Way)	7/26/83	P. A.
Multnomah	Fred Meyer Gateway Dry Sewers including N.E. Pacific Street - 99th to 102nd	7/26/83	P. A.
Douglas	RUSA Mercy Medical Center Ext. Roseburg	7/26/83	P. A.
Multnomah	Rosier Farms Estates Sanitary Sewers Portland	7/26/83	P. A.

MAR.3 (5/79) WG2632

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

July, 1983
(Month and Year)

PLAN ACTIONS COMPLETED

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

Deschutes	Sunriver Improvements to Sunriver Village, Phase I	7/26/83	P. A.	
Clackamas	Wilsonville River Village Lift Station and Sanitary Sewer Extension	7/26/83	P. A.	
Harney	Burns New Main Waste Water Pump Station	7/26/83	P. A.	
Wasco	Rajneeshpuram Buddha Grove Intermittent Recirculating Sand Filter (IRSF) Sewage Treatment System	7/27/83	P. A.	
Lane	MWMC Contract M-61 West Irwin Force Main Pipe	7/29/83	P. A.	
Lane	MWMC Contract C-62 West Irwin Force Main Pipe	7/29/83	P. A.	
Lane	MWMC Contract C-66 West Irwin Force Main Pipe Bored Under Crossing	7/29/83	P. A.	
Lane	MWMC Contract E-61 Terry Street Pump Station Pumps	7/29/83	P. A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

July, 1983
(Month and Year)

PLAN ACTIONS COMPLETED

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

MUNICIPAL WASTE SOURCES (Continued)

Lane	MWMC Contract C-61 Terry Street Pump Station	7/29/83	P. A.
Lane	MWMC Contract C-74 Springfield Sewer Collection System Rehabilitation (MAJOR)	7/29/83	P. A.
Columbia	Columbia County Fairgrounds Large Subsurface System	8/1/83	Approved Conditions for Permit. Sent to NW Region.

P.A. = Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division	July, 1983
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED

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

INDUSTRIAL WASTE SOURCES 15

Linn	Teledyne Wah Chang Separations Spill Treatment Modifications Albany	7/11/83	Approved	
Yamhill	Robert W. & Mary E. Schmitt Hog Lagoon Amity	7/12/83	Approved	
Tillamook	John Rieger Farm Manure Control System Tillamook	7/18/83	Approved	
Clackamas	Publishers Paper Pentachlorophenol Dip Tank Control System Molalla	7/19/83	Approved	
Tillamook	DeNoble Dairy Manure Control Facilities Tillamook	7/26/83	Approved	
Tillamook	Alfred Sander Dairy Manure Control Facilities Tillamook	7/26/83	Approved	
Tillamook	Gary Petty Dairy Manure Control Facilities Tillamook	7/26/83	Approved	
Tillamook	Oldenkamp Farms Manure Control System Tillamook	7/26/83	Approved	

MAR.3 (5/79) WG2324

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	July, 1983 (Month and Year)
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PLAN ACTIONS COMPLETED

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

Tillamook	Naegeli Dairy Manure Control System Tillamook	7/26/83	Approved	
Tillamook	Wayne Hancock Dairy Manure Control System Tillamook	7/26/83	Approved	
Linn	Cedar Lumber Co. Pentachlorophenol Control System Lyons	7/26/83	Approved	
Tillamook	Steve Rieger Farm Manure Control System Tillamook	7/26/83	Approved	
Tillamook	Tim Emerson Farm Manure Control System Tillamook	7/26/83	Approved	
Wasco	Stadelman Fruit Waste Water Clarifier The Dalles	7/26/83	Approved	
Clackamas	PGE - Bull Run Transformer Oil Level Alarm	7/26/83	Approved	

MAR.3 (5/79) WG2324

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

July 1983
(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	1 /2	1 /2	0 /1	0 /1	3 /6		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	7 /4	7 /4	1 /1	1 /1	38 /10		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	8 /6	8 /6	1 /2	1 /2	41 /16	236/128	239/134
<u>Industrial</u>							
New	0 /0	0 /0	0 /0	0 /0	2 /6		
Existing	0 /0	0 /0	0 /0	0 /0	0 /1		
Renewals	2 /2	2 /2	0 /1	0 /1	38 /16		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	2 /2	2 /2	0 /1	0 /1	40 /23	194/164	196/171
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	0 /0	0 /0	0 /0	1 /0		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	0 /0	0 /0	0 /0	0 /0	0 /3		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	0 /0	0 /0	0 /0	0 /0	1 /3	2/13	3/13
<u>GRAND TOTALS</u>	10 /8	10 /8	1 /3	1 /3	82 /42	432/305	438/318

* NPDES Permits
** State Permits

Notes: 1 Industrial Permit cancelled.
1 Industrial Permit changed back to Regular Permit from General Permit.
9 General Permits granted (2 Regular Permits transferred to General Permits).

Number of Sources under permit have been adjusted by subtracting the 301 General Permits.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division

(Reporting Unit)

July 1983

(Month and Year)

PERMIT ACTIONS COMPLETED

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

MUNICIPAL AND INDUSTRIAL SOURCES - NPDES (3)

Lane	Borden Chemical Springfield	7/18/83	General Permit Cancelled and Old Permit Reinstated
Coos	Charter Ocean Products Co. Charleston	7/19/83	Permit Cancelled
Benton	City of Corvallis STP	7/21/83	Permit Renewed

MUNICIPAL AND INDUSTRIAL SOURCES - STATE (3)

Deschutes	Rimrock West San. Dist. STP, Bend	7/19/83	Permit Renewed
Josephine	Sunny Valley Mining & Development Co. Greenback Mine, Merlin	7/19/83	Permit Renewed
Douglas	Twin Rivers Vacation Park STP, Roseburg	7/21/83	Permit Issued

MUNICIPAL AND INDUSTRIAL SOURCES GENERAL PERMITS (9)

Cooling Water - Permit 0100J, File 32550 (2)

Multnomah	West Coast Adhesives Portland	7/19/83	Transferred to General Permit
Multnomah	Precision Castparts Corp. Portland	7/21/83	General Permit Granted

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

July 1983
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Clackamas	Safety-Kleen, Clackamas Hazardous waste collection site Design/operational plans	6/17/83*	Approved	*
Lane	Safety-Kleen, Springfield Hazardous waste collection site Design/operational plans	6/17/83*	Approved	*
Deschutes	Crane Prairie Lagoon Design/operational plans	7/15/83	Approved	*
Linn	Lebanon Landfill Closure plan	7/18/83	Approved	*
Yamhill	Newberg Landfill	7/19/83	Conditional approval	*

* Not reported for June

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

July 1983
(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		
Existing	-	-	-	-	-		
Renewals	1	1	-	-	7		
Modifications	2	2	1	1	3		
Total	3	3	1	1	12	173	173
<u>Demolition</u>							
New	-	-	-	-	-		
Existing	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	0	0	0	0	0	17	17
<u>Industrial</u>							
New	-	-	-	-	5		
Existing	-	-	-	-	-		
Renewals	1	1	1	1	7		
Modifications	-	-	-	-	-		
Total	1	1	1	1	12	102	102
<u>Sludge Disposal</u>							
New	-	-	-	-	-		
Existing	-	-	-	-	-		
Renewals	1	1	-	-	1		
Modifications	-	-	1	1	1		
Total	1	1	1	1	2	16	16
<u>Hazardous Waste</u>							
New	-	-	-	-	6		
Authorizations	153	153	153	153	-		
Renewals	-	-	-	-	1		
Modifications	-	-	-	-	-		
Total	153	153	153	153	7	12	18
<u>GRAND TOTALS</u>	158	158	156	156	33	320	326

SC1113.A
MAR.5S (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division	July 1983
(Reporting Unit)	(Month and Year)

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Harney	Riley Disposal Site Existing site	7/29/83	Permit amended	
Deschutes	Crane Prairie Lagoon Existing site	7/29/83	Permit amended	
Clatsop	Wauna Mill Site Existing site	7/29/83	Permit renewed	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division

(Reporting Unit)

July 1983

(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-SECURITY SYSTEMS, INC., GILLIAM CO.

WASTE DESCRIPTION

* Date *	Type	Source	Present	Quantity Future
----------	------	--------	---------	--------------------

TOTAL DISPOSAL REQUESTS GRANTED - 153

OREGON - 53

7/5	Copper plating solution	Electroplating	--	40 gal.
7/5	Trichloroethylene/asphalt mix	Waste oil processor	--	15 drums
7/5	Petroleum sludge	" "	--	15 drums
7/5	MIBK still bottoms	Solvent recovr.	--	100 drums
7/5	Phenol-formaldehyde contaminated water	Resin manuf.	--	60 drums
7/6	Paint sludge	Steel works	--	60 drums
7/6	Solidified phenol resin	Phenolic resin manuf.	180,000 lb.	--
7/8	Ink contaminated ignitable solvents	Printing ink formulation	--	120 drums
7/8	Pit sludge with heavy metals	" "	--	18,000 gal.
7/8	2,4-D pit sludge	Ag. chem. manuf.	--	160 cu.ft.
7/8	2,4-DB pit sludge with chlorophenols, butyl alcohol and methylene chloride	" "	--	20 drums

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	7/8	2,4-D-contaminated dirt, insulation, paper	" "	--	150 drums	
	7/8	2,4-DB-contaminated materials	" "	--	20 drums	
	7/8	2,4-D-contaminated equipment	" "	--	880 cu.ft.	
	7/8	2,4-D, 2,4-DB, isooctyl alcohol and bromoxynil contaminated carbon filtration units	" "	--	100 drums	
	7/8	2,4-D-contaminated asbestos	" "	--	50 drums	
	7/8	2,4-D, 2,4-DB, MCPA, DCP, bromoxynil, isooctyl alcohol and xylene contaminated siliceous filter media	" "	--	50 drums	
	7/8	2,4-D, 2,4-DB, MCPA and MCP contaminated diatomaceous earth	" "	--	300 drums	
	7/8	Bromoxynil octanoate contaminated diatomaceous earth	" "	--	200 drums	
	7/8	Isooctyl alcohol, chlorophenol, xylene, 2,4-D, 2,4-DB and bromoxynil decanter waste	" "	--	200 drums	
	7/8	Lab wastes consisting of toluene, xylene, and other solvents, and samples of 2,4-D, 2,4-DB, MCPA, bromoxynil, etc.	" "	--	15 drums	
	7/8	Fuel oil, diesel and hydraulic oil soaked absorbent pads	Spill cleanup	--	10 drums	
	7/8	Spent trichloroethane solvent	Al. production	--	10 drums	

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity *		* Future *
					* Present *	* Future *	
	7/8	Lab solvents of toluene, IPA, pyridene and quinoline	" "	--		100 gal.	
	7/8	Penta sludge	Wood treatment	--		200 drums	
	7/8	Douglas fir tars/pitches	Wood products	--		10 drums	
	7/8	Vinyl glue	Plywood mill	--		60 drums	
	7/8	Vinyl glue with toluene and acetone	" "	--		60 drums	
	7/8	Paint sludge	Paint manuf.	--		2,000 gal.	
	7/8	Paint sludge with heavy metals	" "	--		4,000 gal.	
	7/8	Lime treatment sludge	Electroplating	--		170,000 gal.	
	7/8	Nickel plating sludge	" "	--		820 gal.	
	7/8	Copper plating sludge	" "	--		820 gal.	
	7/8	Copper plating solution with cyanide	" "	--		3,000 gal.	
	7/8	Brass plating sludge with cyanide	" "	--		3,000 gal.	
	7/8	Caustic paint stripping sludge	Manuf. of hardware	--		200 gal.	
	7/8	Ignitable paint sludge	" "	--		275 gal.	
	7/8	Ignitable coating sludge	Paper printing	--		100 drums	
	7/8	Ignitable ink sludge	" "	--		24,000 gal.	
	7/8	Paint sludge	Paint manuf.	--		240 drums	
	7/20	Mineral oils mixed with xylene, 1,1,1-trichloroethane, and mineral spirits	Electronic parts fab.	--		6 drums	
	7/20	Tin plating solution with sulfuric acid	" "	--		2 drums	

* * Date *	* * *	* Type *	* * Source *	* Quantity *		* * *
				* Present *	* Future *	
7/20		Methyl alcohol	Degreasing	--	10 drums	
7/20		Nickel solution with 2% sulfuric acid and 12% sodium hyphosphite	Electroless plating	--	2 drums	
7/20		Solidified phenolic lime sludge	Phenolic resin manuf.	--	360,000 lb.	
7/20		MEK catalyst mixed with sawdust	Testing demonstration	7 drums	--	
7/20		PCB transformers	Lumber co.	--	450 gal.	
7/20		Caustic cleanup debris	Spill	52,420 lb.	--	
7/20		Sevin 4/oil contami- nated cleanup debris	Spill	27,690 lb.	--	
8/1		Spray paint sludge in mineral spirits	Cabinet manuf.	--	12 drums	
8/1		Mixed chlorinated solvents	Electronic manuf.	--	2,000 gal.	
8/1		Stripping solution of methylene chloride, orthocresol, perchloro- ethylene, dichloroben- zene and phenol	" "	--	4,000 gal.	
8/1		Mixed ignitable solvents	" "	--	3,000 gal.	

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7/5		Silvex herbicide in diesel oil	Pesticide spraying	25 drums	--	
7/5		PCB-contaminated oils	Elect. utility	--	5 drums	
7/5		2,4,5-TP herbicide	Pesticide spraying	1500 gal.	--	
7/5		PCB transformers	Chemical co.	--	4,000 gal.	
7/6		Mercury-contaminated pulp mill sludge	Paper mill	20 drums	--	
7/6		Paint sludge	Fed. facility	--	20 drums	

* * *	* * *	* * *	* * *	* * *	* * *	* * *
* Date	Type	Source	Present	Quantity	Future	
7/8	Ink washwater with heavy metals	Ink manuf.	--	56 drums		
7/8	Waste oil/kerosene	Elect. supplies	--	4 drums		
7/8	Caustic paint sludge	" "	--	4 drums		
7/8	Paint sludge with methylene chloride/cresylic acid	" "	--	2 drums		
7/8	PCB capacitors	" "	10 drums	--		
7/11	Caustic solids	Superfund proj.	3 drums	--		
7/11	Ignitable solvents	" "	20 drums	--		
7/11	Potassium chlorate chemical	Space propulsion co.	--	1 drum		
7/11	Mixed mineral acids	" "	--	9 drums		
7/11	Isopropyl alcohol	" "	--	10 drums		
7/11	Methyl ethyl ketone	" "	--	1 drum		
7/11	PCB capacitors	Elect. service shop	--	5 drums		
7/11	Mercury bichloride-contaminated diatomaceous earth	Acetylene purification	14 drums	--		
7/11	Lab packs consisting of acids, bases, oxidizers, contaminated lab equipment	Superfund project	230 cu.ft.	--		
7/18	Pesticide-contaminated soil	Site cleanup project	400 tons	--		
7/20	Acetone still bottoms	Distillation	--	6,500 gal.		
7/20	Mineral spirits/aromatics/ketones and alcohols still bottoms	" "	--	12,000 gal.		
7/27	Nonhazardous liquid	Unknown	1 drum	--		

* * *	* * *	* * *	* * *	* * *	* * * Quantity * * *		* * *
Date	Type	Source	Present	Future			
7/27	Floor seal remover containing ethylene glycol monoethyl ether acetate	Bldg. mainten.	1 drum	--			
7/27	Nonhazardous liquid	Unknown	1 drum	--			
7/27	Nonhazardous liquid	Unknown	1 drum	--			
7/27	Versilok Excellerator #4 containing organic peroxide, methyl chloride, TCE & MIBK	Unwanted product	1 gal.	--			
7/27	Oil based TRF corrosion preventive liquid	" "	300 gal.	--			
7/27	Corrosive solids	Unknown	2 drums	--			
7/27	Hydrochloric acid solution	Metal cleaning	1 drum	--			
7/27	Corrosive solid containing nitrite	Hospital boiler plant	1 drum	--			
7/27	Corrosive liquid containing phosphoric acid and polyacrylamide	Boiler cleaning	2 drums	1 drum			
7/27	Spent sulfuric acid	Battery shop	1 drum	1 drum			
7/27	Sulfuric acid	" "	1 drum	1 drum			
7/27	Chrome trioxide	" "	1 lb.	1 lb.			
7/27	Chromic acid solution	Unwanted	1 gal.	1 gal.			
7/27	Anhydrous calcium sulfate	" "	1 lb.	1 lb.			
7/27	Anhydrous sodium sulfide	" "	1 drum	--			
7/27	Mercury-contaminated debris	Spill cleanup	37 cu.ft.	37 cu.ft.			
7/27	Hydrazine solution with EDTA	CO ₂ scrubbing system	36 drums	36 drums			
7/27	Ethylene glycol anti-freeze	Vehicle maintenance	10 drums	10 drums			

* * Date *	* Type *	* Source *	* Quantity *	
			* Present *	* Future *
7/27	Diisocyanate R-248-EAN-T	Unusable product	2 drums	2 drums
7/27	Nonhazardous liquid	Unknown	1 drum	--
7/27	Stepanfoam R-248-EAN-R containing fluorocarbon/polyol resin	Unwanted	6 drums	8 drums
8/1	Silicon tetrachloride	Production of polysilicon	20 drums	20 drums
8/1	Slop oil emulsion	Oil refining	--	40 drums
8/1	API separator sludge	" "	--	75 tons
8/1	Trichloroethane/trichloroethylene	Degreasing	--	6-12 drums
8/1	Solidified leaded tank bottoms	Cleaning of gas tanks	--	100 drums
8/1	Mixed solvents of alcohols, ketones, glycols and chlorinated hydrocarbons	Chemical supplies	--	12 drums
8/1	Acrylamide and sodium acrylate water solution	Brine treatment	--	10 drums
8/1	Ethyl ether with ferrous sulfate	Solvent extract. process	--	9 drums
8/1	Oil-water emulsion with esters and acrowax	Out-dated product	56 drums	--
8/1	Ink sludge containing lead and chrome	Flexographic printing	--	35 drums
8/1	Creosote tank bottoms sludge	Wood preserving	--	3,000 gal.
8/1	Penta tank bottom sludge	" "	--	3,000 gal.
8/1	Penta tank bottom sludge	" "	--	3,000 gal.
8/1	Copper arsenate sludge	" "	--	2,000 gal.
8/1	Trichloroethane	Degreasing	--	4 drums

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	8/1	Fiberglass resin in acetone	Fiberglass part manuf.	--	204 drums	
	8/1	Paint sludge	Truck painting	--	72 drums	
	8/1	Pentachlorophenol solids	Chemical co.	--	400 drums	
	8/1	Polyester resin solids	" "	--	165 drums	
	8/1	Phenol-formaldehyde resin sludge	" "	--	20 drums	
	8/1	Butyl phenol still bottoms	" "	--	250 drums	
	8/1	Chlorophenol (liquid)	" "	--	2 drums	
	8/1	Cresylic acid/methylene	Cleaning metal parts	--	25 drums	
	8/1	Chromic acid solution	" "	--	20 drums	
	8/1	Muriatic acid	" "	--	3 drums	
	8/1	Caustic solution	" "	--	25 drums	
	8/1	Oily caustic hot tank sludge	" "	--	25 drums	
	8/8	Benzoyl peroxide and butyl benzyl phthalate catalyst	Manuf. of fiberglass	2 drums	--	
	8/8	Benzoyl peroxide and diisobutyl phthalate catalyst	" "	4 drums	--	
OTHER STATES - 28						
	7/5	Machine coolant 95% water with amines, dye and boric acid	Electronic co. (ID)	--	1,200 gal.	
	7/5	Ethylene glycol/IPA lapping solution	" "	--	2,000 gal.	
	7/5	Hydraulic oil 85% mineral oil	" "	--	660 gal.	

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	7/5	Waste oil	" "	--	660 gal.	
	7/6	PCB transformers	Sugar factory (ID)	--	37 cu.ft.	
	7/8	Mixed solvents of acetone, 2-propanol, xylene and hexamethyl- disilazone	Electronic co. (ID)	--	12 drums	
	7/8	Thermax carbon black	Zircon prod. (UT)	--	100 drums	
	7/11	PCB transformers	Railroad co. (ID)	--	37 cu.ft.	
	7/11	Aerofloat 238 contain- ing sodium salt of di-sec-butyl dithio- phosphate	Construction co. (MT)	2,250 gal.	--	
	7/11	PCB liquids	" "	--	4,000 gal.	
	7/11	PCB transformers	" "	--	12,000 gal.	
	7/11	PCB-contaminated solids	" "	--	10 drums	
	7/11	Carbon disulfide, alcohols, esters, etc.	" "	275 gal.	--	
	7/11	Caustic solution	" "	450 gal.	--	
	7/11	Abandoned drums of wastes consisting of liquids and sludges with lead	Provincial govt. (B.C.)	31 drums	--	
	7/11	Drums of lube oil- diesel oil mix with PCBs	" "	28 drums	--	
	7/11	Lead-contaminated soil	" "	8 drums	--	
	7/18	Lab chemicals	School (B.C.)	--	20 drums	
	7/18	Lab chemicals	School (B.C.)	--	20 drums	
	7/18	Pesticide-contaminated plant washings	Chemical co. (Saskatchewan)	--	27,000 gal.	
	8/1	Insecticide-contamina- ted water and sump sediments	Old pesticide manuf. site cleanup (B.C.)	30 drums	50 drums	

* Date *	Type	Source	Quantity	
* * *	* * *	* * *	Present	Future
8/1	Various lab chemicals in small quantities	Obsolete lab chem. (B.C.)	--	20 drums
8/1	Various lab chemicals in small quantities	Plant close-out (Alberta)	15 drums	--
8/1	Herbicide glycol butyl ether esters in petroleum solvent	Excess product (ID)	37 cu.ft.	--
8/1	Fly ash containing chrome and lead	Treatment of off-gas from pyrolysis incin. (ID)	37 cu.ft.	--
8/1	Ferric chloride solution	Etching process (ID)	--	150 gal.
8/1	Phosphoric acid	Excess stock (ID)	37 cu.ft.	--
8/1	Paint sludge	Fed. facility (HI)	--	1,650 gal.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

July, 1983
(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	20	20	14	14	119	113
Airports			1	1	1	1

AUGUST 1983 MONTHLY ACTIVITY REPORT

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program		July, 1983	
(Reporting Unit)		(Month and Year)	
<u>FINAL NOISE CONTROL ACTIONS COMPLETED</u>			
County	Name of Source and Location	Date	Action
Clackamas	Bernert Towing Rock Extraction, Wilsonville	07/83	In Compliance
Clackamas	Cranston Machinery, Oak Grove	07/83	In Compliance
Columbia	PGE, Trojan Nuclear Facility. Rainier	07/83	In Compliance
Multnomah	Pacific Rock Products - Waybo Pit, Portland	07/83	No Violation
Multnomah	Portland Willamette Company, Portland	07/83	In Compliance
Multnomah	Port of Portland, Swan Island, Portland	07/83	In Compliance
Multnomah	Safeway Store, SE 39th & Powell, Portland	07/83	In Compliance
Multnomah	Star Metal Fabricators, Portland	07/83	In Compliance
Multnomah	Tiregon, Inc., Portland	07/83	In Compliance
Marion	Cobb Rock Band, Aurora	07/83	In Compliance
Marion	Fred Stephens Firewood Cutting, Salem	07/83	Source Closed
Jackson	Medford Corporation, Medford	07/83	In Compliance
Baker	Louis Townsend & Sons, Baker	07/83	In Compliance
Umatilla	Steelman & Duff Rock Crusher Meacham	07/83	Source Closed
Washington	Myers Airport, Washington County	07/83	Boundary Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions
(Reporting Unit)

August 1983
(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	8	85	4	84	0	1	20
Small Gasoline Storage Tanks Vapor Controls	0	0	0	0	0	0	0
Total	8	85	4	84	0	1	20
<u>Water</u>							
Municipal	17	32	17	37	0	0	12
Industrial	5	10	3	18	0	0	7
Total	22	42	20	55	0	0	19
<u>Solid Waste</u>							
Gen. Refuse	5	7	4	6	0	0	7
Demolition	1	1	0	0	0	0	1
Industrial	2	2	0	0	0	0	6
Sludge	0	0	0	2	0	0	0
Total	8	10	4	8	0	0	14
<u>Hazardous Wastes</u>							
	1	1	1	3	0	0	0
<u>GRAND TOTAL</u>	39	138	29	150	0	1	53

QUICK LOOK REPORT

08/31/83

OREGON COMPLIANCE DATA SYSTEM
 PLAN ACTIONS AWAITING EQC ACTION

PAGE 1

CNTY	SRCE	EP	AN	COUNTY NAME	RDE8	SOURCE NAME	PROCESS DESCRIPTION	DATE SCH	ACTION	DESCRIPT
26	1814	650	02	MULTNOMAH	914	HERCULES INCORPORATED	FUEL TANK (DOWTHERM BOILER)	08/23/83	APPROVED	
15	0141	652	02	JACKSON	917	CHEVRON USA INC.	VOC CONTROLS	07/05/83	APPROVED	
10	0036	651	02	DOUGLAS	920	INTERNATIONAL PAPER	REPL MIST ELIMINATOR	08/10/83	APPROVED	
37	0305	650	02	PORT.SOURCE	922	AFAB, INC	ASPHALT PAVE PLT W/SCRUBBER	08/24/83	APPROVED	

TOTAL NUMBER QUICK LOOK REPORT LINES 4

29

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

August, 1983
(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> 1)							
New	2	6	3	4	18		
Existing	1	1	2	3	12		
Renewals	11	18	12	26	80		
Modifications	<u>5</u>	<u>9</u>	<u>5</u>	<u>9</u>	<u>16</u>		
Total	19	34	22	42	126	1712	1742
<u>Indirect Sources</u>							
New	1	1	0	0	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	1	1	0	0	4	<u>206</u>	<u>210</u>
<u>GRAND TOTALS</u>	20	35	22	42	130	1918	1952

Number of 1)

Pending Permits

Comments

29	To be reviewed by Northwest Region
17	To be reviewed by Williamette Valley Region
21	To be reviewed by Southwest Region
5	To be reviewed by Central Region
10	To be reviewed by Eastern Region
11	To be reviewed by Program Operations Section
8	To be reviewed by Planning & Development Section
17	Awaiting Public Notice
<u>8</u>	Awaiting end of 30-day Notice Period
126	

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
DESCHUTES	WILLAMETTE INDUSTRIES	09	0002 07/28/79	PERMIT ISSUED	07/25/83	RNW
UMATILLA	MID-COLUMBIA ASPHALT CO	30	0003 04/01/83	PERMIT ISSUED	07/26/83	MOD
PORT.SOURCE	MID-OREGON CRUSHING CO	37	0174 07/15/83	PERMIT ISSUED	07/28/83	RNW
KLAMATH	CHILOQUIN FOREST PROD INC	18	0016 04/06/83	PERMIT ISSUED	08/02/83	EXT
MARION	GREEN VENEER INC	24	2550 02/08/83	PERMIT ISSUED	08/02/83	RNW
MULTNOMAH	FREIGHTLINER CORP	26	2197 12/21/81	PERMIT ISSUED	08/02/83	MOD Y
JACKSON	REICHOLD CHEMICALS	15	0041 04/11/79	PERMIT ISSUED	08/03/83	RNW
UMATILLA	PENDLETON FLOUR MILLS	30	0012 08/01/83	PERMIT ISSUED	08/08/83	MOD
WASCO	CARGILL INC	33	0027 04/13/83	PERMIT ISSUED	08/08/83	RNW
BAKER	MERIDIAN WOOD PRODUCTS CO	01	0035 05/18/83	PERMIT ISSUED	08/15/83	NEW
CLATSOP	CROWN ZELLERBACH COMPANY	04	0004 12/21/82	PERMIT ISSUED	08/15/83	MOD
JACKSON	MEDFORD CORP.	15	0014 12/28/82	PERMIT ISSUED	08/15/83	RNW
JACKSON	WHITE CITY PLY CO.	15	0040 02/17/83	PERMIT ISSUED	08/15/83	RNW
MARION	STAYTON CANNING CO COOP	24	7106 06/20/83	PERMIT ISSUED	08/15/83	EXT
MULTNOMAH	SKYLINE MEMORIAL GARDENS	26	3102 11/08/82	PERMIT ISSUED	08/15/83	RNW
MULTNOMAH	TREASURE CHEST ADVRTSNG	26	3110 04/20/83	PERMIT ISSUED	08/15/83	NEW
PORT.SOURCE	H C LIVINGER & SONS INC.	37	0190 05/23/83	PERMIT ISSUED	08/15/83	RNW
PORT.SOURCE	EMPCO	37	0302 05/26/83	PERMIT ISSUED	08/15/83	NEW
MULTNOMAH	W P GRACE & CO CONSTR DIV	26	2530 05/23/83	PERMIT ISSUED	08/23/83	RNW
MULTNOMAH	CARNATION CO.	26	3062 04/26/83	PERMIT ISSUED	08/23/83	MOD
WASHINGTON	CITY BRASS FOUNDRY	34	2536 04/08/82	PERMIT ISSUED	08/23/83	RNW
WASHINGTON	WOODFOLD MARCO MFG CO	34	2584 05/31/83	PERMIT ISSUED	08/23/83	RNW
TOTAL NUMBER QUICK LOOK REPORT LINES				22		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

August 1983
(Month and Year)

PLAN ACTIONS COMPLETED 20

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

INDUSTRIAL WASTE SOURCES 3

Marion	Saalfeld Bros. Hog Manure Control System, Gervais	8-5-83	Approved
Lane	Eldon Harold Dairy Manure Control System Creswell	8-15-83	Approved
Josephine	Southwest Forest Industries, Scrubber & Veneer Dryer Washdown Grants Pass	8-30-83	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality Division</u>	<u>August, 1983</u>
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED

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

MUNICIPAL WASTE SOURCES (Continued)

Lane	MWMC Contract E-59 Sludge Hauling Equipment	8/22/83	P. A.	
Hood River	City of Hood River Primary Clarifier Unit Bypass Pipeline	8/22/83	P. A.	
Clackamas	Gladstone Sanitary Sewers Simmons Tracts Subdivision Imp.	8/23/83	P. A.	
Clackamas	Forest Park Intermittent Recirculating Sewage Treatment Facility	8/25/83	P. A.	
Jackson	City of Shady Cove Loma Rogue Estates	8/25/83	P. A.	
Clackamas	City of Lake Oswego Sanitary Sewers Westridge Village	8/25/83	P. A.	
Benton	City of Philomath Sanitary Sewer Cooper Lane	8/25/83	P. A.	
Malheur	City of Ontario Sunset Road Sanitary Sewer Extension	9/06/83	P. A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

August 1983
(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 /2	1 /4	1 /1	1 /2	2 /7		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	3 /1	10 /5	4 /2	5 /3	37 /9		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	3 /3	11 /9	5 /3	6 /5	39 /16	237/129	239/136
<u>Industrial</u>							
New	0 /0	0 /0	0 /3	0 /3	2 /3		
Existing	0 /0	0 /0	0 /0	0 /0	0 /1		
Renewals	1 /1	3 /3	1 /2	1 /3	38 /15		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	1 /1	3 /3	1 /5	1 /6	40 /19	193/168	195/172
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	0 /0	0 /0	0 /0	1 /0		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	0 /0	0 /0	0 /0	0 /0	0 /3		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	0 /0	0 /0	0 /0	0 /0	1 /3	2 /13	3 /13
<u>GRAND TOTALS</u>	4 /4	14 /12	6 /8	7 /11	80 /38	432/310	437/321

* NPDES Permits

** State Permits

7 General Permits Granted

Number of sources under permit have been adjusted by subtracting the 304 general permits.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

August 1983
(Month and Year)

PERMIT ACTIONS COMPLETED

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

MUNICIPAL AND INDUSTRIAL SOURCES NPDES (6)

Multnomah	Burlington Northern RR Co. Portland	8-11-83	Permit Renewed
Hood River	Odell Sanitary District STP	8-11-83	Permit Renewed
Tillamook	City of Tillamook, STP	8-11-83	Permit Renewed
Hood River	Parkdale Sanitary District STP	8-11-83	Permit Renewed
Lane	MWMC Eugene/Springfield, STP	8-25-83	Permit Issued
Douglas	Winston-Green Ser. Dist. Douglas Co., STP	8-25-83	Permit Renewed

MUNICIPAL AND INDUSTRIAL SOURCES - STATE (8)

Marion	Agripac, Inc. Plant #3, Salem	8-11-83	Permit Issued
Jackson	Mid-Cave Meat Packing Central Point	8-11-83	Permit Issued
Douglas	Oregon Dept. of Trans. Cow Creek Rest Area, STP	8-11-83	Permit Renewed
Columbia	Reichhold Energy Corp. Mist Gas Field	8-12-83	Permit Issued
Clackamas	E. C. Gravel Eagle Creek	8-25-83	Permit Renewed
Hood River	Luhr Jensen & Sons, Inc. Portway Metal Plating Plant	8-25-83	Permit Renewed
Jackson	Ore. Dept. of Trans. Joseph Stewart Park, STP	8-25-83	Permit Renewed
Washington	Rock Cr. Country Club, Inc. Somerset West, STP	8-25-83	Permit Issued

MAR.6 (5/79)

WG2701

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

August 1983
(Month and Year)

PERMIT ACTIONS COMPLETED

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

MUNICIPAL AND INDUSTRIAL SOURCES GENERAL PERMITS (7)

Cooling Water - Permit 0100J, File 32550 (1)

Clackamas	Mary McNeill Sandy (Heat Pump)	8-30-83	General Permit Issued
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Log Ponds - Permit 0400J, File 32575 (1)

Clatsop	Astoria Plywood Corp.	8-11-83	Transferred to General Permit
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Portable Suction Dredges - Permit 0700J, File 32600 (5)

Jackson	Morton, Mike Medford (8")	8-1-83	General Permit Issued
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St. of CA	Rath, Robert L. Pine Grove, CA (3")	8-3-83	General Permit Issued
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St. of WA	Rath, Richard L. Bellevue, WA (3")	8-3-83	General Permit Issued
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St. of WA	Dieringer, Kip Dayton, WA (Two 1-1/2")	8-3-83	General Permit Issued
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Curry	Wright, Jay (8")	8-30-83	General Permit Issued
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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

August 1983
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Lane	McKenzie Bridge Transfer Design/operational plans	8/4/83	Approved	*
Lane	Oakridge Landfill Operational plan	8/4/83	Approved	*
Gilliam	Chem-Security Systems Temporary waste storage site plans	8/15/83	Approved	*
Yamhill	Riverbend Landfill Operational plan	8/19/83	Amended	*
Clackamas	Rossman's Landfill Gas vent system	8/24/83	Amended	*

SC1197.B
MAR.3 (5/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

August 1983
(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	1	1	-	-	2		
Existing	-	-	-	-	-		
Renewals	1	2	-	-	8		
Modifications	1	3	3	4	1		
Total	3	6	3	4	11	173	173
<u>Demolition</u>							
New	-	-	-	-	-		
Existing	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	0	0	0	0	0	17	17
<u>Industrial</u>							
New	1	1	-	-	6		
Existing	-	-	-	-	-		
Renewals	-	1	1	1	8		
Modifications	-	-	-	-	1		
Total	1	2	1	1	15	102	102
<u>Sludge Disposal</u>							
New	-	-	-	-	-		
Existing	-	-	-	-	-		
Renewals	-	1	-	-	1		
Modifications	-	-	-	1	-		
Total	0	1	0	1	1	16	16
<u>Hazardous Waste</u>							
New	-	-	1	1	5		
Authorizations	148	301	148	301	-		
Renewals	-	-	-	-	1		
Modifications	-	-	-	-	-		
Total	148	301	149	302	6	13	18
<u>GRAND TOTALS</u>							
	152	310	153	308	33	321	326

SC1197.A
MAR.5S (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Solid Waste Division</u>	<u>August 1983</u>
(Reporting Unit)	(Month and Year)

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Clatsop	Warrenton Landfill Existing facility	8/1/83	Permit amended	
Lincoln	N. Lincoln Landfill Existing facility	8/4/83	Permit amended	
Linn	Lebanon Landfill Existing facility	8/5/83	Permit amended	
Benton	Hewlett Packard Co. New hazardous waste collection site	8/12/83	License issued	

SC1197.D
MAR.6 (5/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

August 1983
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-SECURITY SYSTEMS, INC., GILLIAM CO.

WASTE DESCRIPTION

* Date *	Type	Source	Quantity Present	Quantity Future
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TOTAL DISPOSAL REQUESTS GRANTED - 148

OREGON - 30

8/2	Paint sludge	Paint mfg.	--	4,000 gal.
8/2	Gasoline/water spill cleanup	Spill	1,000 gal.	--
8/2	PCB-contaminated debris	Spill	10 tons	--
8/2	Ignitable coating sludge	Particleboard coating operatn.	--	30 drums
8/2	Paint sludge with chlorinated phenylalkyl MIBK, IPA, MEK, etc.	Manufacture of precision measuring equip.	--	6 drums
8/2	Ignitable paint sludge	" "	--	6 drums
8/2	Polyethylene glycol soldering oil	Electronic co.	--	1,050 gal.
8/2	Ignitable solvents of xylene, toluene, MEK, IPA, etc.	" "	--	2,000 gal.
8/8	Drawing oil consisting of petroleum oil, sodium oleate and chlorinated paraffin	Al die casting	--	25 drums
8/8	Paint sludge	Auto refinish.	--	25 drums

* * Date *	* * Type *	* * Source *	* * Quantity *	
			* Present	* Future
8/8	Spent pentachlorophenol/tetrachlorophenol solution	Anti-sap staining	--	750 gal.
8/8	Phenol/toluene solvent	Herbicide mfg.	--	6 drums
8/8	Lime-contaminated dirt	Effluent treat.	--	25 drums
8/8	Butoxyethanol contaminated with 2,4-D	Esterification of 2,4-D	--	20 drums
8/8	Toluene-contaminated phenol	DCP processing	--	5 drums
8/8	Bromoxynil octanoate sludge with 2,4-D	Herbicide formulation	--	25 drums
8/10	Gasoline-contaminated washwater	Tank cleaning	--	9,000 gal.
8/16	Ammonia etchant	Electronic co.	15,000 gal.	20,000 gal.
8/17	Sevin 4/diesel-contaminated dirt	Spill cleanup	20 cu.yd.	--
8/17	Sevin 4/diesel-contaminated dirt	" "	7 drums	--
8/22	Photo resist stripping solution	Electronic co.	--	1,000 gal.
8/22	Photo resist	" "	--	1,300 gal.
8/22	Paint sludge	" "	--	400 gal.
8/22	Acid copper sulfate solution	" "	385 gal.	--
8/22	Nitric acid solution	" "	165 gal.	--
8/22	Nickel sulfate solution	" "	110 gal.	--
8/22	Photo resist solids	" "	1 drum	--
8/22	Sulfuric acid solution	" "	1 drum	--
8/25	Paint products and sludge	Paint mfg.	--	5 drums
8/25	2,4-D-contaminated debris	Herbicide mfg.	--	30 drums

* Date *	Type	Source	Present	Quantity	Future
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WASHINGTON - 91

8/8	Benzoyl peroxide and butyl benzyl phthalate catalyst	Fiberglass mfg.	2 drums	--	
8/8	Benzoyl peroxide and diisobutyl phthalate catalyst	Fiberglass mfg.	4 drums	--	
8/8	Ammonium fluoride	Federal facility	--		3 drums
8/8	Triethanolamine	" "	--		10 drums
8/8	Corrosive chemical reagents	" "	--		5 drums
8/8	Ignitable chemical reagents	" "	--		5 drums
8/8	Oxidizing chemical reagents	" "	--		5 drums
8/8	Miscellaneous poisonous chemical reagents	" "	--		5 drums
8/8	O-Dichlorobenzene, tetrachloroethylene and phenol	Electronic co.	--		4 drums
8/8	Formaldehyde solution	" "	--		4 drums
8/8	Trichloroethylene with naphtha	" "	--		8 drums
8/8	Belt press filter cake with diesel oil	Waste treat.	--		1,000 tons
8/8	Ink sludge	Commer. printing	--		12 drums
8/8	Phenol solution with formaldehyde & caustic	Urea & phenolic resins mfg.	--		200 drums
8/9	Ignitable solvents in lab pack	Chemical co.	--		8 drums
8/9	Nitric acid in lab pack	" "	--		4 drums
8/9	Degreasing solvent - IPA, methylene chloride and Freon	Electronic co.	--		600 gal.

* * * *	* Date *	* Type *	* Source *	* Quantity *		* * *
				* Present *	* Future *	
	8/9	IPA containing solder flux	Electronic co.	--	200 gal.	
	8/9	Cleaning solvent mixture of diethylbenzene, xylene, acetic acid, etc.	Space propulsion units & parts	--	1 drum	
	8/9	Mixed refrigerant - ethylene glycol, methyl alcohol and IPA	" "	--	1 drum	
	8/9	Paint sludge	Spray painting	--	6 drums	
	8/9	Mixed solvents of acetone, methanol, ethers, methylene chloride and chloroform	Pesticide chem. analysis	--	130 gal.	
	8/10	Paint sludge	Truck mfg.	--	600 drums	
	8/10	Mercuric chloride sludge	Pulp mill	--	15 gal.	
	8/10	PCB-contaminated dirt	Spill cleanup	1 drum	37 cu.ft.	
	8/10	PCB capacitors	Equip. failure	1 drum	37 cu.ft.	
	8/10	PCB light ballasts	" "	2 drums	37 cu.ft.	
	8/10	Pentachlorophenol sludge	Wood treatment	--	2,000 gal.	
	8/10	Paint sludge	Painting projects	--	400 drums	
	8/10	PCB transformers	Paper mill	--	500 gal.	
	8/10	PCB transformers	PCB cleanup projects	1,567 kg.	--	
	8/10	Degreasing solvent IPA, methyl chloroform & trichlorotrifluoroethane	Cleaning circuit boards	--	3 drums	
	8/10	Ignitable soldering solvent	Federal facility	--	1 gal.	
	8/10	Toluene/butyl acetate solvent	" "	--	5 gal.	

* * Date *	* Type *	* Source *	* Quantity *	
			* Present *	* Future *
8/10	Sulfuric acid solution with heavy metals	" "	--	1 drum
8/10	Heavy metal-contaminated water	" "	2 drums	--
8/10	Sevin insecticide	" "	1 drum	--
8/10	Warfarin pesticide	" "	1 drum	--
8/10	Pivalyl pesticide	" "	1 drum	--
8/10	Cyanide compounds	" "	10 lb.	--
8/10	Tordon herbicide	" "	2 drums	--
8/10	Ethylene glycol hydraulic fluid	" "	--	10 drum
8/10	Diphenylmethane diisocyanate and high molecular weight polymers	Out-dated product	22 drums	25 drums
8/10	Baghouse dust containing heavy metals	Foundry	--	14,000 lb.
8/10	MgO condenser residue	Reduction of Mg from dolomite	--	2,000 tons
8/10	Asbestos rope	Ferro silicon production	--	6 drums
8/10	Baghouse MgO dust	Reduction of Mg	--	600 tons
8/10	CaO/MgO kiln waste	Calcination of dolomite	--	2,000 tons
8/10	PCB capacitors	Reduction of Mg	--	2 drums
8/17	Heavy metal hydroxide sludge	Electronic co.	--	600 lb.
8/17	Bright etch acid soln.	" "	--	200 gal.
8/17	Copper flue dust containing 47% Pb	" "	37 cu.ft.	--
8/17	Neutralized mixed acids with heavy metals	" "	100 gal.	1 drum

* * *	* Date *	* Type *	* Source *	* Quantity Present *	* Future *	* *
	8/17	Neutralized nitric acid with heavy metals	Electronic co.	250 gal.	4 drums	
	8/17	Neutralized HCl, HF, & HNO ₃ with heavy metals	" "	1 drum	1 drum	
	8/17	Jet fuel treater clay	Treatment of jet fuel	--	450 tons	
	8/17	PCB capacitors	Electric util.	1/2 cu.ft.	1 cu.ft.	
	8/18	Paint sludge	Paint mfg.	--	40 drums	
	8/18	Plasticizer filter cake	Manufacture of plasticizers	--	30-60 drums	
	8/18	Caustic cleaning soln.	Plywood mill	--	8 drums	
	8/22	H ₂ SO ₄ /chromic acid solution	University	--	8 drums	
	8/22	Lead-bearing wastewater treatment sludge	Lead glass production	--	6,000 gal.	
	8/22	PCB transformers	Chemical co.	--	1,000 gal.	
	8/22	PCB-contaminated articles	" "	--	10 drums	
	8/22	PCB capacitors	" "	--	3,000 lb.	
	8/22	Grouting material	Construction co.	17,900 lb.	--	
	8/22	PCB switches	Gov't. agency	2 drums	--	
	8/22	PCB transformers	" "	400 gal.	--	
	8/22	Heavy metals-contaminated plating equip.	Electronic co.	90 cu.yd.	--	
	8/23	Laboratory chemicals in lab packs	Industrial lab	11 drums	--	
	8/25	Benzene/toluene solvent	University	--	20 gal.	
	8/25	Organic and mineral acid reagents	" "	--	4 drums	
	8/25	Poison lab reagents	" "	--	4 drums	
	8/25	Flammable lab reagents	" "	--	4 drums	

SC1197.E
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* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	8/25	Tin/lead plating soln.	Electronic co.	--	600 gal.	
	8/25	Copper plating soln.	" "	--	1,800 gal.	
	8/25	Obsolete Dow fumigant	Chemical co.	--	1 drum	
	8/25	Chrome plating soln.	Electronic co.	--	150 gal.	
	8/25	Acid copper plating solution	" "	--	250 gal.	
	8/25	Brite nickel plating solution	" "	--	400 gal.	
	8/25	Lye vat solution with heavy metals	Transportation company	--	500 gal.	
	8/25	Cleaning solvent containing kerosene, chlorotoluene, butyl cellosolve, monoethanolamine and oleic acid	" "	--	1 drum	
	8/30	Cresylic acid	Veneer plant	6 drums	4 drums	
	8/30	Veneer scrubber sludge	" "	8 drums	10 drums	
	8/30	PCB-contaminated solids	Federal agency	15,000 lb.	--	
	8/30	PCB liquids	" "	5,000 gal.	--	
	8/30	PCB transformers	" "	85,000 lb.	--	
	8/30	PCB rectifiers	" "	3,000 gal.	--	
	8/30	PCB capacitors, condensers, filters and switches	" "	10,000 lb.	--	
	8/30	Coolant with less than 500 ppm PCBs	" "	60,000 lb.	--	
	8/30	Transformers with less than 500 ppm PCBs	" "	125,000 lb.	--	

OTHER STATES - 27

8/2	Isopropyl alcohol/water	Electronic co. (Idaho)	--	1,000 gal.
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MAR.15 (1/82)

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* * * * *	* Date *	* Type *	* Source *	* Quantity *		* * *
				* Present *	* Future *	
	8/2	Mixed lab solvents of IPA, acetonitrile, tetrahydrofuran & water	Federal facility (Utah)	--	400 gal.	
	8/2	Sulfuric acid	" "	--	120 gal.	
	8/8	PCB capacitors	Communication (Alaska)	1 unit	37 drums	
	8/8	PCB-contaminated debris	Electric util. (Alaska)	20 drums	--	
	8/8	PCB-contaminated liquid	Electric util. (Alaska)	1 drum	--	
	8/8	Leaded gasoline tank bottoms	Gasoline term. (Hawaii)	--	20 drums	
	8/8	Leaded gasoline tank bottoms	Gasoline term. (Hawaii)	--	10 drums	
	8/17	Petroleum naphtha (Solv G) and water	Cleaning of NH ₄ plant equip. (AK)	60 drums	--	
	8/17	Ethylene glycol anti-freeze	Federal agency (Hawaii)	--	5 drums	
	8/17	Waste oils	" "	--	440 gal.	
	8/17	Paint sludge	" "	--	60 drums	
	8/17	Pesticides	" "	--	330 gal.	
	8/17	Degreasing halogenated solvents	" "	--	550 gal.	
	8/18	Leaded tank bottoms (liquid)	Waste mgmt. (Hawaii)	--	40 drums	
	8/18	Leaded tank bottoms (solid)	" "	--	40 drums	
	8/18	Leaded oil separator sludges (solid)	" "	--	50 drums	
	8/18	Leaded oil separator sludges (liquid)	" "	--	80 drums	
	8/18	Leaded oil separator sludges with trace amounts of gasoline	" "	--	80 drums	

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity * Future *	* *
	8/22	Transformer fluids with less than 500 ppm PCBs	Failed elect. equip. (Idaho)	--	30 drums	
	8/22	Transformer fluids with less than 50 ppm PCBs	" "	--	30 drums	
	8/25	Caustic soda solution	Railroad co. (Alaska)	--	1,200 gal.	
	8/25	Trichloroethylene solvent	Oil co. (Alaska)	17 drums	--	
	8/30	Lead-contaminated soil and roofing gravel	Plant deconta- mination (Alberta)	2,800 cu.yd.	--	
	8/30	Banned brush killers	Pesticide application (Saskatchewan)	6 drums	--	
	9/1	Sodium hydroxide	Oil drilling (Alaska)	3,000 lb.	--	
	9/1	Chrome alum	" "	6,000 lb.	--	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit)	August, 1983 (Month and Year)
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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	10	30	9	23	120	119
Airports	0	0	2	3	0	1

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program		August, 1983	
(Reporting Unit)		(Month and Year)	
<u>FINAL NOISE CONTROL ACTIONS COMPLETED</u>			
County	Name of Source and Location	Date	Action
Clackamas	Damascus Volunteer Fire Dept., Damascus	08-83	Determined to be exempt
Clackamas	Crown Zellerbach Chiploading Facility, Lake Oswego	08-83	In Compliance
Clackamas	Western Pacific on Willamette River, West Linn	08-83	In Compliance
Multnomah	Portland Recycling Team Portland	08-83	No Violation
Washington	Washington County Maintenance Yard, Hillsboro	08-83	In Compliance
Polk	Sandra Walden Kennel Falls City	08-83	In Compliance
Jackson	Gold Dredging on Rogue River, Gold Hill	08-83	No Violation
Deschutes	Glacier Manufacturing, Bend	08-83	In Compliance
Multnomah	Portland International Airport, Portland	08-83	Noise Abatement Plan Approved
Umatilla	Delamarter Heliport, Umatilla County	08-83	Boundary Approved

CIVIL PENALTY ASSESSMENTS
DEPARTMENT OF ENVIRONMENTAL QUALITY
1983

CIVIL PENALTIES ASSESSED DURING MONTHS OF JULY AND AUGUST, 1983:

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
No civil penalties were assessed in July, 1983.				
Teledyne Industries, Inc. dba/Teledyne Wah Chang Albany Linn County	AQOB-WVR-83-73 Open burned industrial waste.	8-17-83	\$4,000	Hearing request and answer filed 9-6-83.
Raymond Crawford Clackamas County	AQOB-NWR-83-63 Open burned tires.	8-17-83	\$2,000	Awaiting response to notice.
Mid-Oregon Crushing Co., Inc. Deschutes County	AQ-CR-83-74 Violated the conditions of a Commission variance and Department's ACDP.	8-26-83	\$4,500	Awaiting response to notice.

JULY/AUGUST 1983
DEQ/EQC Contested Case Log

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT</u>
Preliminary Issues	4	2
Discovery	0	0
Settlement Action	2	0
Hearing to be scheduled	2	4
Hearing scheduled	5	4
HO's Decision Due	3	3
Briefing	0	0
Inactive	4	5
SUBTOTAL of cases before hearings officer.	<u>20</u>	<u>18</u>
HO's Decision Out/Option for EQC Appeal	1	0
Appealed to EQC	0	0
EQC Appeal Complete/Option for Court Review	1	1
Court Review Option Pending or Taken	0	0
Case Closed	2	3
TOTAL Cases	<u>24</u>	<u>22</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 the Department in 1981.

\$ Civil Penalty Amount
ACDP Air Contaminant Discharge Permit
AGL Attorney General 1
AQ Air Quality Division
AQOB Air Quality, Open Burning
CR Central Region
DEC Date Date of either a proposed decision of hearings officer or a decision by Commission
ER Eastern Region
FB Field Burning
FWO Frank Ostrander, Assistant Attorney General
Hrng Rfrl Date when Enforcement Section requests Hearing Section schedule a hearing
Hrngs Hearings Section
LMS Larry Schurr, Enforcement Section
NP Noise Pollution
NPDES National Pollutant Discharge Elimination System wastewater discharge permit.
NWR Northwest Region
OSS On-Site Sewage Section
P Litigation over permit or its conditions
Prtys All parties involved
RLH Robert L. Haskins, Assistant Attorney General
Rem Order Remedial Action Order
Resp Code Source of next expected activity in case
SS Subsurface Sewage (now OSS)
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
VAK Van Kollias, Enforcement Section
WQ Water Quality Division
WVR Willamette Valley Region

July/August 1983

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
WAH CHANG	04/78	04/78	RLH		Prtys	16-P-WQ-WVR-78-2849-J NEDES Permit Modification	Current permit in force. Hearing deferred.
WAH CHANG	04/78	04/78	RLH		Prtys	03-P-WQ-WVR-78-2012-J NEDES 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	Settlement being discussed. Limited summary ruling requested.
PULLEN, Arthur W. dba/Foley Lakes Mobile Home Park	07/15/81	07/15/81	RLH		Prtys	16-WQ-CR-81-60 Violation of EQC Order, Civil Penalty of \$500	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	Resp	19-AQ-FB-81-05 FB Civil Penalty of \$1,000	EQC denied appeal. Resp. must seek court review by 9/12/83.
GATES, Clifford	10/06/81		LMS	08/23/83	Prtys	21-SS-SWR-81-90 SS Civil Penalty of \$275	<u>Dept. withdrew notice of assessment. Case closed by order of 9/9/83.</u>
SPERLING, Wendell dba/Sperling Farms	11/25/81	11/25/81	LMS	03/17/83	Hrgs	23-AQ-FB-81-15 FB Civil Penalty of \$3,000	Decision due.
NOFFIGER, Lee	12/15/81	01/06/82	LMS	06/29/82	Prtys	26-AQ-FB-81-18 FB Civil Penalty of \$1,500	No appeal to EQC, case closed.
PULLEN, Arthur dba/Foley Lakes Mobile Home Park	03/16/82	03/29/82	RLH		Prtys	28-WQ-CR-82-16 Violation of EQC Order, Civil Penalty of \$4,500	See companion case above.
OLINGER, Bill Inc.	09/10/82	09/13/82	RLH	10/20/83	Prtys	33-WQ-NWR-82-73 WQ Civil Penalty of \$1,500	Hearing scheduled.
TOEDTEMEIER, Norman	09/10/82	09/13/82	LMS	07/14/83	Hrgs	34-AQOB-WVR-82-65 OB Civil Penalty of \$250	Decision due.
SYLER, Richard E.	09/20/82	09/28/82	VAK	05/24/83	Hrgs	35-AQOB-WVR-82-76 OB Civil Penalty of \$100.	Decision due.
FIREBALL CONSTRUCTION CORP. & Glenn Dorsey	09/27/82		RLH		Prtys	38-SS-SWR-82-85 Remedial Action Order	<u>Dept. withdrew notice of assessment. Case dismissed by order of 9/9/83.</u>
TIPPET, James	12/02/82	12/06/82	LMS	09/15/83	Prtys	39-AQ-FB-82-AG1 Ag. Burning Civil Penalty of \$50	Hearing scheduled.
GIANELLA, Vermont	12/17/82	12/28/82	VAK	09/20/83	Prtys	41-AQ-FB-82-08 FB Civil Penalty of \$1,000	Hearing scheduled.
SCHLEGEL, George L.	12/30/82	01/03/83	VAK		Hrgs	43-AQ-FB-82-05 FB Civil Penalty of \$400	To be scheduled.
FAXON, Jay dba/Faxon Farms	01/03/83	01/07/83	LMS		Hrgs	44-AQ-FB-82-07 FB Civil Penalty of \$1,000	To be scheduled.
MARCA, Gerald	01/06/83	01/11/83	LMS	11/09/83	Prtys	45-SS-SWR-82-101 SS Civil Penalty of \$500, 46-SS-SWR-82-114 Remedial Action Order	<u>Hearing rescheduled.</u>
ALTHAUSER, Glenn L.	01/28/83	02/03/83	LMS		Hrgs	47-SW-NWR-82-111 Solid Waste Civil Penalty of \$350	<u>To be scheduled.</u>

July/August 1983

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>
HAYWORTH FARMS, INC., and HAYWORTH, John W.	01/14/83	02/28/83			Hrgs	50-AQ-FB-82-09 FB Civil Penalty of \$1,000	<u>To be scheduled.</u>
OREGON SUN RANCH	04/04/83	04/12/83	RLH		Prtys	51-AQ-CR-83-33 AQ Civil Penalty of \$500.	Preliminary Issues
McINNIS ENT.	06/17/83	06/21/83	LMS		Prtys	52-SS/SW-NWR-83-47 SS/SW Civil Penalty of \$500.	Preliminary Issues.

1983 APPEALS TO EQC

Hayworth, John W.
33-AQ-WVR-80-187

On 4/8/83 the EQC allowed Respondent's appeal and dismissed the case.

Adams, Galen
33-SS-NWR-82-51

On 4/8/83 the EQC affirmed the hearing officer's order assessing a \$100 civil penalty for installing a portion of an on-site sewage system without first obtaining a permit. Mr. Adams paid the penalty.

Moore, Dale
40-SS-NWR-82

On 4/8/83 the EQC reversed the variance officer's order and authorized a variance from on-site sewage rules.

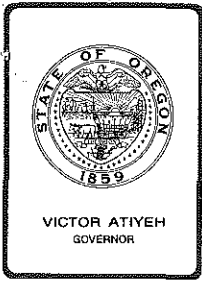
Oregon Environmental
Council.
48-Petition for
Declaratory Ruling

On 4/8/83 the EQC denied OEC's petition for declaratory ruling on applicability of certain statutes and rules to DEQ's jurisdiction over the spraying of the pesticide Sevin into Tillamook Bay.

Frank, Victor
19-AQFB-81-05

On 7/8/83 the EQC upheld the hearing officer's order assessing a \$1,000 civil penalty for violating DEQ's field burning rules.

MD144



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

TO: Environmental Quality Commission

From: Director

Subject: Agenda Item C, October 7, 1983, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended the Commission take the following actions.

1. Approve tax credit applications:

Appl. No.	Applicant	Facility
T-1608	Eric & Roy Peterson Farm	Manure control facility
T-1619	Boise Cascade Corporation	Veneer dryer duct system
T-1621	Boise Cascade Corporation	Exhaust stack ducting, dampers and damper control system
T-1623	Boise Cascade Corporation	Veneer dryer duct system
T-1627	Edwin & Franklin Gebhard	Overtree sprinkler system
T-1628	Minnesota Mining & Mfg. Co.	Solvent vapor incinerator
T-1629	Ash Grove Cement Company	Bag filter dust collection system
T-1630	Ash Grove Cement Company	Bag filter dust collection system
T-1631	Boise Cascade Corporation	Fly-ash handling facility
T-1634	Gerald & Merrilee Stephens	Orchard Rite wind machine
T-1635	Hewlett Packard Company	Underground waste chemical storage system
T-1636	Lariza Orchards, Inc.	Tropic Breeze wind machine
T-1637	Martin Marietta Aluminum, Inc.	Silencers on dust collector discharge fans

2. Revoke Pollution Control Facility Certificates 442, 446, 546, 710, 844, 895 and 1166 issued to Georgia-Pacific Corporation as the certified facilities have been removed from service (see review report).

William H. Young

CASplettstaszer
229-6484
9/15/83
Attachments

PROPOSED OCTOBER 1981 TOTALS

Air Quality	\$ 3,583,065.
Water Quality	159,640
Solid/Hazardous Waste	-0-
Noise	<u>11,840</u>
	\$ 3,754,545

CALENDAR YEAR TOTALS TO DATE

Air Quality	\$ 8,691,160
Water Quality	27,283,023
Solid/Hazardous Waste	1,329,526
Noise	<u>-0-</u>
	\$37,303,709

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Eric & Roy Peterson Farm
600 Tomlinson Rd. W.
Tillamook, OR 97141

The applicant owns and operates a dairy farm near Tillamook.

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

2. Description of Claimed Facility

The facility described in this application is a manure control facility consisting of:

- a. A 35' x 65' manure solids storage building
- b. A 32' diameter concrete liquid storage tank
- c. Roof sections with dimensions 50' x 65' and 26' x 35'
- d. 362' of roof guttering, and
- e. 70' of concrete curbing.

Request for Preliminary Certification for Tax Credit was made August 23, 1982, and approved October 8, 1982. Construction was initiated on the claimed facility September 1, 1982, completed October 6, 1982, and the facility was placed into operation December 1, 1982.

Facility Cost: \$32,319.37.

An accountant's certification was not provided. However, the U.S. Department of Agriculture Agricultural Stabilization and Conservation Service has records to verify a total cost of \$70,276.37. Since they funded \$37,957 of this project, the facility cost is \$32,319.37.

3. Evaluation of Application

This dairy is located adjacent to the Tillamook River. During heavy runoff periods, a good share of the pasture goes under water. Prior to installation of the claimed facility, inadequate manure storage facilities allowed manure to enter the Tillamook River. The new facilities provide wet weather storage of manure and the roofs and gutters divert rainwater around the manure containment systems. The new curbing also contains manure on the concrete slabs and directs it to the holding facilities. These new facilities provide sufficient holding time to allow the spreading of manure during dry conditions. This has resulted in a dramatic reduction of manure losses from this dairy. There has been no return on investment from this facility.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$32,319.37 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1608.

L. D. Patterson:l
(503) 229-5374
August 30, 1983
WL2751

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Boise Cascade Corporation
Albany Mill
P.O. Box 50
Boise, ID 83728

The applicant owns and operates a plywood manufacturing plant at Albany, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a duct system to return exhaust gases from veneer dryer No. 1 to its heat source, a wood furnace for incineration.

Request for Preliminary Certification for Tax Credit was made on December 12, 1977, and approved on December 28, 1977.

Construction was initiated on the claimed facility in January, 1978, and was completed and placed into operation on July 1, 1978.

Facility Cost: \$40,395.00. (Accountant's Certification was provided).

3. Evaluation of Application

Boise Cascade Corporation converted gas-fired veneer dryer No. 1 to wood-fired direct heat. A duct system returns dryer exhaust to the furnace for incineration as a method of meeting emission standards.

The wood-fired furnace was an existing Advanced Combustion Unit which was already in operation on dryer No. 2.

The total cost of converting dryer No. 1 to wood-heat and recirculating dryer exhaust emissions was \$100,530. The pollution control portion of the project consisted of the return ducts, dampers and a pro-rated segment of a larger motor/fan assembly. The Company's claim was for \$40,395 for this equipment installed.

The system operated for several months with demonstrated ability to meet the veneer dryer emission standards. However, the mill shut down because of the poor wood products market in 1981. As of this time, the Company has not yet restarted the facility, but they intend to do so if market conditions improve.

The primary purpose of the facility was for air pollution control. There is no economic benefit from operating the facility, therefore, 80% or more of the claimed cost is eligible for pollution control tax credit certification.

The application was received on April 21, 1983, and considered complete on April 28, 1983.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- a. Facility was not required to have prior approval to construct or preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and would be operated (when the plant starts up again) to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$40,395.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1619.

D.K. NEFF:a
(503) 229-6480
September 9, 1983
AA3791

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

1. Applicant

Boise Cascade Corporation
Sweet Home Plant
P.O. Box 50
Boise, ID 83728

The applicant owns and operates a veneer drying and plywood manufacturing plant at Sweet Home.

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

2. Description of Claimed Facility

The facility described in this application consists of exhaust stack ducting, dampers and damper control system for returning veneer dryer gases to a wood waste furnace for incineration.

Request for Preliminary Certification for Tax Credit was made on August 2, 1978, and approved on August 16, 1978.

Construction was initiated on the claimed facility in September 1978 and completed and placed into operation on May 5, 1979.

Facility Cost: \$120,000 (Accountant's Certification was provided).

3. Evaluation of Application

Boise Cascade Corporation installed an Advanced Combustion System wood burning furnace as a heat source to replace the gas heat for the veneer dryer at their Sweet Home plywood plant in 1978. The project included a return duct system to bring contaminated veneer dryer exhaust gases back to the furnace chamber. This was a DEQ approved strategy for achieving compliance with the veneer dryer emission standards.

The total project cost was \$461,000. The vendor/contractor valued the pollution control portion of the system at \$120,000. Major hardware items for pollution control were: dryer exhaust stack with dampers, dryer exhaust ducts w/insulation, recycle air motor/fan, dryer damper pneumatic control system and the exhaust dump stack w/dampers.

The project was unsuccessful in attaining air emission compliance. Particulate mass emissions were marginally out of compliance, but visible emissions were clearly unacceptable.

The Company subsequently added a Georgia Pacific wet scrubber to accomplish air emission compliance. The ducting and associated equipment claimed in this application continue to function as part of the existing emission control system. Pollution control tax credit certification for the G.P. scrubber was requested as a separate application (T-1620) and was approved by the EQC on August 19, 1983.

A substantial purpose of the claimed facility was for pollution control. No economic benefits from the installation and operation of the veneer dryer exhaust return duct system was identified. The \$120,000 portion of the project is eligible for pollution control tax credit certification allocable at 80% or more.

The application was received on April 21, 1983 and the application was considered complete on April 28, 1983.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$120,000 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1621.

D.K. NEFF:a
AA3624
(503) 229-6480
August 5, 1983

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Boise Cascade Corporation
Valsetz Mill
P.O. Box 50
Boise, ID 83728

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

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

2. Description of Claimed Facility

The facility described in this application consists of a duct system with automatic controls to direct exhaust gases from the veneer dryers to the hogged fuel boiler for incineration.

Notice of Intent to Construct was given tacit approval by the Mid Willamette Valley Air Pollution Authority on April 10, 1975. Preliminary Certification for Tax Credit is not required.

Construction was initiated on the claimed facility in June 1975, and was placed into operation in April 1976. Subsequently, the automatic control system was added and completed on December 31, 1977.

Facility Cost: \$106,826.08 (Accountant's Certification was provided).

3. Evaluation of Application

Boise Cascade Corporation installed a duct system to direct the exhaust gases from the two veneer dryers at their Valsetz plant to the hogged fueled boilers for incineration. This technique was approved by the Air Pollution Control Authority as a means of achieving compliance with the veneer dryer emission standards.

The basic installation was completed for operation in April 1976. A major improvement in system performance was made by adding automatic damper controls in December 1977.

The total claimed cost of the system as installed was \$106,826.08. This was less than the estimated \$200,000 cost of the alternative strategy considered of installing wet scrubbers.

The veneer dryers have been certified in compliance with emission standards. There is no economic benefit from operation of the facility. Therefore, 80% or more of the claimed cost is eligible for pollution control tax credit certification.

The application was received on April 21, 1983 and considered complete on April 28, 1983.

4. Summation

- a. Facility was constructed under a certificate of approval to construct issued pursuant to ORS 468.175.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$106,826.08 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1623.

D.K. NEFF:a
(503) 229-6480
September 9, 1983
AA3786

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Edwin W. and Franklin H. Gebhard
446 Beebe Road
Central Point, OR 97502

The applicant owns and operates a pear and apple orchard at 4978 Gebhard Road, Central Point, OR 97502.

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

2. Description of Claimed Facility

The facility described in this application is an overtree sprinkler system used for both irrigation and frost protection in the orchard.

Request for Preliminary Certification for Tax Credit was made on September 20, 1982, and approved on October 15, 1982.

Construction was initiated on the claimed facility on November 1, 1982, completed on March 20, 1983, and the facility was placed into operation on March 23, 1983.

Facility Cost: \$24,750.14 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed overtree sprinkler system provides frost protection to approximately 22 acres of orchard in place of approximately 710 oil fired orchard heaters. The sprinkler system includes a 25 HP pump, a 30 HP pump, and 326 risers with sprinklerheads. The sprinkler system replaces an existing open ditch irrigation system.

The orchard farmers desire a secure long range solution to frost control that reduces or eliminates the smoke and soot nuisance produced by orchard heaters. The Environmental Quality Commission has previously certified about seven overtree sprinkler systems in the Medford area as pollution control facilities.

The factor used to establish the portion of cost allocable to pollution control is the estimated annual percent return on investment on the overtree sprinkler system. The applicant submitted cost data indicating a fuel cost savings of \$17,900 per year using average

Jackson County frost protection hours of operation, see Attachment. The cost of electricity to operate pumps for overtree sprinklers is approximately \$244 per year. The return on investment was determined using the method shown in the Department's tax credit program guidance handbook. The cost of fuel and power expenses only were considered. The other operating expenses are small compared to fuel and power cost and are considered to cancel each other. The guidance handbook method results in a return on investment of over 50% and a percent of the cost allocable to pollution control of less than 20%.

The application was received on June 7, 1983, additional information was received on August 26, 1983, and the application was considered complete on August 29, 1983.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is less than 20%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$24,750.14 with less than 20% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1627.

RAY POTTS:a
(503) 229-6093
August 30, 1983
AA3745

Operating Cost

The average frost protection season in Jackson County is 50 hours which is considered 1/3 heavy frost conditions and 2/3 light frost conditions. Heavy conditions require all heaters operating and light conditions require 50% of the heaters operating.

Cost of fuel oil to operate heaters:

Heaters per acre	35
Diesel used for 1 hour of operation	0.75 gallon
Cost per gallon	\$0.93

$$35 \frac{\text{heaters}}{\text{acre}} \times 0.75 \frac{\text{gal}}{\text{hr}} \times \$0.93 \frac{\text{gal}}{\text{gal}} = \underline{\$24.41} \frac{\text{acre hr}}{\text{acre hr}}$$

$$\frac{\$24.41}{\text{acre hr}} \times 22 \text{ acre} = \underline{\$537} \frac{\text{hr}}{\text{hr}}$$

$$\frac{\$537}{\text{hr}} \times \frac{50 \text{ hr}}{\text{season}} \times \frac{1}{3} = \$8,950 \quad \text{heavy}$$

$$\frac{\$537}{\text{hr}} \times \frac{1}{2} \times \frac{50 \text{ hr}}{\text{season}} \times \frac{2}{3} = \$8,950 \quad \text{light}$$

$$\text{heavy} + \text{light} = \underline{\$17,900 \text{ fuel oil}} \text{ average season}$$

$$\text{Total Cost} = \$17,900/\text{yr}$$

Cost of electricity to operate pumps for overtree sprinklers:

Irrigation pumping horse power is 55 HP.

$$\text{KW} = \frac{\text{HP} \times 746}{\text{EFF.} \times 1000} = \frac{55 \times 746}{.9 \times 1000} = 46 \text{ KW}$$

Frost protection time (overtree sprinklers are turned on and off at different times than orchard heaters) is:

$$16 \text{ nights} \times \frac{6 \text{ hr}}{\text{night}} = \underline{96 \text{ hr}} \text{ yr}$$

$$46 \text{ KW} \times \frac{\$0.0317}{\text{KW hr}} \times \frac{96 \text{ hr}}{\text{yr}} = \frac{\$139}{\text{yr}}$$

Power cost for irrigation (overtree irrigation):

$$6 \text{ irrigations} \times 12 \frac{\text{hr}}{\text{irrigation}} = 72 \frac{\text{hr}}{\text{yr}}$$

$$46 \text{ KW} \times \frac{\$0.0317}{\text{KW hr}} \times 72 \frac{\text{hr}}{\text{yr}} = \$105/\text{yr}$$

Total Cost = \$244

Estimated annual percent return on investment:

Cost fuel = \$17,900

Cost to pump overtree
sprinklers = \$ 244

Net savings = \$17,656

Cost overtree sprinklers = \$24,750.14

Factor of Internal Rate = $\frac{\$24,750.14}{\$17,656} = 1.4018$
of Return (10 years)

Rate of Return = more than 50%

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Minnesota Mining & Manufacturing Company
P.O. Box 33331 (21-2W-05)
St. Paul, MN 55133

The applicant owns and operates a factory that manufactures surface coated papers and films at 8124 Pacific Avenue, White City, Oregon. These products are used in photosensitive copying machines (i.e. microfilm).

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

2. Description of Claimed Facility

The facility described in this application is a solvent vapor incinerator including ductwork and automatic controls necessitated by the installation of the incinerator.

Request for Preliminary Certification for Tax Credit was made on February 6, 1981, and approved on August 10, 1981.

Construction was initiated on the claimed facility in May, 1982, completed in October, 1982, and the facility was placed into operation in December, 1982.

Facility Cost: \$2,874,000 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility incinerates solvent vapors in order to comply with the rule for volatile organic compounds (VOC) emission limit for paper coating. Solvent vapors from the surface coating operation are captured and carried through ductwork to the incinerator. The vapors are preheated as they pass through beds of heated stoneware, are burned with natural gas in a central chamber at 1400° F, and are cooled through alternate stoneware beds. The exhaust gases are either diluted with excess air and routed out the stack to atmosphere or are routed at 1400° F to a steam boiler and then to atmosphere.

The solvent vapor input to the incinerator is monitored to determine capture efficiency of the control system.

The system and cost consist of:

<u>Item</u>	<u>Cost</u>
A. Incinerator (REECO Model G, 55,540 standard cubic feet per minute flow) and controls (logic controller - Modicon, process controller - Honeywell TDC-2000)	\$2,098,000
B. Oven Controls	59,000
C. Electrical substation and motor control center (400 HP of electric motors)	52,000
D. Foundations	23,000
E. VOC monitoring system (flow measurement equipment, gas chromatograph)	168,000
F. Miscellaneous Equipment	<u>31,000</u>
Total Equipment Costs	\$2,431,000
Engineering Cost	<u>443,000</u>
Total	\$2,874,000

Costs associated with the project that were not directly related to pollution control were not included in the cost of the claimed facility. This included the cost of facilities for steam generation.

The incinerator was source tested with results of 97% destruction of solvent vapor entering the incinerator. The value of the steam generated is less than the operating and maintenance cost of the incinerator system. The percent of the cost allocable to pollution control is 80% or more.

The application was received on June 10, 1983 additional information was received on August 10, 1983, and the application was considered complete on August 10, 1983.

4. Summation

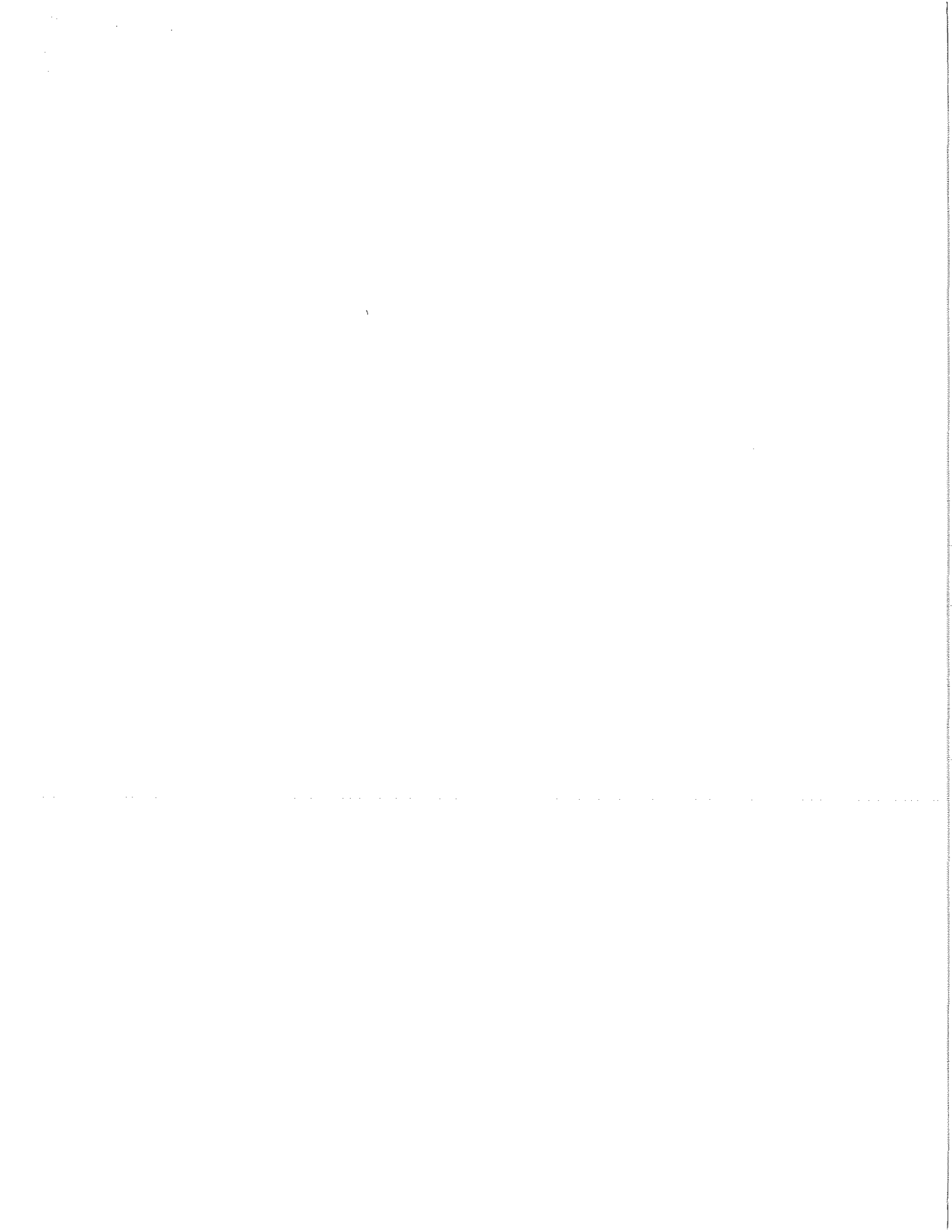
- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.

- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$2,874,000 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1628.

RAY POTTS:a
AA3661
(503) 229-6093
August 12, 1983



State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Ash Grove Cement Company
Portland Lime Plant
8900 Indian Creek Parkway - Suite 600
Overland Park, KA 66222

The applicant owns and operates a quicklime and/or hydrated lime plant at 13999 N. Rivergate Road, Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a reverse pulse bag filter dust collection system.

Request for Preliminary Certification for Tax Credit was made on April 18, 1977, and approved on May 9, 1977.

Construction was initiated on the claimed facility on September 1, 1977, completed on July 15, 1979, and the facility was placed into limited operation on December 17, 1978.

Facility Cost: \$220,914.00 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility consists of a reverse pulse bag filter dust collection system to control emissions from the new 160 ton/day rotary kiln.

The claimed facility has been inspected by Department personnel and has been found to be operating in compliance with regulations and permit conditions. Source test results indicate that lime dust emissions were reduced from a projected 2,412 tons per year (uncontrolled) to less than 31 tons per year or less than 0.03 gr/scf.

The collected material is considered of poor quality and is sold as agricultural lime. The value of the collected material is reported to be \$5.50 per ton. Based on 1982 sales of 1,698 tons of collected material, the annual value of the material collected is \$9,339.00. Operating costs of the claimed facility before taxes, exclusive of depreciation, are as follows:

Utilities	-	\$10,881.00
Maintenance	-	11,045.00
Insurance	-	2,209
Labor	-	<u>8,505.00</u>
Total		\$32,640.00

The annual operating expenses exceed the value of the recovered material by \$23,301.00, therefore, there is no return on investment in the facility and 80% or more of the claimed facility cost is allocable to pollution control.

The application was received on June 16, 1983 and the application was considered complete on June 16, 1983.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$220,914.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1629.

W.J. FULLER:a
AA3760
(503) 229-5749
September 2, 1983

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Ash Grove Cement Company
Portland Lime Plant
8900 Indian Creek Parkway - Suite 600
Overland Park, KA 66222

The applicant owns and operates a quicklime and/or hydrated lime plant at 13939 N. Rivergate Road, Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a bag filter dust collection system.

Request for Preliminary Certification for Tax Credit was made on June 22, 1982, and approved on September 16, 1982.

Construction was initiated on the claimed facility on July 1, 1982, completed on January 17, 1983, and the facility was placed into operation on March 1, 1983.

Facility Cost: \$48,700.00 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility consists of a bag filter dust collection system to control emissions from a coal pulverizer and from a surge tank where the pulverized coal is air blown prior to use. This facility was required as a result of the No. 3 kiln conversion to burn coal.

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

Approximately 8% of the coal pulverized is collected by the baghouse. The annual value of the material collected is approximately \$68,019.00. Operating costs of the claimed facility before taxes, exclusive of depreciation, are as follows:

Utilities	\$10,881.08
Labor	8,505.00
Maintenance	2,435.00
Insurance	<u>487.00</u>
Total	\$22,308.08

The annual value of the recovered material exceeds the operating expenses by \$45,710.92. In accordance with the "Tax Credit Guidance Handbook", the Rate of Return is greater than 50%. Therefore, the percent of actual cost of claimed facility allocable to pollution control is less than 20%.

The application was received on June 16, 1983 and the application was considered complete on June 16, 1983.

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 20% or less.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$48,700.00 with 20% or less allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1630.

W.J. FULLER:a
(503) 229-5749
September 1, 1983
AA3761

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Boise Cascade Corporation
Wood Products - Elgin
P.O. Box 610
La Grande, OR 97850

The applicant owns and operates a wood product manufacturing plant at Elgin, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a hogged fuel boiler fly-ash handling facility required to control wind blown fly-ash.

Request for Preliminary Certification for Tax Credit was made on February 24, 1982, and approved on March 5, 1982.

Construction was initiated on the claimed facility on June 22, 1982, and was completed and placed into operation on September 24, 1982.

Facility Cost: \$113,635.49 (Accountant's Certification was provided).

3. Evaluation of Application

Boise Cascade Corporation installed an improved boiler fly-ash handling system at their Elgin wood products plant. This project was required to provide a means of controlling wind blown fly-ash. The non-compliance condition had most recently been documented by a DEQ inspection on June 26, 1981.

The fly-ash is materials collected by the multiclones of two hogged fuel boilers. The new facility consists of two conveyors and an auger, a fly-ash/water wetting tank, a material bunker, an ash roll crusher and a small tractor front end loader. The fly-ash is loaded into a dump truck and hauled to an on-site landfill.

Prior to installation of the new facility, the fly-ash was collected in tote boxes which were transported to the landfill. The dry

material often blew from the boxes and from the deposit at the land-fill before it could be covered.

Water sprays had been added at the auger to suppress the fugitives but had very limited success. Reinjection of the fly-ash back into the fire box was an alternative considered. A boiler consultant recommended against this method which was estimated to cost \$152,000. A second alternative, of using the water recirculation tanks of the existing boiler wet scrubbers as a wetting chamber, was rejected because of overloading the tanks.

The \$115,635.49 project cost included an agitator system in the wetting tank. However, this device was not used and its \$2,000 cost should be subtracted. The resulting eligible cost of the project is then \$113,635.49.

The application was received on June 27, 1983 and was considered complete on June 30, 1983.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$113,635.49 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1631.

D.K. NEFF:a
(503) 229-6480
September 13, 1983
AA3795

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Gerald S. & Merrilee Stephens
1642 Camp Baker Rd.
Medford, OR 97501

The applicant owns and operates an orchard producing pears for commercial markets at the corner of Colver Road and Hartley Lane, Talent, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is one Orchard Rite wind machine for frost protection.

Request for Preliminary Certification for Tax Credit was made on December 3, 1982, and approved on December 20, 1982.

Construction was initiated on the claimed facility in April, 1983, completed in April, 1983, and the facility was placed into operation in April, 1983.

Facility Cost: \$16,000 (Complete Documentation by copies of invoices was provided.)

3. Evaluation of Application

Wind machines reduce the number of oil fired orchard heaters needed to provide frost protection for fruit trees. Orchard heaters cause an air pollution problem in the surrounding communities due to incomplete combustion. Wind machines eliminate the use of heaters on light frost nights and reduce by approximately 90% the number of heaters needed on heavy frost nights. A substantial purpose for installing wind machines is to reduce air contaminant emissions and thus make the orchard a better neighbor. The emissions from farm operations are not regulated by the Department.

The factor used to establish the portion of cost allocable to pollution control is the estimated annual percent return on the investment on the wind machines. The applicant submitted cost data showing a fuel cost savings of \$10,978 for an average season. The return on investment was determined using the method shown in the

Department's tax credit program guidance handbook. The savings in fuel operation expenses only were considered. The other operating expenses are small compared to fuel cost and are considered to cancel each other. The guidance handbook method results in a return on investment of over 50% and a percent of the cost allocable to pollution control of less than 20%.

The application was received on July 1, 1983 and the application was considered complete on August 11, 1983.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is less than 20%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$16,000 with less than 20% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1634.

RAY POTTS:a
AA3660
(503) 229-6093
August 12, 1983

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

1. Applicant

Hewlett Packard Co.
Corvallis Components Operation
3000 Hanover St.
Palo Alto, CA 94304

The applicant owns and operates an integrated circuit, thermal print head, and printed circuit board fabricating plant at Corvallis.

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 underground waste chemical storage system consisting of:

- a. a sealed concrete vault (approximately 21' x 36' x 18' h)
- b. chemical recovery sumps and pumps
- c. associated electrical equipment, and
- d. approximately 500 feet of PVC and 185 feet of concrete pipe sleeves.

Request for Preliminary Certification for Tax Credit was made June 3, 1982, and approved June 8, 1982. Construction was initiated on the claimed facility June 30, 1982, completed February 11, 1983, and the facility was placed into operation February 11, 1983.

Facility Cost: \$127,321 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, acid wastes were collected and stored in underground tanks which were buried directly in the ground. There was no protection of groundwater in case of a tank or pipe failure. The new system has been designed specifically for groundwater protection. The sealed concrete vault is built with two separate compartments (one contains a 9000 gallon acid storage tank and the other a 5000 gallon solvent storage tank). Sumps and pumps are located within each compartment to recover chemicals if any leaks should occur. The underground pipes which convey the waste chemical from the process building to the vault are each buried within a larger pipe to collect and contain any potential leakage from the pipes. The pipe sleeves drain to the sealed vault compartments.

Only those facilities which are designed for collection and containment of leaks from the chemical transfer pipes and from the storage tanks have been included in this application. The chemical transfer pipes and the two storage tanks were not included. The chemical wastes are periodically pumped to a truck and disposed of at the Arlington Hazardous Waste Disposal site.

The original underground storage tanks were emptied, neutralized, filled with water, and abandoned. There is no return on investment from this facility.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$127,321 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1635.

Larry D. Patterson:1
(503) 229-5374
August 8, 1983

WL2703

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Lariza Orchards, Inc.
1070 Eastside Road
Hood River, OR 97031

The applicant owns and operates a pear and apple orchard at Hood River, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is one Tropic Breeze Wind Machine used to protect fruit trees from frost damage.

Request for Preliminary Certification for Tax Credit was made on April 11, 1983, and approved on April 18, 1983.

Construction was initiated on the claimed facility on April 15, 1983, completed on April 18, 1983, and the facility was placed into operation on April 20, 1983.

Facility Cost: \$17,845 (Complete documentation by copies of invoices was provided).

3. Evaluation of Application

There is no law limiting the use of fuel oil fired heaters to provide frost protection to fruit trees, even though the use of orchard heaters in the past has produced significant smoke and soot air pollution problems in Hood River. The orchard farmers desire a secure, long-range solution to frost protection that includes the reduction or elimination of the smoke and soot nuisance.

The number of heaters used to provide frost protection to the ten acres served by this orchard fan was 200. The applicant is retaining 100 perimeter heaters. Most fan tax credit applicants in the same area used 340 heaters and retain 100 perimeter heaters. The reason for 200 in place of 340 heaters is due to both rocky terrain for installing buried diesel oil lines and a low area where temperature readings indicated heaters would not raise the temperature enough on bad frost nights. Therefore, the low area trees sustained crop damage during bad frost years. By installing the fan with a full component

of 100 perimeter heaters, the applicant intends to provide normal frost protection to the ten acres including the low area.

The factor used to establish the portion of cost allocable to pollution control is the estimated annual percent return on the investment on the wind machine. In this case, the application is compared to the normal situation where 340 heaters are replaced by a fan and 100 perimeter heaters since the results are intended to be equivalent. The return on investment was determined using the method shown in the Department's tax credit program guidance handbook. The savings in fuel operation expenses only were considered. The other operating expenses are small compared to fuel cost and are considered to cancel each other. The guidance handbook method results in a return on investment of 25.7% and a percent of the cost allocable to pollution control of 20% or less.

The applicant requested 100% allocation for pollution control based on 200 heaters being replaced by a fan and 100 perimeter heaters. The guidance handbook method results in 1.7% return on investment and eligibility for 80% or more of the cost for tax credit, see attachments. However, as stated above, the fan is intended to accomplish more than reduce the number of heaters from 200 to 100.

The application was received on August 13, 1983, additional information was received on August 14, 1983, and the application was considered complete on August 15, 1983.

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 20% or less.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$17,845 with 20% or less allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1636.

RAY POTTS:a
AA3681
(503) 229-6093
August 16, 1983

Guidance Handbook Tax Credit Calculations

200 heaters replaced by a fan and 100 perimeter heatersOil fired heater system

$$\frac{20 \text{ heaters}}{\text{acre}} \times \frac{0.75 \text{ gal. oil}}{\text{hr heater}} \times \frac{\$1.00}{\text{gal. oil}} = \frac{\$15.00}{\text{acre hr}}$$

$$\frac{30 \text{ hr}}{\text{yr}} \times \frac{10 \text{ acre}}{\text{fan area}} \times \frac{\$15.00}{\text{acre hr}} = \frac{\$4,500}{\text{fan area yr}}$$

$$\text{YEARLY TOTAL} = \$4,500$$

Fan System

Fan fuel

$$\frac{10 \text{ gal. oil}}{\text{fan area hr}} \times \frac{\$1.00}{\text{gal. oil}} = \frac{\$10.00}{\text{fan area hr}}$$

$$\frac{30 \text{ hr}}{\text{yr}} \times \frac{\$10.00}{\text{fan area hr}} = \frac{\$300.00}{\text{fan area yr}}$$

Perimeter heater fuel

$$\frac{100 \text{ heaters}}{\text{fan area}} \times \frac{0.75 \text{ gal. oil}}{\text{hr heater}} \times \frac{\$1.00}{\text{gal. oil}} = \frac{\$75.00}{\text{fan area hr}}$$

$$\frac{30 \text{ hr}}{\text{yr}} \times \frac{\$75.00}{\text{fan area hr}} = \frac{\$2,250}{\text{fan area yr}}$$

$$\text{YEARLY TOTAL} = \$2,550$$

Net Annual Fuel Savings

$$\$4,500 - \$2,550 = \$1,950$$

Percent Return on Investment

$$\text{Net income} = \$1,950$$

$$\text{Facility cost} = \$17,845$$

$$\text{Factor of Internal Rate of Return} = \frac{17,845}{1,950} = 9.151$$

$$\text{Rate of Return (10 years)(from Table 2)} = 1.7\%$$

Equivalent 340 heaters replaced by a fan and 100 perimeter heaters

Oil fired heater system

$$\text{YEARLY TOTAL} = \$4,500 \frac{340}{200} = \$7,650$$

Fan System

$$\text{YEARLY TOTAL} = \$2,550$$

Net Annual Fuel Savings

$$\$7,650 - \$2,550 = \$5,100$$

Rate of Return on Investment

$$\begin{aligned} \text{Net income} &= \$ 5,100 \\ \text{Facility cost} &= \$17,845 \end{aligned}$$

$$\text{Factor of Internal Rate of Return} = \frac{17,845}{5,100} = 3.499$$

$$\text{Rate of Return (10 years)(from Table 2)} = 25.7\%$$

Table 1

<u>Percent ROI (Pre-tax)</u>	<u>Percent of Actual Cost of Claimed Facility Allocable to Pollution Control</u>
25% or more	less than 20%
19% to 24.99%	20% or more but less than 40%
13% to 18.99%	40% or more but less than 60%
7% to 12.99%	60% or more but less than 80%
less than 7%	80% or more

Department of Environmental Quality
 Attn: Mr. Ray Potts

The primary purpose of frost fan use is to reduce air pollution by the reduction of fossil fuel use in orchard heating. The following comparative experience data tends to support this function.

Average Annual Cost Comparison Per Acre Hour:

Orchard diesel fired heater data

1. There are 20 heaters per acre.
2. One heater uses $\frac{3}{4}$ gallons of fuel per hour
3. The average oil cost is approximately \$1.00 per gal.
4. Multiplying points 1, 2, 3 together equals \$15.00/Acre hour
5. Using an average of 30 heating hours per year, the annual cost is calculated at \$450.00 per Acre.

Orchard Fan Wind Machine

1. One fan will provide frost protection for ten acres.
2. Fuel usage is 10 gallons / 10 acres or 1 gallon/Acre or \$1.00 per Acre hour
3. Capital outlay - Fan cost is \$17,845.00
4. Dividing \$17,845 by 10 acres, 30 hours, and by 10 years equals \$5.95 per Acre hour.
5. Dividing \$17,845 by 10 acres, by 30 hours and multiplying by 14% equals \$8.33 interest cost per year.
6. Perimeter heating is figured by multiplying 10 heaters per Acre times $\frac{3}{4}$ gallons per hour times \$1.00 per gallon for a total of \$7.50 per hour.

7. Adding the amounts in this section totals \$22.78 and multiplying this figure times an average of 30 heating hours per year yields \$683.40.

Summary

Comparing costs of diesel fired heaters and fan wind machines indicates that the fan wind machine is more costly.

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Martin Marietta Aluminum, Inc.
P.O. Box 711
The Dalles, OR 97058

The applicant owns and operates an alumina transfer facility at Swan Island, Portland.

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

2. Description of Claimed Facility

The facility described in this application are the following silencers on dust collector discharge fans to control noise emissions:

1. One on dust collector of rail loadout structure.
2. Three on dust collectors on top of three silos.
3. One on dust collector on roof of electrical substation.

Request for Preliminary Certification for Tax Credit was made on March 3, 1983, and approved on March 10, 1983.

Construction was initiated on the claimed facility on March 10, 1983, completed on March 21, 1983, and the facility was placed into operation on March 22, 1983.

Facility Cost: \$11,840 (Accountant's Certification was provided).

3. Evaluation of Application

This facility is located on Swan Island with noise sensitive properties (residences) over-looking the plant. As a result of citizen complaints and DEQ action, the noise controls (silencers) were installed on six dust collector discharge fans. The noise control facility has been inspected and noise levels have been reduced. A cost of \$11,840 was attributed to sound suppression equipment of which 100 percent is allocated for noise pollution control.

The application was received on August 5, 1983 and the application was considered complete on August 10, 1983.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1977, as required by ORS 468.165(1)(b).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing noise pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 467, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$11,840 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1637.

JOHN HECTOR:a
NA3664
(503) 229-5989
August 12, 1983

State of Oregon
Department of Environmental Quality

REVOCATION OF POLLUTION CONTROL FACILITY CERTIFICATES

1. Certificates Issued To:

Georgia-Pacific Corporation
900 S. W. Fifth Avenue
Portland, Oregon 97204

Certificates were issued for air and water pollution control facilities.

2. Summation

By letter of August 9, 1983 (copy attached), the Department was informed that the facilities certified in the following Pollution Control Facility Certificates had been removed from service.

<u>Certificate Number</u>	<u>Plant</u>	<u>Date Issued</u>
442	Irving Road, Eugene	December 17, 1973
446	Hastings Ave., Sutherlin	December 17, 1973
546	Irving Road, Eugene	January 24, 1975
710	Irving Road, Eugene	August 27, 1976
844	Coos Bay	November 18, 1977
895	Coos Bay	April 28, 1978
1166	Irving Road, Eugene	December 19, 1980

Pursuant to ORS 317.072(10), it is necessary that the Commission revoke these pollution control facility certificates.

3. Director's Recommendation

It is recommended that the Commission revoke the following Pollution Control Facility Certificates as of the cited dates, as the certified facilities have been removed from service.

<u>Certificate Number</u>	<u>Revocation Date</u>
442	October 1981
446	June 1978
546	October 1981
710	October 1981
844	October 1980
895	July 1979
1166	October 1981

CASplettstaszer
229-6484
9/15/83
Attachments

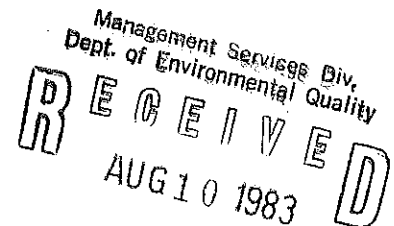


Georgia-Pacific Corporation

900 S.W. Fifth Avenue
Portland, Oregon 97204
Telephone (503) 222-5561

August 9, 1983

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



ATTENTION: Ms. Carol A. Splettstaszer

Dear Ms. Splettstaszer:

We would like to notify you of the following abandonments or retirements of certain pollution control facilities:

1. Eugene Irving P. Water Recycle Facility
Eugene, OR
Certificate No. 546-1975 22,005.95
Abandoned, discontinued use in October, 1981
2. Eugene Irving Road Scrubber for Control of Veneer Dryer Emissions
Eugene, OR
Certificate No. 710-1976 98,724.73
Abandoned, discontinued use in October, 1981
3. Eugene Sawdust and Sanderdust Particle Emissions Controls
Eugene, OR
Certificate No. 442-1973 36,912.45
Abandoned, discontinued use in October, 1981
4. Eugene - Cyclones
Eugene, OR
Certificate No. 1166 3,998.74
Abandoned, discontinued use in October, 1981
5. Coos Bay U.O.P. Multiclone
Coos Bay, OR
Certificate No. 895-1978 189,217.00
Abandoned, discontinued use in July, 1979
6. Coos Bay Oil/Water Seperator Pumps
Coos Bay, OR
Certificate No. 844-1977 3,966.38
Abandoned, discontinued use in October, 1980

Ms. Carol Splettstaszer
Page 2
August 9, 1983

7. Modification of Wigwam Burner at Sutherlin Veneer
Eugene, OR
Certificate No. 466-1973 47,216.53
Abandoned, discontinued use in June, 1978

Please contact us if you have any questions concerning these facilities.

Sincerely,



Bruce Hellebuyck
Oregon Wood Products Division

BH/tmm

cc: Harold Egbert
Manuel Moore
Robert Dubay

Certificate No. 442Date of Issue 12-17-73State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-494**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: Asst Owner Georgia-Pacific Corporation 900 S. W. Fifth Avenue Portland, Oregon 97204	Location of Pollution Control Facility: 1900 Irving Road Eugene, Oregon Lane County
Description of Pollution Control Facility: Sawdust and sanderdust particles emission controls consisting of: one Carborundum Model 360 M10 baghouse filter unit, one Carborundum Model 60 M10 baghouse filter unit, collection and handling ducts, and necessary fans, motors and electrical controls.	
Date Pollution Control Facility was completed and placed in operation: <u>December, 1971</u>	
Actual Cost of Pollution Control Facility: \$ <u>36,912.45</u>	
Percent of actual cost properly allocable to pollution controls: Eighty percent (80%) or more	

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

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

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

Signed Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 17th day of December 19 73

Certificate No. 446Date of Issue 12-17-73State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-500**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: Georgla-Pacific Corporation Eugene/Springfield Division 900 S. W. Fifth Avenue Portland, Oregon 97204	As: Owner	Location of Pollution Control Facility: Hastings Avenue Sutherlin, Oregon Douglas County
Description of Pollution Control Facility: Modification of wigwam waste burner consisting of: top damper, under-fire and over-fire air systems, Ignition system, temperature recording system, and automatic control system.		
Date Pollution Control Facility was completed and placed in operation: <u>January 1972</u>		
Actual Cost of Pollution Control Facility: <u>\$47,216.53</u>		
Percent of actual cost properly allocable to pollution control: <u>Eighty percent (80%) or more</u>		

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

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

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

Signed _____

Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 17th day of December 1973

Certificate No. 546Date of Issue 01-24-75State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-587**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: Ass Owner Georgia-Pacific Corporation Eugene/Springfield Division 900 S.W. Fifth Avenue Portland, Oregon 97204	Location of Pollution Control Facility: Highway 99N at Irving Road Eugene, Oregon Lane County
Description of Pollution Control Facility: Water recycle facility consisting of glue waste water recycling facilities, and dryer wash water collection system.	
Date Pollution Control Facility was completed and placed in operation: <u>12-73; 10-73</u>	
Actual Cost of Pollution Control Facility: \$ <u>22,005.95</u>	
Percent of actual cost properly allocable to pollution control: <u>One hundred percent (100%)</u>	

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

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

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

Signed [Signature]Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 24th day of January 1975

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 710

Date of Issue 8/27/76

Application No. T-779

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Georgia Pacific Corporation 900 SW Fifth Avenue Portland, Oregon 97204	Location of Pollution Control Facility: Plywood Plant (Irving Road) Eugene, Oregon Lane County
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: Scrubber for the control of veneer dryer emissions	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste	
Date Pollution Control Facility was completed: <u>4/21/75</u>	Placed into operation: <u>5/7/75</u>
Actual Cost of Pollution Control Facility: <u>\$ 98,724.73</u>	
Percent of actual cost properly allocable to pollution control: 100%	

In accordance with the provisions of ORS 468.155 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "Pollution Control Facility" within the definition of ORS 468.155 and that the air and water or solid waste facility was erected, constructed or installed on or after January 1, 1967, or January 1, 1973 respectively, and on or before December 31, 1980, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air, water or solid waste pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapters 459, 468 and the regulations thereunder.

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

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

Signed 

Title Chairman

Approved by the Environmental Quality Commission on
the 27th day of August, 19 76

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 844

Date of Issue 11/18/77

Application No. T-898R

POLLUTION CONTROL FACILITY CERTIFICATE

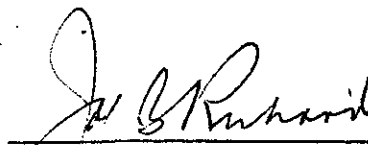
Issued To: Georgia-Pacific Corporation 900 S. W. Fifth Avenue Portland, Oregon 97204	Location of Pollution Control Facility: Isthmus Slough Coos Bay, Oregon
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: Two (2) oil/water separator sumps installed in-line on plant area storm sewers	
Type of Pollution Control Facility: <input type="checkbox"/> Air <input type="checkbox"/> Noise <input checked="" type="checkbox"/> Water <input type="checkbox"/> Solid Waste	
Date Pollution Control Facility was completed: <u>July 1976</u> Placed into operation: <u>July 1976</u>	
Actual Cost of Pollution Control Facility: \$ <u>3,966.38</u>	
Percent of actual cost properly allocable to pollution control: <u>80% or more</u>	

In accordance with the provisions of ORS 468.155 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "Pollution Control Facility" within the definition of ORS 468.155 and that the air or water facility was constructed on or after January 1, 1967, the solid waste facility was under construction on or after January 1, 1973, or the noise facility was constructed on or after January 1, 1977, and the facility is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air, water, noise or solid waste pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 459, 467 or 468 and the regulations adopted thereunder.

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

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

Signed



Title

Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on

the 18th day of November, 19 77

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 895

Date of Issue 4/28/78

Application No. T-966

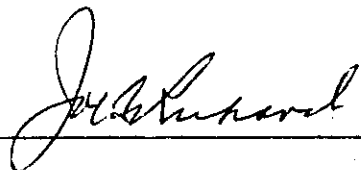
POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Georgia-Pacific Corporation Coos Bay Division P. O. Box 869 Coos Bay, Oregon 97420	Location of Pollution Control Facility: Coos Bay, Oregon
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: UOP multiclone (6 UPE-WHS #14-490) and associated equipment to control emissions from the Garrett & Schaffer boiler	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Noise <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste	
Date Pollution Control Facility was completed: <u>11/1/76</u> Placed into operation: <u>10/1/76</u>	
Actual Cost of Pollution Control Facility: \$ <u>189,217.00</u>	
Percent of actual cost properly allocable to pollution control: <p style="text-align: center;"><u>80% or more</u></p>	

In accordance with the provisions of ORS 468.155 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "Pollution Control Facility" within the definition of ORS 468.155 and that the air or water facility was constructed on or after January 1, 1967, the solid waste facility was under construction on or after January 1, 1973, or the noise facility was constructed on or after January 1, 1977, and the facility is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air, water, noise or solid waste pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 459, 467 or 468 and the regulations adopted thereunder.

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

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

Signed 
 Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on
 the 28th day of April, 19 78

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 1166

Date of Issue 12/19/80

Application No. T-1154

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Georgia-Pacific Corp. Eugene/Springfield Division P. O. Box 1618 Eugene, Oregon 97440	Location of Pollution Control Facility: 1900 Irving Road Eugene, Oregon
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: Stainless steel cyclones in the veneer dryer scrubber.	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Noise <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste <input type="checkbox"/> Hazardous Waste <input type="checkbox"/> Used Oil	
Date Pollution Control Facility was completed: <u>4/11/78</u>	Placed into operation: <u>4/11/78</u>
Actual Cost of Pollution Control Facility: \$ <u>3,998.74</u>	
Percent of actual cost properly allocable to pollution control: 80% or more	

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

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

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

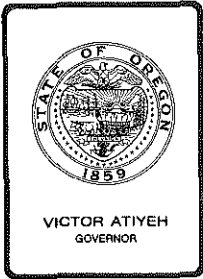
NOTE — The facility described herein is not eligible to receive tax credit certification as an Energy Conservation Facility under the provisions of Chapter 512, Oregon Law 1979, if the person issued the Certificate elects to take the tax credit relief under ORS 316.097 or 317.072.

Signed 

Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on

the 19th day of December, 19 80



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. D , October 7, 1983, EQC Meeting

Request for Authorization to hold a Public Hearing to Amend OAR 340-21-025(2)(b) to Establish Special Municipal Incinerator Standards for Coastal Areas, and to Amend the State Implementation Plan

Background

Disposal of municipal solid wastes in coastal areas of Oregon has presented unique problems due to the areas' geological and climatic conditions. Lechate contamination of surface waters and open burning of wastes continues to present problems in certain areas.

Coos County attempted to solve their solid waste problem by installation and operation of four modular incinerators at Beaver Hill, a site located between Coos Bay and Bandon. The facility became operational in August of 1980. The units have functioned well with respect to volume reduction and no air quality complaints have been received. The units have met air quality requirements relating to visual emissions (opacity) and combustion temperatures (adequate temperatures for destruction of toxic and odorous emissions). The Coos County modular incinerators, however, failed to meet particulate emission limits due in large part to the emission of sterile ash. The County determined it would cost over one-half million dollars to install adequate emission control equipment to meet Department rules; and on the basis of economic hardship, it requested and received a variance from the EQC in October 1981.

Curry County also installed two modular units at Brookings. Although these units have never been tested, it is considered likely that they also do not meet the present particulate standards.

Clatsop County has open burning dumps which must be eliminated under Federal regulations. The County has been studying various options and appears to seriously favor incineration at this time. Costs to install incinerators with air pollution control equipment which can fully meet Department rules could eliminate incineration from consideration in Clatsop County and potentially in other counties as well.

Problem Statement

Incineration appears to be a suitable option for adequately dealing with municipal waste disposal on the Oregon Coast; however, costs to fully meet existing DEQ air emission standards is a major barrier to continuation of this alternative as a viable option.

Alternatives and Evaluation

If the DEQ were to relax particulate emission limits for coastal municipal incinerators, then further consideration of variances extensions for units in Coos and Curry Counties would be eliminated and the option to install municipal incinerators in Clatsop County, and possibly other counties, would be more viable. The major change needed in DEQ rules would be to revise the 0.1 grains per standard cubic foot particulate requirement for new refuse burning equipment OAR 340-21-025(2)(b) to 0.2 grains per standard cubic foot (which is the current standard for existing units). The Coos and Curry County units are considered new units under DEQ rules, having been constructed since 1970; thus, they would not need to be continued on a variance if this rule change were made. Considering the very good ventilation in coastal areas and the fact that no coastal areas are even close to non-attainment with particulate air quality standards, such a relaxation for multiple incinerator installations up to 150 tons/day capacity would not jeopardize maintenance of air quality standards.

Adding to DEQ rules specific combustion chamber temperature requirements which adequately destroy toxics and odors and assures attainment of opacity standards is a desirable action to insure that such incinerators will not cause any nuisance or health hazards.

Incineration of municipal solid waste can release a variety of hazardous organic chemicals. The polychlorinated aromatic hydrocarbons, including phenols, furans, and dioxins, are of particular concern. The form of dioxin identified as 2,3,7,8-TCDD is among the most toxic chemicals yet discovered. Adequate temperatures and residence times are essential in the control of emissions of these compounds. At a temperature of 1800° F and a residence time of one (1.0) second, the destruction efficiency of 2,3,7,8-TCDD has been shown to be sufficient to ensure acceptable ambient air quality for small and medium sized incinerators. TCDD destruction would also occur at lower temperatures. However, the residence time required to attain equivalent destruction at lower temperatures has not been demonstrated. High temperature/residence time requirements for municipal waste incinerators has already been given favorable consideration by at least one state. New Jersey has established 1800° F/1 second as a design requirement in a current rules proposal.

Start-up and burn-down exhaust gas temperatures of 1600° F and steady state exhaust gas temperatures of 1800° F at 1 second residence time, are considered adequate by the Department to meet all air quality protection objectives for multiple incinerator installations up to 150 tons/day capacity. The Consumat units used in Coos Curry Counties and several other brands of modular incinerators with after burners are capable of meeting these requirements. The relaxation of the particulate emission limit would only apply to individual units processing 50 tons/day or less of municipal solid waste as Federal New Source Performance Standards of 0.08 grains per standard cubic foot for larger units must be met. The relaxation of the particulate emission limit should also be restricted to multiple incinerator complexes of less than 150 tons/day as capacities above this

could result in total emissions which could significantly impact air quality and necessitate a higher degree of control.

Summation

1. Geology and climate of Oregon coastal areas creates special municipal solid waste disposal problems with landfills and has resulted in lechate contamination of surface water and air pollution from open burning dumps.
2. Municipal solid waste incineration is now used in Coos and Curry Counties and could further be used in other coastal counties as an adequate means of addressing the unique municipal waste disposal problems in coastal areas. However, DEQ particulate emission limits threaten the viability of this alternative.
3. Small to medium size municipal waste incinerators, such as the units installed at Beaver Hill in Coos County and at Brookings in Curry County, are available which can meet DEQ visible emission standards and attain exhaust gas temperature requirements to adequately destroy toxic and odorous emissions. Such units cannot meet stringent particulate emission limits without installation of very costly emission control equipment.
4. Relaxation of the DEQ's 0.1 gr/scf particulate emission limit for small to medium size new refuse burning equipment to 0.2 gr/scf for new municipal waste incinerators in coastal areas would obviate the need for variances from particulate emission limits for Coos and Curry Counties. It would also keep incineration open as a viable option to Clatsop County which is seriously considering incineration to deal with its current solid waste problems, and to other coastal counties as well.
5. Considering the excellent ventilation on the coast and the fact that no areas are threatened with violation of particulate standards, a rule relaxation of the particulate grain loading requirement for small to medium size incinerators would not have any adverse effect on attainment and maintenance of air quality standards.
6. Minimum exhaust gas temperature requirements should be a part of municipal incineration rules to insure adequate control of visible, odorous, and toxic emissions.

Director's Recommendation

Based on the Summation, the Director recommends that the EQC authorize a hearing to consider establishment of special municipal waste incineration emissions rules for coastal counties. (See Attachment A).

Bill

William H. Young

- Attachments: A. Amendments to OAR 340-21-025(2)(b) and proposed new rules, OAR 340-21-026 and 340-21-027.
B. Notice of Public Hearing and Rulemaking Statements

J.F. KOWALCZYK:a
229-6459
September 14, 1983
AA3799



AMENDED RULE

Refuse Burning Equipment Limitations

340-21-025 No person shall cause, suffer, allow, or permit the emission of particulate matter from any refuse burning equipment in excess of:

(1) For equipment designed to burn 200 pounds of refuse per hour or less, 0.3 grains per standard cubic foot; or

(2) For equipment designed to burn more than 200 pounds of refuse per hour:

(a) 0.2 grains per standard cubic foot for existing sources, or

(b) 0.1 grains per standard cubic foot for new sources ,except that small to medium size municipal waste incinerators located in coastal areas as defined in OAR 340-21-026 shall be subject to OAR 340-21-027 and larger municipal incinerators shall be subject to provisions of OAR 340-20-220 to OAR 340-20-275 .

NEW RULES

MUNICIPAL WASTE INCINERATION EQUIPMENT IN COASTAL AREAS

Definitions

340-21-026 As used in this rule, unless otherwise required by

context:

(1) "Coastal Areas" means Clatsop, Tillamook, Lincoln, Coos, Curry and those portions of Lane and Douglas Counties west of Range 8 West, Willamette Meridian.

(2) "Municipal Waste Incinerator" means a device used to reduce the volume of general household wastes by combustion which is capable of processing more than 200 lb/hr of such wastes but which is too small to be classed as a major source as defined by the Department's New Source Review Rule, OAR 340-20-220 to 275.

Requirements

340-21-027(1) No person shall cause, suffer, allow, or permit the operation of any municipal waste incinerator in coastal areas which exceeds the following emission limits and requirements:

(a) Particulate Emissions:

(A) For municipal waste incinerators capable of processing up to 50 tons/day of wastes, 0.2 grains per standard cubic foot of exhaust gases.

(B) For municipal waste incinerators capable of processing greater than 50 tons/day of wastes, 0.08 grains per standard cubic foot of exhaust gases.

(b) Minimum Exhaust Gas Temperatures:

(A) Prior to the initial charge of wastes and for the first 30

minutes of incineration of the initial charge, 1600 °F for 1 second.

(B) For the period beginning 30 minutes after the initial charge of wastes to the time of the final charge, 1800°F for 1 second.

(C) For a 2 hour period after the final charge of waste, 1600° F for 1 second.

(c) Visible Emissions and Particle Fallout Limitations of OAR 340-21-015 and OAR 340-31-045, respectively.

(2) Municipal waste incinerators in coastal areas shall be equipped with a continuous recording pyrometer which measures exhaust gas temperatures in an area where requirements under (1)(b) are demonstrated to be continuously met. Pyrometer records shall be retained for at least a 1 year period and shall be made available to the Department of Environmental Quality upon request.

(3) The 0.2 grain per standard cubic foot particulate emission standard in (1)(a)(A) for individual municipal waste incinerators up to 50 tons/day capacity, shall apply only to multiple incinerators at one site up to a combined capacity of 150 tons/day.

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Proposed Establishment of Special Standards for
Municipal Waste Incinerators in Coastal Areas

Date Prepared: September 14, 1983

Hearing Date: November 21, 1983

Comments Due: November 21, 1983

WHO IS AFFECTED: Residents of coastal areas and governments and industry installing and/or operating municipal waste incinerators.

WHAT IS PROPOSED: The Department of Environmental Quality is proposing to amend OAR 340-21-025(2)(b) and adopt new rules, OAR 340-21-026 and 21-027, to relax particulate emissions limits for municipal waste incinerators located in coastal areas and to add temperature and residence time requirements for combustion.

WHAT ARE THE HIGHLIGHTS: Major elements of the rule amendment include:

- o Relaxing the particulate emissions standard from 0.1 gr/scf to 0.2 gr/scf.
- o Establishing minimum combustion gas temperatures to assure adequate control of visible, odorous, and toxic emissions.

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 regional office nearest you. For further information contact Peter Bosserman at 229-6278 (call toll-free, 1-800-452-4011).

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

10:00 A.M.
November 21, 1983 (Monday)
Seaside Convention Center
Mariner Room
415 First Avenue
Seaside, OR 97138

Oral and written comments will be accepted at the public hearing. Written comments may be sent to the DEQ Air Quality Division, P.O. Box 1760, Portland, OR 97207, but must be received by no later than 5:00 P.M., November 21, 1983.



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.

1-800-452-4011



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**WHAT IS THE
NEXT STEP:**

After public hearing the Environmental Quality Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted rules will be submitted to the U. S. Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation should come in January, 1984 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.

RULEMAKING STATEMENTS

for Establishment of Special Standards for Municipal Waste Incinerators in Coastal Areas

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 340-21-025(2)(b) and adds new rules, OAR 340-21-026 and 340-21-027. It is proposed under authority of ORS Chapter 468 including Section 295 which authorizes the Commission to establish air quality standards.

Need for the Rule

Because of geology and climate, disposal of municipal wastes in coastal areas presents unique problems. Municipal incineration is a potential viable municipal waste volume reduction process but current DEQ particulate emission standards can present a significant economic barrier to installation and use of such devices.

Principal Documents Relied Upon

1. Report on Source Tests of Coos County Incinerator, May 1980, by DEQ.
2. Emission Source Test Report, April 1981, Beaver Hill Incinerator, OMNI Environmental Services.
3. Agenda Item No. L, October 9, 1981, EQC Meeting, Request by Coos County for Variance.

FISCAL AND ECONOMIC IMPACT STATEMENT:

The proposed rule amendments would affect local governments and small businesses. The proposed particulate emission standard would potentially save local governments and/or private waste disposal companies several hundred thousand dollars because they would not be required to install additional particulate control equipment. However, the proposed exhaust gas temperature requirements may increase incinerator operating costs.

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 preserve air quality in the affected area and are considered consistent with the goal.

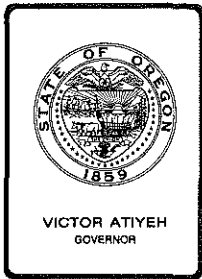
With regard to Goal 11 (public facilities and services), the rules are designed to facilitate operation of municipal incinerators in coastal areas where solid waste disposal problems exist.

The rule does not appear to conflict with other goals.

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

It is requested that local, state, and federal agencies review the proposed action and comment on possible conflicts with their programs 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.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E, October 7, 1983, EQC Meeting

Request for Authorization to Conduct a Public Hearing
on Proposed Solid Waste Disposal Permit Fees.
OAR 340-61-115

Background

During the development of the budget for fiscal years 1984-85, in order to reduce General Fund expenditures and still maintain existing programs, the Department reviewed alternative means of financing. The Solid Waste Division, working with its Task Force on Rules and Program Direction, developed the concept of permit fees and a tentative schedule of fees were agreed upon. As part of its budget package, the Department introduced HB 2236 to obtain authority to require permit-related fees for solid waste disposal sites. The Legislature passed HB 2236 as an integral part of the Department's budget.

In addition, the Legislature passed the Opportunity to Recycle Bill (SB 405), sponsored by the Oregon Environmental Council and others. Implementation of this bill places a heavy workload on the Department and requires the addition of two new staff positions. Funding for this additional work and staff positions by permit-related fees is authorized in the bill.

The Department has drafted a schedule of fees as anticipated in the 1983-85 budget and to provide additional funds necessary for the implementation of SB 405. Authorization to conduct a public hearing on these proposed fees is requested. The Commission is authorized to adopt such rules by ORS 459.045.

Alternatives and Evaluation

The proposed schedule of fees may best be evaluated by describing the two distinct programs involved as follows:

1. Regulatory Program. The proposed filing fee, application processing fee and annual compliance determination fee would be used to support existing staff positions and work in the solid

waste disposal site regulatory program. Fees would support two staff positions this biennium and an additional two or three existing positions next biennium. Services provided by these fees include plan review, permit issuance, compliance assurance monitoring and inspections, and technical assistance. The proposed schedule of fees for support of the regulatory program is the minimum necessary to maintain the current level of service. It is virtually identical to the tentative fee schedule formally supported by the Task Force during our budgeting process.

2. Recycling Program. The proposed recycling program implementation fee would be used to add two new staff positions to implement SB 405. In legislative hearings on this bill, the Department indicated that, at a minimum, two new positions would be required and the Legislature agreed that funding for these positions could be obtained by permit-related fees. Work to be done includes the writing of rules, issuance and modification of permits to include provisions for recycling activities, compliance assurance and technical assistance. The proposed fee schedule would generate the funds required to support the two staff positions plus a 10% contingency fund.

The Department seeks authority to conduct a public hearing on this matter for the purpose of receiving testimony. The Legislature's Emergency Board must also confirm the schedule before fees can actually be assessed. The Commission could consider modifying the proposed fee schedule. Any reductions in the level of fees proposed would result in corresponding reduction in service on the part of the Department.

The proposed fee schedule (Attachment 4) would consist of a fixed filing fee, a variable application processing fee, a variable compliance determination fee and a variable recycling program implementation fee. Variable fees would be based on the population served or the amount of waste received by a disposal site. The complexity of the facility is also considered. The proposed filing fee would be \$50. The application processing fee would range from \$50 to \$1,000. The compliance determination fee would range from \$150 to \$10,000. The recycling implementation fee would range from \$100 to \$6,000.

Summation

1. The Department, as part of its budget presentation to the 1983 Legislature, proposed alternatives to General Fund expenditures for existing and proposed new programs.
2. The Legislature has passed HB 2236 and SB 405 authorizing the Commission to adopt a schedule of fees for solid waste disposal sites.

3. Fees are necessary to maintain the Department's existing solid waste disposal regulatory program and to implement an expanded recycling program in accordance with SB 405.
4. The Department has drafted a proposed fee schedule and requests authorization to conduct a public hearing.
5. The Commission is authorized to adopt such rules by ORS 459.045.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize a public hearing to take testimony on the proposed Solid Waste Disposal Permit fee schedule, OAR 340-61-115.

Bill

William H. Young

- Attachments
1. Draft Statement of Need and Fiscal Impact
 2. Draft Hearing Notice
 3. Draft Land Use Consistency Statement
 4. Draft Rule OAR 340-61-115

William H. Dana:c
SC1203
229-6266
September 15, 1983

Before the Environmental Quality Commission
of the State of Oregon

In the Matter of the Adoption of)
Solid Waste Disposal Permit Fees,)
OAR Chapter 340, Section 61-115)
) Statutory Authority,
) Statement of Need,
) Principal Documents Relied Upon,
) and Statement of Fiscal Impact

1. Citation of Statutory Authority

ORS 459.045, which requires the Environmental Quality Commission to adopt rules pertaining to solid waste management. Also, HB 2236 and SB 405, 1983 Legislature, which authorize the establishment of permit fees.

2. Statement of Need

The Department of Environmental Quality needs to offset reductions in state general funds with permit fees in order to maintain its existing solid waste disposal regulatory program. In addition, fees are needed to implement the Opportunity to Recycle Bill (SB 405) passed by the 1983 Oregon Legislature.

3. Principal Documents Relied Upon in This Rulemaking

- a. House Bill 2236, 1983 Oregon Legislature
- b. Senate Bill 405, 1983 Oregon Legislature
- c. Department of Environmental Quality, Water Quality Division, Permit Fee Schedule, OAR 340-45-070
- d. Oregon Blue Book, 1983-84 Edition

4. Statement of Fiscal Impact

This action will have a fiscal or economic impact upon persons applying for or holding a Solid Waste Disposal Permit. Such persons will be assessed a fee for the permit to cover the Department's costs for issuing the permit, assuring compliance and implementing the Opportunity to Recycle Bill. Small businesses will be impacted if they apply for or hold a permit. The amount of the fees will be dependent upon the population served or the amount of waste received by a disposal site and upon the complexity of the disposal site. It is anticipated that this increased cost of doing business for disposal site operators will be passed on to the public in the form of somewhat higher disposal rates.

Implementation of the Opportunity to Recycle Bill will result in an increase in the conservation and recovery of material resources (recyclable goods) and will stimulate the recycling industry.

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Proposed Adoption of Solid Waste Disposal Permit Fees
(OAR 340-61-115)

Date Prepared: September 15, 1983
Hearing Date: November 15, 1983
Comments Due: November 15, 1983

**WHO IS
AFFECTED:**

Persons applying for or holding Solid Waste Disposal Permits issued by the Department will be directly affected. Also, it is anticipated that this increased cost of doing business for disposal site operators will be passed on to the public in the form of somewhat higher disposal rates. Implementation of the Opportunity to Recycle Bill will afford every Oregonian the opportunity to recycle should they wish to do so.

**WHAT IS
PROPOSED:**

The Department is proposing to offset decreases in state general funds with permit fees in order to maintain its existing solid waste disposal regulatory program. In addition, fees are needed to implement the Opportunity to Recycle Bill (SB 405) passed by the 1983 Oregon Legislature.

**WHAT ARE THE
HIGHLIGHTS:**

The fees would consist of a fixed filing fee, a variable application processing fee, a variable compliance determination fee and a variable recycling program implementation fee. The amount of the fees would be dependent upon the population served or the amount of waste received by a disposal site and upon the complexity of the disposal site.

**HOW TO
COMMENT:**

Public Hearings are scheduled to begin at 10:00 a.m. on Tuesday, November 15, 1983, at the following locations:

Bend

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

Portland

Department of Environmental Quality
Room 1400
522 SW Fifth Ave.
Portland, Oregon

Pendleton

State Office Bldg.
Suite 360
700 SE Emigrant
Pendleton, Oregon

Medford

Jackson County Courthouse
Room 300
10 South Oakdale
Medford, Oregon



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.
1-800-452-4011



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

Written comments should be sent to the Department of Environmental Quality, Solid Waste Division, Box 1760, Portland, Oregon 97207, by November 15, 1983.

**WHAT IS THE
NEXT STEP:**

The Environmental Quality Commission may adopt a fee schedule identical to the one proposed, adopt a modified schedule as a result of the hearing testimony, or decline to adopt a fee schedule.

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

Before the Environmental Quality Commission
of the State of Oregon

In the Matter of the Adoption of) Land Use Consistency
Solid Waste Disposal Permit Fees,)
OAR Chapter 340, Section 61-115)

The proposals described herein appear to be consistent with statewide planning goals. These proposals appear to conform with Goal No. 6 (Air, Water and Land Resources Quality) and Goal No. 11 (Public Facilities and Services). There is no apparent conflict with the other goals.

With regard to Goal No. 6, the proposal would establish a schedule of permit fees for solid waste disposal sites. The fees will help support the Department's existing regulatory program and allow expansion of the recycling program. The proposed fees are necessary to assure continued protection of public health and safety, and the air, water and land resources of the state. This action by definition complies with Goal No. 6.

With regard to Goal No. 11, the proposed fees would apply to solid waste disposal sites. Disposal sites are "public facilities" that "serve as a framework for urban and rural development." Goal No. 11 specifically requires that local comprehensive plans include a provision for solid waste disposal sites.

Public comment on these proposals is invited and may be submitted in the manner described in the accompanying NOTICE OF PUBLIC HEARING.

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

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

After public hearing the Commission may adopt a fee schedule identical to the one proposed, adopt a modified schedule as a result of hearing testimony, or decline to adopt a fee schedule. The Commission's deliberation should come in January 1984 as part of the agenda of a regularly scheduled Commission meeting.

WHD:c
SC1203.3
9/15/83

A new rule, OAR 340-61-115, is proposed as follows:

PERMIT FEES

340-61-115 (1) Beginning July 1, 1984, all persons required to have a Solid Waste Disposal Permit shall be subject to a three-part fee consisting of a filing fee, an application processing fee and an annual compliance determination fee as listed in Table A. In addition, disposal sites receiving domestic solid waste shall be subject to an annual recycling program implementation fee as listed in Table A. The amount equal to the filing fee, application processing fee, the first year's annual compliance determination fee and, if applicable, the first year's recycling program implementation fee shall be submitted as a required part of any application for a new permit. The amount equal to the filing fee and application processing fee shall be submitted as a required part of any application for renewal or modification of an existing permit.

(2) As used in this rule, the term "domestic solid waste" includes, but is not limited to, residential, commercial and institutional wastes; building demolition and construction wastes; septic tank pumpings and sewage sludges.

(3) The annual compliance determination fee and, if applicable, the annual recycling program implementation fee must be paid for each year a disposal site is in operation. The fee period shall be the state's fiscal year (July 1 through June 30) and shall be paid annually by July 1. Any annual compliance determination fee and, if applicable, any recycling program implementation fee submitted as part of an application for a new permit shall apply to the fiscal year the permitted disposal site is put into operation. For the first year's operation, the full fee(s) shall apply if the disposal site is placed into operation on or before April 1. Any new disposal site placed into operation after April 1 shall not owe a compliance determination fee and, if applicable, a recycling program implementation fee until July 1. The Director may alter the due date for the annual compliance determination fee and, if applicable, the recycling program implementation fee upon receipt of a justifiable request from a permittee.

(4) For the purpose of determining appropriate fees, disposal sites shall be assigned to categories in Table A based upon the population served or the amount of solid waste received and upon the complexity of the disposal site. Disposal sites which fall into more than one category shall pay whichever fee is higher. Categories will be assigned by the Department on the basis of estimated population served unless the annual tonnage or gallonage of solid waste received is known. If tonnage or gallonage is known, population served will not be considered. Permittees may submit and the Department may approve proposals for calculating tonnage from the number of cubic yards of solid waste received.

(5) Modifications of existing, unexpired permits which are instituted by the Department due to changing conditions or standards, receipts of additional information or any other reason pursuant to applicable statutes and do not require re-filing or review of an application or plans and specifications shall not require submission of the filing fee or the application processing fee.

(6) Upon the Department accepting an application for filing, the filing fee shall be non-refundable.

(7) The application processing fee may be refunded in whole or in part when submitted with an application if either of the following conditions exist:

- (a) The Department determines that no permit will be required.
- (b) The applicant withdraws the application.

(8) All fees shall be made payable to the Department of Environmental Quality.

WHD:c
SC1203.4
9/15/83

TABLE A

PERMIT FEE SCHEDULE

1. Filing Fee. A filing fee of \$50 shall accompany any application for issuance, renewal, modification, or transfer of a Solid Waste Disposal 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 Facilities (including substantial expansion of existing facilities):

(A) Major domestic waste facilities ¹	. . . . .	\$1,000
(B) Minor domestic waste facilities	. . . . .	\$ 500
(C) Major industrial waste facilities ²	. . . . .	\$ 500
(D) Minor industrial waste facilities	. . . . .	\$ 250
 - (b) Preliminary feasibility only (Note: the amount of this fee may be deducted from the complete application fee listed above):

(A) Major domestic waste facilities	. . . . .	\$ 600
(B) Minor domestic waste facilities	. . . . .	\$ 300
(C) Major industrial waste facilities	. . . . .	\$ 300
(D) Minor industrial waste facilities	. . . . .	\$ 150

¹Major Domestic Waste Facilities Qualifying Factors:

- (a) Serving a geographical area with a population of more than 10,000 people; or
- (b) Receiving more than 10,000 tons of solid waste per year; or
- (c) Has a collection/treatment system which, if not properly constructed, operated and maintained, could have a significant adverse impact on the environment.

²Major Industrial Waste Facilities Qualifying Factors:

- (a) Receiving more than 10,000 tons of solid waste per year; or
- (b) Has a collection/treatment system which, if not properly constructed, operated and maintained, could have a significant adverse impact on the environment.

NOTE: Refer to Section 340-61-115(4) for additional information on how disposal site categories are determined.

(c) Permit renewals (including new operational plan or improvements):

(A) Major domestic waste facilities	\$ 500
(B) Minor domestic waste facilities	\$ 250
(C) Major industrial waste facilities	\$ 250
(D) Minor industrial waste facilities	\$ 125

d. Permit renewals (without significant change):

(A) Major domestic waste facilities	\$ 200
(B) Minor domestic waste facilities	\$ 100
(C) Major industrial waste facilities	\$ 100
(D) Minor industrial waste facilities	\$ 75

e. Permit modifications (including new operational plan or improvements):

(A) Major domestic waste facilities	\$ 500
(B) Minor domestic waste facilities	\$ 250
(C) Major industrial waste facilities	\$ 250
(D) Minor industrial waste facilities	\$ 125

f. Permit modifications (without significant change in facility design or operation):

All categories	\$ 50
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g. Permit modifications (Department initiated):

All categories	no fee
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3. Annual Compliance Determination Fee:

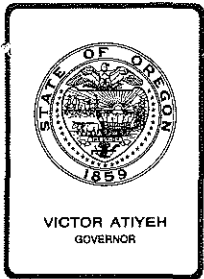
a. Domestic Waste Facilities:

(A) Facilities (except transfer stations) serving a geographical area with a population of 100,000 or more; or receiving 100,000 tons or more of solid waste per year: . . .	\$10,000
(B) Facilities (except transfer stations) serving a geographical area with a population of at least 50,000 but less than 100,000; or receiving at least 50,000 but less than 100,000 tons of solid waste per year:	\$ 7,000
(C) Facilities (except transfer stations) serving a geographical area with a population of at least 10,000 but less than 50,000; or receiving at least 10,000 but less than 50,000 tons of solid waste per year:	\$ 3,000
(D) Transfer stations serving a geographical area with a population of 10,000 or more; or receiving 10,000 tons or more of solid waste per year:	\$ 3,000
(E) Facilities serving a geographical area with a population of at least 5,000 but less than 10,000; or receiving at least 5,000 but not more than 10,000 tons of solid waste per year:	\$ 700
(F) Facilities serving a geographical area with a population of less than 5,000; or receiving less than 5,000 tons of solid waste per year:	\$ 150

- b. Industrial Waste Facilities:
 - (A) Facilities receiving 10,000 tons or more of solid waste per year: \$ 3,000
 - (B) Facilities receiving at least 5,000 tons but less than 10,000 tons of solid waste per year: \$ 700
 - (C) Facilities receiving less than 5,000 tons of solid waste per year: \$ 150
- c. Sewage Sludge Disposal Facilities:
 - (A) Facilities receiving 25,000 gallons or more of solid waste per month: \$ 500
 - (B) Facilities receiving less than 25,000 gallons of solid waste per month: \$ 200
- d. Closed Disposal Sites:
 - (A) Facilities 50 acres or more in size; or facilities with monitoring wells or collection/treatment systems: . \$ 500
 - (B) Facilities less than 50 acres in size and no monitoring wells or collection/treatment system: \$ 200

4. Annual Recycling Program Implementation Fee. An annual recycling program implementation fee shall be submitted by each domestic waste disposal site, except closed facilities. This fee is in addition to any other permit fees which may be assessed by the Department. The amount of the fee shall depend on the size of the disposal site or the amount of solid waste received as follows:

- a. Facilities serving a geographical area with a population of 100,000 or more; or receiving 100,000 tons or more of solid waste per year: \$ 6,000
- b. Facilities serving a geographical area with a population of at least 50,000 but less than 100,000; or receiving at least 50,000 but less than 100,000 tons of solid waste per year: . . . \$ 4,000
- c. Facilities serving a geographical area with a population of at least 10,000 but less than 50,000; or receiving at least 10,000 but less than 50,000 tons of solid waste per year: . . . \$ 1,750
- d. Transfer stations serving a geographical area with a population of 10,000 or more; or receiving 10,000 tons or more of solid waste per year: \$ 1,750
- e. Facilities serving a geographical area with a population of at least 5,000 but less than 10,000; or receiving at least 5,000 but less than 10,000 tons of solid waste per year: \$ 400
- f. Facilities serving a geographical area with a population of less than 5,000; or receiving less than 5,000 tons of solid waste per year: \$ 100



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F, October 7, 1983, EQC Meeting

Request for Authorization to Conduct a Public Hearing on Proposed Rules Relating to Closure, Post-Closure Maintenance, and Financial Assurance of Solid Waste Disposal Sites, OAR 340-61-005 to 340-61-043

Background

The 1983 Oregon Legislative Assembly passed House Bill 2241 which clarifies the Department's authority to regulate land disposal sites after closure. It also requires land disposal sites to be closed properly and requires the permit holder to provide financial assurance to cover the costs of closing the site and monitoring the site after closure. The Legislature specified that the Solid Waste Disposal Permit would be the mechanism for assuring that disposal site closure would be adequately financed and completed. The Commission must adopt rules governing closure and post-closure maintenance of land disposal sites. It allows the Commission to adopt rules exempting certain classes of disposal sites from the financial assurance requirements. It also allows the Commission to set criteria through which individual disposal sites may be exempt from the financial assurance requirement.

Solid waste that is buried in a landfill continues to decompose for at least 10 years, releasing odorous and explosive gases and contaminated drainage (leachate) which can be harmful to public health, safety and the environment. Most new landfills have leachate collection and treatment systems and/or gas venting systems that will have to be maintained for at least 10 years after closure. Erosion and/or uneven settlement of a landfill after closure may result in exposure of the wastes, aggravating gas and drainage problems. For these reasons, adequate closure and post-closure maintenance are necessary.

The cost to adequately close a landfill and maintain it after closure is very site-specific. It varies with the size of the site, topography, climate, geological setting, availability of cover material, degree of anticipated environmental impact and the complexity of leachate, gas and drainage control systems.

Many conscientious landfill operators have tried to anticipate closure costs and have set aside funds to finance them. Other operators (public and private) have reached the point of closure without the funds to do it properly. In some cases where funds had been set aside for closure, they were used for other purposes. Recently, the Department has had to grant permission to several landfills to extend their operations in order to generate sufficient revenue to finance proper closure. This new law and the rules proposed for adoption would require disposal site operators to plan for and accumulate the funds to finance closure and post-closure maintenance well in advance of site closure.

Alternatives and Evaluation

The new law requires any person holding a permit for a disposal site to apply for renewal of that permit 5 years before the site is scheduled to close. This permit covering the remaining active operation of the site and its closure and post-closure maintenance is called a closure permit. Applications for closure permits must be filed before January 31, 1984, for all sites that closed since 1980 or that will close before 1989. In order for those people to know what is going to be required of them, it is essential that a public hearing on these proposed rules be scheduled so that final adoption of the rules can occur at the January 6, 1984, EQC meeting. The proposed rules have been reviewed by our legal counsel and twice by the Solid Waste Division's Task Force on Rules and Program Direction, which includes representatives of local government, landfill operators, garbage haulers and industry. The Department staff will continue to meet with the task force and others to refine the proposed rules prior to the public hearing.

The proposed rules specify that applicants for closure permits must submit a closure plan, a financial assurance plan (unless exempt), evidence that they own the site or have access to the disposal site until the end of the post-closure period, and evidence of a binding contract specifying responsibilities if any person other than the permittee assumes any responsibility for closure or post-closure maintenance.

The Department is proposing to exempt from financial assurance requirements small domestic waste sites and industrial sites serving a single business interest if the applicant can demonstrate that the site poses no adverse threat to the environment. Also exempt would be any individual site that poses no adverse threat to the environment, that has no active leachate or gas control system and that has only a small amount of uncovered waste. Closure costs for these exempt sites should be relatively minor and should not require financial assurance.

The proposed rules detail the information required in the closure/post-closure plan and in the financial assurance plan. The Department will emphasize properly closing sites as they progress so that the amount of financial assurance required for the final closure and post-closure maintenance will be kept to a minimum.

The most debated parts of the proposed rules involve the form of financial assurance, how funds will be accumulated and how these funds can be used. The legislation allows much flexibility in the form of financial assurance, but it specifically limits the accumulation of funds to the amount approved by the Department and requires, where practical, that any excess moneys and interest be returned to the disposal site users, who paid the excess (and not the site operators), through reduced collection charges or enhanced future disposal sites. The intent of financial assurance is to finance closure and post-closure costs, not to provide a windfall for the site operator. The Department must monitor the accumulation and use of financial assurance funds to ensure that the intent of the law is met. It may be appropriate for the Department to require a higher level of security for that part of the financial assurance used to finance the costs of final closure and post-closure maintenance that will be incurred after the site stops receiving waste.

To allow flexibility in the form of financial assurance, the proposed rule is written as a performance standard. The applicant for a closure permit must demonstrate that the form of his financial assurance prevents collecting and setting aside more money than has been approved. He must demonstrate that the financial assurance can be used only to guarantee that the closure and post-closure activities will be completed or to finance those activities, and not for any other purpose. He must also demonstrate how excess moneys and interest will be returned to the disposal site users as required in the law. Because there is only one "user" of an industrial disposal site serving a single corporation, it is proposed that any excess moneys and interest be released back to that corporation.

The existing rules setting the standards for landfill closure and post-closure maintenance have been expanded to include the provisions of the new law. It is also proposed that the depth of cover material applied to completed landfills be increased from 2 to 3 feet. The thicker cover soil will reduce leachate generation because more rainfall is held in the deeper soil layer. It will also provide better gas control, enhance the vegetative cover and provide better cover integrity in settlement areas. There may be situations where the thicker cover soil would not be needed or where closure costs and financing have been geared toward the 2-foot requirement and not enough site life remains to finance the thicker soil cover. The proposed rule has been specifically worded to allow the Department flexibility in dealing with those situations in an equitable manner.

Summation

1. The Commission is required to adopt rules governing closure and post-closure maintenance of landfills to implement House Bill 2241 which was passed by the 1983 Oregon Legislative Assembly.
2. The new law requires a person holding a permit for any disposal site that closed or is scheduled to close between 1980 and 1989 to apply for renewal of his Solid Waste Disposal Permit before January 31, 1984.

3. Due to public notice and hearing requirements and the Commission's meeting schedule, the earliest date that rules to implement the new law can be adopted is at the January 6, 1984, EQC meeting.

Director's Recommendation

It is recommended that the Commission authorize a public hearing to take testimony on the proposed amendments to the Department's solid waste management rules, OAR 340-61-005 through 61-043.

Bill

William H. Young

- Attachments
- (1) Draft Statement of Need for Rulemaking
 - (2) Draft Hearing Notice
 - (3) Land Use Consistency Statement
 - (4) Summary of House Bill 2241
 - (5) Proposed Rules OAR 340-61-005 through 61-043

Joseph F. Schultz:c
SC1205
229-6237
September 16, 1983

Before the Environmental Quality Commission
of the State of Oregon

In the Matter of the Adoption of	)	Statutory Authority,
Amendments to Solid Waste	)	Statement of Need,
Management Rules OAR Chapter 340,	)	Principal Documents Relied Upon,
Sections 61-005 through 61-043	)	and Statement of Fiscal Impact

1. Citation of Statutory Authority

ORS 459.045, which requires the Environmental Quality Commission to adopt rules pertaining to solid waste management. Also, HB 2241, 1983 Legislature, which requires the Commission to adopt rules pertaining to closure and post-closure maintenance.

2. Statement of Need

To implement House Bill 2241, the Commission needs to adopt rules which will set the standards that must be met by applicants for closure permits. The Commission also needs to adopt rules setting the standards for closure and post-closure maintenance so that landfills will be closed and maintained in an environmentally acceptable manner until they have been stabilized and no longer pose a threat to public health, safety or the environment.

3. Principal Documents Relied Upon in This Rulemaking

- a. House Bill 2241, 1983 Oregon Legislature
- b. ORS 459
- c. OAR 340-61-005 through 61-043, Solid Waste Management
- d. OAR Chapter 340, Division 108, Hazardous Waste Management, Closure, Post-Closure and Liability (proposed)
- e. Landfill Closure Rules from the States of Wisconsin, Pennsylvania, New York, New Jersey and Vermont

4. Statement of Fiscal Impact

In general, this action will not increase anticipated landfill closure costs but will require advanced financial planning so that sufficient funds are assured to be available to adequately close disposal sites and maintain them after closure until no further threat to the environment exists.

The proposed increase in the required cover depth from 2 to 3 feet will increase the cost of landfill closure. Increased cover depth is becoming recognized by the industry as reasonable and necessary, particularly where the final use of the site will be for agriculture. Any increased cost will be planned for and financed over the 5-year period prior to closure. The rule is specifically worded to allow the Department to waive the standard where sites do not have sufficient time to amortize the additional costs. There should be no significant adverse impact on small business as increased costs will be covered substantially by rates paid by the general population using the site.

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

**Proposed Adoption of Rules Regulating Landfill Closure,
Post-Closure Maintenance and Financial Assurance
(OAR 340-61-005 through 61-043)**

Date Prepared: September 16, 1983

Hearing Date: November 17, 1983

Comments Due: November 17, 1983

**WHO IS
AFFECTED:**

Persons holding permits for disposal sites which have closed since 1980 or which will close in the future will be affected by these proposed rules.

**WHAT IS
PROPOSED:**

Permit holders must apply to renew their disposal site permits 5 years before their sites are scheduled to close. At that time, they must address site closure and post-closure maintenance and, unless exempt, must file a plan to assure that sufficient funds will be available to properly close and maintain the site. Permittees of disposal sites closed or closing between 1980 and 1989 must apply for renewal of their permits by January 31, 1984.

**WHAT ARE THE
HIGHLIGHTS:**

Information to be included in site closure plans and financial assurance plans is specified. The Department is proposing to exempt from the financial assurance requirement all small domestic waste sites and industrial waste sites serving a single corporation, if the applicant demonstrates that there is no threat to public health, safety or the environment. It is also proposed to exempt other sites that pose no threat to the environment, that have no active environmental control facilities and whose closure and maintenance costs are expected to be small. The form of financial assurance may vary subject to approval by the Department.

**HOW TO
COMMENT:**

Public Hearing

10:00 a.m.
Thursday, November 17, 1983
Room 1400
522 SW Fifth Ave.
Portland, Oregon

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

Written comments should be sent to the Department of Environmental Quality, Solid Waste Division, Box 1760, Portland, Oregon 97207, by November 17, 1983.



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.

1-800-452-4011



**WHAT IS THE
NEXT STEP:**

The Environmental Quality Commission may adopt the rules as proposed or adopt modified rules as a result of the hearing testimony.

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

SC1205.2

Before the Environmental Quality Commission
of the State of Oregon

In the Matter of the Adoption of) Land Use Consistency
Amendments to Solid Waste)
Management Rules OAR Chapter 340,)
Sections 61-005 through 61-043)

The proposed rules appear to be consistent with statewide planning goals. These proposals appear to conform with Goal No. 6 (Air, Water and Land Resources Quality) and Goal No. 11 (Public Facilities and Services). There is no apparent conflict with the other goals.

With regard to Goals No. 6 and 11, these rules will affect existing and future landfills by assuring that sufficient funds are available for proper closure and for post-closure maintenance until the site no longer poses a threat to the environment.

Public comment on these proposals is invited and may be submitted in the manner described in the accompanying NOTICE OF PUBLIC HEARING.

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

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

JFS:c
SC1205.3
9/16/83

Summary of House Bill 2241

Closure, Financial Assurance and Post-Closure
Requirements for Land Disposal Sites

Section 1

Adds Sections 2, 3 and 4 to ORS 459.205 to 459.285.

Section 2

Requires the person who holds or last held a disposal permit to close and maintain a land disposal site according to the requirements of the Department of Environmental Quality. Requires the owner of the property to close and maintain the site if the permittee fails to do so.

Section 3

Subsection 1: Requires a land disposal site permittee to apply for a closure permit 5 years before anticipated closure. This closure permit would be issued for the remaining operational life of the site and for a period of time after closure during which active supervision of the disposal site is necessary.

The permittee is not prevented from applying for an extension of the useful life of a disposal site even after a closure permit has been issued.

Any disposal site that anticipates closing prior to January 1, 1989, must apply for a closure permit before January 31, 1984.

Subsection 2: Requires an applicant for a closure permit to provide proof of satisfactory financial assurance to cover the cost of:

- (a) Closing the disposal site.
- (b) Installing, operating and maintaining any required environmental control system.
- (c) Monitoring and providing security for the disposal site.
- (d) Complying with the conditions of the closure permit.

Subsection 3: Requires the applicant for a closure permit to submit to the Department a proposed amount of financial assurance to provide adequate closure and post-closure maintenance of the site.

Subsection 4: Specifies that the Department shall consider the following factors in reviewing the adequacy of the amount of financial assurance:

- (a) Amount and type of solid waste deposited in the site.
- (b) Amount and type of buffer from adjacent land and from drinking water sources.
- (c) Amount, type, availability and cost of required cover.
- (d) Seeding, grading, erosion control and surface water diversion required.
- (e) Planned future use of the disposal site property.
- (f) Type, duration of use, initial cost and maintenance cost of any active system necessary for controlling or stopping discharges.
- (g) The portion of the site property closed before final closure of the entire site.
- (h) Any other conditions imposed on the permit relating to closure or post-closure of the site.
- (i) The financial capability of the applicant.

Authorizes the Department to approve the proposed amount of financial assurance or to disapprove the amount and require the applicant to submit a revised amount consistent with the factors considered by the Department.

Subsection 5: Prohibits the disposal site operator from collecting or setting aside financial assurance money in excess of the amount approved by the Department.

Subsection 6: Allows the Department to modify the closure permit to reduce the amount of financial assurance required when appropriate.

Subsection 7: Allows the financial assurance to be in any form proposed by the applicant if it is approved by the Department.

Subsection 8: Authorizes the Department to include conditions in any disposal site permit to require establishment of adequate financial assurance if the Department and the permit applicant agree that a period longer than 5 years is necessary to accumulate necessary funds.

Subsection 9: Requires the Department to terminate closure permits and active supervision of closed disposal sites within 10 years after closure unless the Department finds that continued protection is needed against a significant hazard to public health, safety or the environment.

Subsection 10: Allows the holder of a closure permit to apply for termination of the permit or a release from any closure permit requirement or termination of any permit fee at any time after the site closes.

Subsection 11: Defines financial assurance as "a plan for setting aside financial resources or otherwise assuring that adequate funds are available to properly close, maintain and monitor a land disposal site after the site is closed according to the requirements of a permit" issued by the Department.

Section 4

As part of the financial assurance plan required as part of the application for a closure permit, the applicant must establish provisions, satisfactory to the Department, for disposing of any interest earned and excess monies received for financial assurance. Any excess monies must be used to reduce the rates charged for solid waste collection service or for enhancing present or future solid waste disposal facilities within the area from which the excess monies were received.

Section 5

Expands the definition of "disposal site" to include "land and facilities previously used for solid waste disposal at a land disposal site."

Defines "land disposal site" as "a disposal site in which the method of disposing of solid waste is by landfill, dump, pit, pond or lagoon."

Section 6

Requires the Department to adopt rules governing closure and post-closure maintenance of land disposal sites.

Allows the Department to adopt rules which will exempt certain classes of sites from the requirement to provide financial assurance.

Allows the Department to adopt rules which establish criteria that an individual land disposal site must meet to be exempt from the requirement to provide financial assurance.

Section 7

Requires the person who holds or last held the disposal permit for any land disposal site that closed since January 1, 1980, to obtain a closure permit and continue that permit even though solid waste is no longer received. Requires the owner of the property to obtain a closure permit if the permittee fails to do so.

Section 8

Makes violation of Section 3 a Class A misdemeanor.

Section 9

Makes violation of Section 3 subject to a civil penalty of not more than \$500 per day in addition to any other penalty provided by law.

SC1145
(8/83)

Attachment 5
Agenda Item No. F
10/7/83 EQC Meeting

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

PROPOSED AMENDMENTS

OREGON ADMINISTRATIVE RULES

CHAPTER 340 -- DIVISION 61

"SOLID WASTE MANAGEMENT"

PURPOSE

340-61-005 The purpose of these rules is to prescribe requirements, limitations, and procedures for storage, collection, transportation, and disposal of solid waste.

DEFINITIONS

340-61-010 As used in these rules unless otherwise specified:

(1) "Access road" means any road owned or controlled by the disposal site owner which terminates at the disposal site and which provides access for users between the disposal site entrance and a public road.

(2) "Airport" means any area recognized by the Oregon Department of Transportation, Aeronautics Division, for the landing and taking-off of aircraft which is normally open to the public for such use without prior permission.

(3) "Aquifer" means a geologic formation, group of formations or portion of a formation capable of yielding usable quantities of ground water to wells or springs.

(4) "Baling" means a volume reduction technique whereby solid waste is compressed into bales for final disposal.

(5) "Base flood" means a flood that has a one percent or greater chance of recurring in any year or a flood of a magnitude equalled or exceeded once in 100 years on the average of a significantly long period.

(6) "Closure permit" means a document issued by the Department bearing the signature of the Director or his authorized representative which by its conditions authorizes the permittee to complete active operations and requires the permittee to properly close the site and maintain the site after closure for a period of time specified by the Department.

(7) [(6)] "Commission" means the Environmental Quality Commission.

(8) [(7)] "Cover material" means soil or other suitable material approved by the Department that is placed over the top and side slopes of solid wastes in a landfill.

(9) [(8)] "Composting" means the process of controlled biological decomposition of organic solid waste.

(10) [(9)] "Department" means the Department of Environmental Quality.

(11) [(10)] "Digested sewage sludge" means the concentrated sewage sludge that has decomposed under controlled conditions of pH, temperature and mixing in a digester tank.

(12) [(11)] "Director" means the Director of the Department of Environmental Quality.

(13) [(12)] "Disposal site" means land and facilities used for the disposal, handling or transfer of or resource recovery from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, incinerators for solid waste delivered by the public or by a solid waste collection service, [and] composting plants and land and facilities previously used for solid waste disposal at a land disposal site; but the term does not include a [facilty] facility subject to the permit requirements of ORS 468.740; a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a solid waste collection service; or a site licensed pursuant to ORS 481.345.

(14) [(13)] "Endangered or threatened species" means any species listed as such pursuant to Section 4 of the Federal Endangered Species Act

and any other species so listed by the Oregon Department of Fish and Wildlife.

(15) "Financial assurance" means a plan for setting aside financial resources or otherwise assuring that adequate funds are available to properly close and to maintain and monitor a land disposal site after the site is closed according to the requirements of a permit issued by the Department.

(16) [(14)] "Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters which are inundated by the base flood.

(17) [(15)] "Groundwater" means water that occurs beneath the land surface in the zone(s) of saturation.

(18) [(16)] "Hazardous waste" means discarded, useless or unwanted materials or residues in solid, liquid or gaseous state and their empty containers which are classified as hazardous pursuant to ORS 459.410.

(19) [(17)] "Heat-treated" means a process of drying or treating sewage sludge where there is an exposure of all portions of the sludge to high temperatures for a sufficient time to kill all pathogenic organisms.

(20) [(18)] "Incinerator" means any device used for the reduction of combustible solid wastes by burning under conditions of controlled air flow and temperature.

(21) "Land disposal site" means a disposal site in which the method of disposing of solid waste is by landfill, dump, pit, pond or lagoon.

(22) [(19)] "Landfill" means a facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface.

(23) [(20)] "Leachate" means liquid that has come into direct contact with solid waste and contains dissolved and/or suspended contaminants as a result of such contact.

(24) [(21)] "Local government unit" means a city, county, metropolitan service district formed under ORS Chapter 268, sanitary district or sanitary authority formed under ORS Chapter 450, county service district formed under ORS Chapter 451, regional air quality control authority formed under ORS 468.500 to 468.530 and 468.540 to 468.575 or any other local government unit responsible for solid waste management.

(25) [(22)] "Open dump" means a facility for the disposal of solid waste which does not comply with these rules.

(26) [(23)] "Permit" means a document issued by the Department, bearing the signature of the Director or his authorized representative which by its conditions may authorize the permittee to construct, install, modify or operate a disposal site in accordance with specified limitations.

(27) [(24)] "Person" means the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

(28) [(25)] "Public waters" or "Waters of the State" include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

(29) [(26)] "Processing of wastes" means any technology designed to change the physical form or chemical content of solid waste including, but not limited to, baling, composting, classifying, hydropulping, incinerating

and shredding.

(30) [(27)] "Putrescible waste " means solid waste containing organic material that can be rapidly decomposed by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

(31) [(28)] "Resource recovery" means the process of obtaining useful material or energy from solid waste and includes:

(a) "Energy recovery," which means recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material.

(b) "Material recovery," which means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.

(c) "Recycling," which means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.

(d) "Reuse," which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(32) [(29)] "Salvage" means the controlled removal of reusable, recyclable or otherwise recoverable materials from solid wastes at a solid waste disposal site.

(33) [(30)] "Sanitary landfill" means a facility for the disposal of solid waste which complies with these rules.

(34) [(31)] "Sludge" means any solid or semisolid waste and associated supernatant generated from a municipal, commercial, or industrial

wastewater treatment plant, water supply treatment plant or air pollution control facility or any other such waste having similar characteristics and effects.

(35) [(32)] "Solid waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure; [vegetable] vegetable or animal solid and semi-solid wastes, dead animals and other wastes; but the term does not include:

(a) Hazardous wastes as defined in ORS 459.410.

(b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

(36) [(33)] "Solid waste boundary" means the outermost perimeter (on the horizontal plane) of the solid waste at a landfill as it would exist at completion of the disposal activity.

(37) [(34)] "Transfer station" means a fixed or mobile facility, normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collection route and a disposal site, including but not limited to a large hopper, railroad gondola or barge.

(38) [(35)] "Underground drinking water source" means an aquifer supplying or likely to supply drinking water for human consumption.

(39) [(36)] "Vector" means any insect, rodent or other animal capable of transmitting, directly or indirectly, infectious diseases from one person or animal to another.

(40) [(37)] "Waste" means useless or discarded materials.

(41) [(38)] "Zone of saturation" means a three (3) dimensional section of the soil or rock in which all open spaces are filled with groundwater. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of groundwater recharge, discharge or withdrawal.

POLICY

340-61-015 Whereas inadequate solid waste collection, storage, transportation, recycling and disposal practices cause nuisance conditions, potential hazards to public health and safety and pollution of the air, water and land environment, it is hereby declared to be the policy of the Department of Environmental Quality to require effective and efficient solid waste collection and disposal service to both rural and urban areas and to promote and support comprehensive county or regional solid waste management planning, utilizing progressive solid waste management techniques, emphasizing recovery and reuse of solid wastes and insuring highest and best practicable protection of the public health and welfare and air, water and land resources. In keeping with the Oregon policy to retain primary responsibility for management of adequate solid waste programs with local government units (ORS 459.015) and the Environmental Quality Commission's perception of Legislative intent under Chapter 773, Oregon Laws 1979, the Commission will look for, and expect, the maximum participation of local government in the planning, siting, development and operation of needed landfills. It is expected that local government will have carried out a good faith effort in landfill siting, including but not limited to public participation and Department assistance, before requesting the Department to site the landfill. Local government will be

expected to assume or provide for responsibility in the ownership and operation of any Department/Commission sited landfill under anything but an extraordinary circumstance.

STATE OF OREGON SOLID WASTE PLAN

340-61-017 This solid waste plan is adopted as the State Plan pursuant to the Federal Resource Conservation and Recovery Act.

PERMIT REQUIRED

340-61-020 (1) Except as provided by section (2) of this rule, no person shall establish, operate, maintain or substantially alter, expand or improve a disposal site, and no person shall change the method or type of disposal at a disposal site, until the person owning or controlling the disposal site obtains a permit therefor from the Department.

(2) Persons owning or controlling the following classes of disposal sites are specifically exempted from the above requirements to obtain a permit under these rules, but shall comply with all other provisions of these rules and other applicable laws, rules and regulations regarding solid waste disposal:

(a) Disposal sites, facilities or disposal operations operated pursuant to a permit issued under ORS [459.505, 459.510 or] 468.740.

(b) A landfill site used exclusively for the disposal of soil, rock, concrete, brick, building block, tile or asphalt paving. (Note: Such a landfill may require a permit from the Oregon Division of State Lands.)

(c) Composting operations used only by the owner or person in control of a dwelling unit to dispose of food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings generated at that residence and operated in a manner approved by the Department.

(3) The Department may, in accordance with a specific permit containing a compliance schedule, grant reasonable time for solid waste disposal sites or facilities to comply with these rules.

(4) If it is determined by the Department that a proposed or existing disposal site is not likely to create a public nuisance, health hazard, air or water pollution or other environmental problem, the Department may waive any or all requirements of rules 340-61-025, 340-61-030, 340-61-035 and 340-61-036 and section 340-61-040(1) and issue a special letter authorization in accordance with rule 340-61-027.

(5) Each person who is required by sections (1) and (7) of this rule to obtain a permit shall:

(a) Make prompt application to the Department therefor;

(b) Fulfill each and every term and condition of any permit issued by the Department to such person;

(c) Comply with these rules;

(d) Comply with the Department's requirements for recording, reporting, monitoring, entry, inspection, and sampling, and make no false statements, representations, or certifications in any form, notice, report, or document required thereby.

(6) Failure to conduct solid waste disposal according to the conditions, limitations, or terms of a permit, letter authorization or these rules, or failure to obtain a permit or letter authorization, is a violation of these rules and shall be cause for the assessment of civil penalties for each violation as provided in OAR Chapter 340, Division 12 or for any other enforcement action provided by law. Each and every day that a violation occurs is considered a separate violation and may be the subject of separate penalties.

(7) Closure Permit. At least 5 years prior to anticipated closure of a land disposal site, the person holding the disposal site permit shall apply to renew the permit to cover the period of time remaining for site operations, closure of the site, and all or part of the time that active post-closure site maintenance is required by the Department.

REQUEST FOR ASSISTANCE

340-61-021 (1) Applications for requests for assistance in siting landfills under ORS 459.047 shall be in the form of a letter signed by the governing body of the city or county with attachments as necessary to fully describe the need and justification for the request, need for the site as outlined in the Department approved Solid Waste Management Plan and types of assistance required.

(2) When the request for assistance includes Department siting of the landfill under ORS 459.047 exhibits and information shall be submitted which document the following:

(a) The local government has an adopted, Department approved Solid Waste Management Plan which identifies the need for a landfill.

(b) The local government has re-evaluated the plan in consultation with the Department and has confirmed that siting a landfill in the immediate future is still needed.

(c) An explanation of why the local government is unable to proceed successfully to site the landfill, including a discussion of progress to date and the obstacles to be overcome.

(d) All pertinent reports, plans, documents and records relative to the siting process to date will be made available to the Department at the Department's request.

(e) The local government has carried out a process for landfill siting

(with technical assistance from the Department if requested) including a minimum of the following:

(A) Alternative sites have been reviewed and ranked as to adequacy and probable acceptability based upon locally developed criteria and applicable laws and regulations.

(B) Information has been gathered on at least the top ranked site sufficient to satisfy the requirements of the "Feasibility Study Report" provided for in OAR 340-61-030. Certain requirements of the "Feasibility Study Report" may be waived, for the purpose of this section, by the Department upon a demonstration of prohibitive cost or legal constraint.

(C) A public participation process, including the use of a citizens advisory committee or other approach which provides for public access, review and input has been carried out in the siting process.

(3) The Department shall give reasonable public notice of each such request, including the prompt publication of a summary of such request in the Secretary of State's Bulletin.

(4) Requests for siting under ORS 459.047 will be reviewed by the Commission and written findings as to the acceptability of the process under subsection (2)(e) will be prepared. Should the process be found incomplete, the Commission may request the Department or the local government to complete the process.

PUBLIC COMMENT TO DETERMINE NEED

340-61-022 Prior to the Commission making a determination of need for any landfill site under ORS 459.049 the Department shall give prior reasonable public notice of, and hold a public informational hearing on, the need for the landfill site.

PUBLIC HEARING IN AREA AFFECTED BY PROPOSED SITE

340-61-023 Prior to siting a landfill under ORS 459.049 the Department shall give prior reasonable public notice of and hold a public informational hearing in the area affected by the proposed site.

APPLICATIONS FOR PERMITS

340-61-025 (1) Applications for permits shall be processed in accordance with the Procedures for Issuance, Denial, Modification and Revocation of Permits as set forth in OAR Chapter 340, Division 14.

(2) Applications for a permit shall be accepted by the Department only when complete, as detailed in section 340-61-025(3).

(3) Applications for permits shall be complete only if they:

(a) Are submitted in duplicate on forms provided by the Department, accompanied by all required exhibits, and the forms are completed in full and are signed by the property owner or person in control of the premises.

(b) Include written recommendations of the local government unit or units having jurisdiction to establish a new disposal site or to substantially alter, expand, or improve a disposal site or to make a change in the method or type of disposal. Such recommendations shall include, but not be limited to, a statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and Development Commission's Statewide Planning Goals.

(c) Include detailed plans and specifications as required by rule 340-61-035.

(d) Include a feasibility study report prepared in accordance with rule 340-61-030 to establish a new disposal site or to substantially alter, expand or improve a disposal site or to make a change in the method or type of disposal at a disposal site, unless the requirements of said feasibility

study have been met by other prior submittals.

(e) Include such other information as the Department may deem necessary to determine whether the proposed disposal site and the operation thereof will comply with all applicable rules of the Department.

(4) If [in the judgment of] the Department[, a proposed new, modified or expanded disposal site or a proposed change in the method or type of disposal] determines that a disposal site is not likely to have significant adverse effect[s] on public health or the environment, the Department may waive the requirements of subsections 340-61-025(2)(c) and 340-61-025(2)(d), rule 340-61-036 and section 340-61-040(1).

In making this judgment, the Department may consider the size and location of the disposal site, the volume and types of waste received and any other relevant factor.

(5) If the requirements of subsections 340-61-025(2)(c) and 340-61-025(2)(d), rule 340-61-036 and section 340-61-040(1) are waived, the applicant must submit plan drawings and pertinent information including:

(a) A site location map indicating section, township, range and site boundaries.

(b) A site layout drawing that illustrates the approximate size and location of all pertinent man-made and natural features of the site (roads, ditches, streams, berms, buildings, etc.) and the sequence of developing fill areas at the site.

(c) A minimum of two perpendicular cross section drawings to show the design of the landfill cells and any pertinent landfill structures. Each cross section shall illustrate approximate existing grade, excavation grade and proposed final grade.

(d) An operational plan which describes the proposed method of operation and progressive development of the trenches and/or landfill lifts

or cells. The plan shall also include a description of the types and quantities of waste materials that will be received (estimated maximum daily and average annual quantities); types of cover material to be used and proposed frequency of application; and measures to be used for the control of leachate surface drainage, fire, litter and other potential hazards or nuisances as pertinent.

(6) If a local public hearing regarding a proposed disposal site has not been held and if, in the judgment of the Department, there is sufficient public concern regarding the proposed disposal site, the Department may, as a condition of receiving and acting upon an application, require that such a hearing be held by the County Board of Commissioners or County Court or other local government agency responsible for solid waste management, for the purpose of informing and receiving information from the public.

DENIAL OF PERMITS

340-61-026 (1) Upon receipt of a completed application, the Department shall deny the permit if:

- (a) The application contains false information;
- (b) The application was wrongfully accepted by the Department;
- (c) The proposed disposal site would not comply with these rules or other applicable rules of the Department.
- (d) The proposal is not part of or not compatible with the adopted local solid waste management plan approved by the Department.
- (e) There is no clearly demonstrated need for the proposed new, modified or expanded disposal site or for the proposed change in the method or type of disposal.

LETTER AUTHORIZATIONS

340-61-027 The Department may authorize the temporary operation of a disposal site by issuing a "letter of authorization" subject to the following:

(1) A letter authorization may be issued only on the basis of a complete written application which has been approved by the Department. Applications for letter authorizations shall be complete only if they contain the following items:

- (a) The quantity and types of material to be disposed.
- (b) A discussion of the need and justification for the proposed project.
- (c) The expected amount of time which will be required to complete the project.
- (d) The methods proposed to be used to insure safe and proper disposal of solid waste.
- (e) The location of the proposed disposal site.
- (f) A statement of approval from the property owner or person in control of the property, if other than the applicant.
- (g) Written verification from the local planning department that the proposal is compatible with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and Development Commission's Statewide Planning Goals.
- (h) Any other relevant information which the Department may require.

(2) Upon receipt of a complete written application the Department may approve the application if it is satisfied that:

- (a) The applicant has demonstrated sufficient need and justification for the proposal.
- (b) The proposed project is not likely to cause a public nuisance,

health hazard, air or water pollution or other environmental problem.

(3) The Department may revoke or suspend a letter authorization on any of the following grounds:

(a) A material misrepresentation or false statement in the application;

(b) Any relevant violation of any statute, rule, order, permit, ordinance, judgment or decree;

(4) The Department may issue letter authorizations for periods not to exceed six (6) months. Any requests to conduct additional disposal shall require a new application and a new authorization.

CLOSURE PERMITS

340-61-028 (1) Applications for closure permits must include but are not limited to:

(a) A closure plan prepared in accordance with rule 340-61-033.

(b) A financial assurance plan prepared in accordance with rule 340-61-034 unless exempted by the Department pursuant to OAR 340-61-028(2) and (3).

(c) If the permittee does not own and control the property, the permittee shall demonstrate to the Department that the permittee has access to the land disposal site property after closure to monitor and maintain the site and operate any environmental control facilities.

(d) If any person other than the permittee assumes any responsibility for any closure or post-closure activities, a contractual agreement signed by and binding upon each party to that agreement must be submitted to the Department. That agreement must specify respective responsibilities of each party during closure of the site and post-closure monitoring and maintenance of the site and any environmental control facilities.

(2) The Department may exempt the following classes of disposal sites from the financial assurance requirements, provided that the applicant demonstrates to the satisfaction of the Department that there is no threat of adverse impact on public health, safety or the environment and that the site is likely to continue to meet the criteria for one or more of these classes until the site is closed in a manner approved by the Department:

(a) Domestic waste disposal sites, including sites receiving municipal waste, construction and building demolition wastes, septic tank pumpings and sewage sludges, which serve a geographical area with a population of less than 10,000 people or receive less than 10,000 tons of solid waste each year.

(b) Industrial waste disposal sites which are operated and exclusively used to dispose of solid waste generated by a single business entity.

(3) The Department may exempt an individual site from the financial assurance requirements if the applicant demonstrates to the satisfaction of the Department that the site meets all of the following criteria and that the site is likely to continue to meet all of these criteria until the site is closed in a manner approved by the Department:

(a) The disposal site poses no threat of adverse impact on groundwater or surface water.

(b) The disposal site poses no threat of adverse impact on public health or safety.

(c) There is no active system necessary for controlling or stopping discharges to the environment.

(d) The area of the disposal site that has not yet been properly closed in a manner acceptable to the Department remains less than 2 acres or complies with a closure schedule approved by the Department.

(4) An exemption from the financial assurance requirement granted by the Department will remain valid only so long as the site continues to meet the exemption criteria in OAR 340-61-028(2) and (3). If the site fails to continue to meet the exemption criteria, the Department may modify the closure permit to require financial assurance.

(5) Unless the Department finds a need to protect against a significant hazard or risk to the public health, safety or environment, the Department shall terminate closure permits for land disposal sites ten years after the site is closed.

(6) Any time after a land disposal site is closed, the permit holder may apply for a termination of the permit, a release from one or more of the permit requirements or termination of any applicable permit fee. Before the Department grants a termination or release under this section, the permittee must demonstrate and the Department must find that there is no longer a need for:

(a) Active supervision of the site;

(b) Maintenance of the site; or

(c) Maintenance or operation of any system or facility on the site.

(7) The Department or an authorized governmental agency may enter a land disposal site property at reasonable times to inspect and monitor the site as authorized by ORS 459.285.

FEASIBILITY STUDY REPORT

340-61-030 A feasibility study report shall include, but not be limited to, the following:

(1) An Existing Conditions Map of the area showing land use and zoning within 1/4 mile of the disposal site. Also, any airport runway within 10,000 feet of the site or within 5,000 feet if used only by

propeller-driven aircraft. (Note: Runways may be shown on a scaled insert). The map shall show all structures, natural features of the land and the precise geographical location and boundaries of the disposal site. An on-site bench mark shall be indicated and a north arrow drawn. Unless otherwise approved by the Department, the scale of the map shall be no greater than one inch equals 200 feet and, for landfills, topography of the site and area within 1/4 mile shall be shown with contour intervals not to exceed five feet.

(2) A description of the proposed method or methods to be used in processing and disposing of solid wastes, including anticipated types and quantities of solid wastes, justification of alternative disposal method selected, general design criteria, planned future use of the disposal site after closure, type of equipment to be used, and projected life of the site.

(3) For a landfill, a detailed soils, geologic, and groundwater report of the site prepared and stamped by a professional Engineer, Geologist or Engineering Geologist with current Oregon registration. The report shall include consideration of surface features, geologic formations, soil boring data, water table profile, direction of groundwater flow, background quality of water resources in the anticipated zone of influence of the landfill, need and availability of cover material, climate, average rates of precipitation, evapotranspiration, runoff, and infiltration (preliminary water balance calculations).

Soil borings shall be to a minimum depth of twenty feet below the deepest proposed excavation and lowest elevation of the site or to the permanent groundwater table if encountered within twenty feet. A minimum of one boring per representative landform at the site and an overall minimum of one boring per each ten acres shall be provided. Soil boring

data shall include the location, depth, surface elevation and water level measurements of all borings, the textural classification (Unified Soil Classification System), permeability and cation exchange capacity of the subsurface materials and a preliminary soil balance.

For all water wells located within the anticipated zone of influence of the disposal site, the depth, static level and current use shall be identified.

Background groundwater quality shall be determined by laboratory analysis and shall include at least each of the constituents specified by the Department.

(4) A proposal for protection and conservation of the air, water and land environment surrounding the disposal site, including control and/or treatment of leachate, methane gas, litter and vectors, and control of other discharges, emissions and activities which may result in a public health hazard, a public nuisance or environmental degradation.

PRELIMINARY APPROVAL

340-61-031 (1) The Department may issue written preliminary approval to any applicant for a Solid Waste Disposal Permit, prior to submission of detailed engineering plans and specifications, based on the material submitted in accordance with the requirements of rule 340-61-030.

(2) The purpose of the preliminary review and approval process is to inform the applicant of the Department's concerns, if any, regarding the proposal and to provide guidance in the development of the detailed plans and specifications required to complete the permit application. Receipt of preliminary approval does not grant the applicant any right to begin construction or operation of a disposal site.

(3) Requests for preliminary approval shall be made to the Department in writing. Within 45 days of receipt of such request, the Department shall either grant or deny preliminary approval or request additional information.

(4) Granting of preliminary approval shall not prevent the Department from denying or conditionally approving a completed permit application.

(5) If the Department denies preliminary approval, it shall clearly state the reasons for denial. Failure to receive preliminary approval shall not prevent an applicant from completing a permit application. Any application completed after denial of preliminary approval shall specifically address those concerns listed in the Department's letter of denial.

CLOSURE PLANS

340-61-033 (1) A closure/post-closure plan must specify the procedures necessary to completely close the facility at the end of its intended operating life. The plan must also identify the activities which will be carried on after closure to properly monitor and maintain the completed disposal site. At a minimum, the plan shall include:

(a) Detailed plans and specifications consistent with the applicable requirements of rule 340-61-035 and section 340-61-040(1), unless an exemption is granted as provided in section 340-61-025(4). (NOTE: If some of this information has been previously submitted, the permittee shall review and update it to reflect current conditions and any proposed changes in closure or post-closure activities.)

(b) A description of how and when the facility will be partially closed, if applicable (i.e., phased development), and finally closed. The description must identify the maximum area of solid waste that will not be

properly closed in a manner approved by the Department prior to the time that waste is no longer accepted at the disposal site and include a time schedule for final closure.

(c) Details of how leachate discharges will be minimized and controlled and treated if necessary.

(d) Details of any landfill gas control facilities, their operation and frequency of monitoring.

(e) Details of final cover including soil texture, depth and slope.

(f) Details of surface water drainage diversion.

(g) A schedule for monitoring the site after closure.

(h) A projected frequency of anticipated maintenance activities at the site after closure, including but not limited to repairing, recovering and regrading settlement areas, cleaning out surface water diversion ditches, and re-establishing vegetation.

(i) Other information requested by the Department necessary to determine whether the disposal site will comply with all applicable rules of the Department.

(2) Approval of Closure Plan. After approval by the Department, the permittee shall implement the closure plan within the approved time schedule.

(3) Amendment of Plan. The approved closure/post-closure plan may be amended at any time during the active life of the landfill or during the post-closure care period as follows:

(a) The permittee must amend the plan whenever changes in operating plans or facility design, or changes in these rules, or events which occur during the active life of the landfill or during the post-closure care period, significantly affect the plan. He must also amend the plan whenever there is a change in the expected year of closure. The permittee

must submit the necessary plan amendments to the Department for approval within 60 days of such changes or as otherwise required by the Department.

(b) The permittee may request to amend the plan to alter the closure requirements, to alter the post-closure care requirements, or to extend or reduce the post-closure care period based on cause. The request must include evidence demonstrating to the satisfaction of the Department that:

(A) The nature of the landfill makes the closure or post-closure care requirements unnecessary; or

(B) The nature of the landfill supports reduction of the post-closure care period; or

(C) The requested extension in the post-closure care period or alteration of closure or post-closure care requirements is necessary to prevent threats to human health and the environment.

(c) The Department may amend a permit to require the permittee to modify the plan if it is necessary to prevent the threat of adverse impact on public health, safety and the environment. Also, the Department may extend or reduce the post-closure care period or alter the closure or post-closure care requirements based on cause.

FINANCIAL ASSURANCE

340-61-034 (1) Financial assurance plans shall include but not be limited to:

(a) A written estimate of the costs of:

(A) Closing the land disposal site;

(B) Installing, operating and maintaining any environmental control system required on the disposal site;

(C) Monitoring and providing security for the land disposal site; and

(D) Complying with any other requirement the Department may impose as

a condition of renewing the permit.

(b) A detailed description of the form of the financial assurance.

(c) A method and schedule for providing for or accumulating the required amount of funds necessary to meet the financial assurance requirement.

(d) A proposal to the Department for disposing of any excess moneys received or interest earned on moneys received for financial assurance. To the extent practicable, the applicant's provisions for disposing of the excess moneys received or interest earned on moneys shall provide for:

(A) A reduction of the rates a person within the area served by the land disposal site is charged for solid waste collection service as defined by ORS 459.005; or

(B) Enhancing present or future solid waste disposal facilities within the area from which the excess moneys were received.

(2) Amount of Financial Assurance Required. The amount of financial assurance required shall be established based upon the estimated closure and post-closure care costs included in the approved closure/post-closure plan. This required amount may be adjusted as the plan is amended.

(a) In reviewing the adequacy of the amount of financial assurance proposed by the applicant, the Department shall consider the following:

(A) Amount and type of solid waste deposited in the site.

(B) Amount and type of buffer from adjacent land and from drinking water sources.

(C) Amount, type, availability and cost of required cover.

(D) Seeding, grading, erosion control and surface water diversion required.

(E) Planned future use of the disposal site property.

(F) Type, duration of use, initial cost and maintenance cost of any

active system necessary for controlling or stopping discharges.

(G) The portion of the site property closed before final closure of the entire site.

(H) Any other conditions imposed on the permit relating to closure or post-closure of the site.

(I) The financial capability of the applicant.

(b) After reviewing the proposed amount of financial assurance, the Department may either:

(A) Approve the amount proposed by the applicant; or

(B) Disapprove the amount and require the applicant to submit a revised amount consistent with the factors considered by the Department.

(3) Form of Financial Assurance. The financial assurance may be in any form proposed by the applicant if it is approved by the Department. The Department shall only approve forms of financial assurance where the applicant can prove to the satisfaction of the Department that all of the following conditions can be met:

(a) That moneys in excess of the amount approved by the Department will be set aside or collected by the disposal site operator unless the Department approves an additional amount of financial assurance during a review conducted in conjunction with a subsequent application to amend or renew the disposal site permit or a request by the owner or operator of a disposal site to extend the useful life of the disposal site.

(b) That the use of financial assurance is restricted so that the funds can only be used to guarantee that the following activities will be performed or that the funds can only be used to finance the following activities and that the funds cannot be used for any other purpose:

(A) Close the disposal site according to the approved closure plan.

(B) Install, operate and maintain any required environmental control

systems.

(C) Monitor and provide security for the disposal site.

(D) Comply with conditions of the closure permit.

(c) That, to the extent practical, all excess moneys received and interest earned on moneys shall be disposed of in a manner which shall provide for:

(A) A reduction of the rates a person within the area served by the land disposal site is charged for solid waste collection service; or

(B) Enhancing present or future solid waste disposal facilities within the area from which the excess moneys were received; or

(C) Where the disposal site is operated and exclusively used to dispose of solid waste generated by a single business entity, excess moneys and interest remaining in the financial assurance reserve shall be released to that business entity at the time that the permit is terminated and the permittee is released from all closure requirements.

(NOTE: The Department may require that a higher level of security be provided for accumulated financial assurance funds after the disposal site no longer receives solid waste.)

(4) Accumulation and Use of Financial Assurance Funds:

(a) The applicant shall set aside funds in the amount and frequency specified in the financial assurance plan approved by the Department. The total amount of financial assurance required shall be available in the form approved by the Department at the time that solid waste is no longer received at the site.

(b) The financial assurance plan shall contain adequate accounting procedures to insure that the disposal site operator does not collect or

set aside funds in excess of the amount approved by the Department or use the funds for any purpose other than required by OAR 340-61-034(3)(b) and (3)(c).

(c) The permittee is subject to audit by the Department (or by a governmental agency authorized by the Department if specified in the approved financial assurance plan) and shall allow the Department (or authorized governmental agency) access to all records during normal business hours for the purpose of determining compliance with OAR 340-61-034.

(d) If the Department determines that the permittee did not set aside the required amount of funds for financial assurance in the form and at the frequency required by the approved financial assurance plan, or if the Department determines that the financial assurance funds were used for any purpose other than as required in OAR 340-61-034(3)(b) and (3)(c), the permittee shall, within 30 days after notification by the Department, deposit a sufficient amount of financial assurance in the form required by the approved financial assurance plan along with an additional amount of financial assurance equal to the amount of interest that would have been earned, had the required amount of financial assurance been deposited on time or had it not been withdrawn for unauthorized use.

(e) The permittee shall submit a report to the Department within 90 days of the end of the permittee's fiscal year or as required by the Department, which contains but is not limited to:

(A) An evaluation of the approved closure plan discussing current status, unanticipated occurrences, revised closure date projections, necessary changes, etc.

(B) An evaluation of the approved financial assurance plan documenting an accounting of amounts deposited and expenses drawn from the fund, as

well as its current balance. This evaluation must also assess the adequacy of the financial assurance and justify any requests for changes in the approved plan.

(C) Other information requested by the Department to determine compliance with the rules of the Department.

DETAILED PLANS AND SPECIFICATIONS REQUIRED

340-61-035 Except as provided in Section 340-61-025(4):

(1) Any person applying for a Solid Waste Disposal Permit shall submit plans and specifications to the Department sufficiently detailed and complete so that the Department may evaluate all relevant criteria before issuing a permit.

The Department may refuse to accept plans and specifications that are incomplete and may request such additional information as it deems necessary to determine that the proposed disposal site and site operation will comply with all pertinent rules of the Department.

(2) Engineering plans and specifications submitted to the Department shall be prepared and stamped by a professional engineer with current Oregon registration.

(3) If in the course of facility construction any person desires to deviate significantly from the approved plans, the permittee shall submit a detailed description of the proposed change to the Department for review and approval prior to implementation.

CONSTRUCTION CERTIFICATION

340-61-036 Except as provided in Section 340-61-025(4):

(1) The Department may require, upon completion of major or critical construction at a disposal site, that the permittee submit to the

Department a final project report signed by the project engineer or manager as appropriate. The report shall certify that construction has been completed in accordance with the approved plans including any approved amendments thereto.

(2) If any major or critical construction has been scheduled in the plans for phase development subsequent to the initial operation, the Department may require that the permittee submit additional certification for each phase when construction of that phase is completed.

AUTHORIZED AND PROHIBITED DISPOSAL METHODS

340-61-038 (1) Sanitary Landfill. Disposal of solid waste is authorized only at a sanitary landfill.

(2) Open Dump. The establishment, operation, or maintenance of an open dump is prohibited.

SPECIAL RULES PERTAINING TO LANDFILLS

340-61-040 (1) Plan Design Requirements. Unless an exemption has been granted under section 340-61-025(4), in addition to the requirements of rule 340-61-025, detailed plans and specifications for landfills shall include but not be limited to:

(a) Topographic maps which show natural features of the site; the location and design of all pertinent existing and proposed structures, such as berms, dikes, surface drainage control devices, access and on-site roads, water and waste water facilities, gas control devices, monitoring wells, fences, utilities, maintenance facilities, shelter and buildings; legal boundaries and property lines, and existing contours and projected finish grades. Unless otherwise approved by the Department, the scale of the plan drawings shall be no greater than one inch equals 200 feet, with

contour intervals not to exceed five feet. Horizontal and vertical controls shall be established and tied to an established bench mark located on or near the site. Where the Department deems it essential to ensure compliance with these rules, the bench mark shall be referenced to the Oregon State Plane Co-ordinate System, Lambert Projection.

(b) A minimum of two perpendicular cross section drawings through the landfill. Each cross section shall illustrate existing grade, excavation grade, proposed final grade, any additions for groundwater protection, water table profile and soil profile. Additional cross sections shall be provided as necessary to adequately depict underlying soils, geology and landfill contours, and to display the design of environmental protection devices or structures.

(c) A description of the design assumptions and methods used to forecast flows and to determine the sizing of pumps, pipes, ditches, culverts and other hydraulic equipment used for the collection, treatment and disposal of leachate and for the control of surface drainage.

(d) A detailed operational plan and timetable which describes the proposed method of operation and progressive development of trenches and/or landfill lifts or cells. Said plan shall include a description of the types and quantities of waste materials that will be received (estimated maximum daily and average annual quantities); methods of waste unloading, placement, compaction and covering; areas and/or procedures to be used for disposal of waste materials during inclement weather; types and weights of equipment to be used for site operation; detailed description of any salvaging or resource recovery operations to take place at the facility; such measures for the collection, containment, treatment or disposal of leachate as may be required; provisions for managing surface drainage; and measures to be used for the control of fire, dust,

decomposition gases, birds, disease vectors, scavenging, access, flooding, erosion, and blowing debris, as pertinent.

(2) Open Burning. No person shall conduct the open burning of solid waste at a landfill, except in accordance with plans approved and permits issued by the Department prior to such burning. The Department may authorize the open burning of tree stumps and limbs, brush, timbers, lumber and other wood waste, except that open burning of industrial wood waste is prohibited.

(3) Leachate. Any person designing, constructing, or operating a landfill shall ensure that leachate production is minimized. Where required by the Department, leachate shall be collected and treated or otherwise controlled in a manner approved by the Department.

(4) Groundwater:

(a) Each landfill permittee shall ensure that:

(A) The introduction of any substance from the landfill into an underground drinking water source does not result in a violation of any applicable federal or state drinking water rules or regulations beyond the solid waste boundary of the landfill or an alternative boundary specified by the Department.

(B) The introduction of any substance from the landfill into an aquifer does not impair the aquifer's recognized beneficial uses, beyond the solid waste boundary of the landfill or an alternative boundary specified by the Department, consistent with the Commission's adopted Groundwater Quality Protection Policy and any applicable federal or state rules or regulations.

(b) Where monitoring is required, monitoring wells shall be placed between the solid waste boundary and the property line if adequate room exists.

(c) The Department may specify an alternative boundary based on a consideration of all of the following factors:

(A) The hydrogeological characteristics of the facility and surrounding land;

(B) The volume and physical and chemical characteristics of the leachate;

(C) The quantity and directions of flow of groundwater;

(D) The proximity and withdrawal rates of groundwater users;

(E) The availability of alternative drinking water supplies;

(F) The existing quality of the groundwater including other sources of contamination and their cumulative impacts on the groundwater; and

(G) Public health, safety, and welfare effects.

(5) Surface Water:

(a) No person shall cause a discharge of pollutants from a landfill into public waters, including wetlands, in violation of any applicable state or federal water quality rules or regulations.

(b) Each landfill permittee shall ensure that surface runoff and leachate seeps are controlled so as to minimize discharges of pollutants into public waters.

(6) Monitoring:

(a) Where the Department finds that a landfill's location and geophysical conditions indicate that there is a reasonable probability of potential adverse effects on public health or the environment, the Department may require a permittee to provide monitoring wells to determine the effects of the landfill on groundwater and/or on the concentration of methane gas in the soil.

(b) If the Department determines that monitoring wells are required at a landfill, the permittee shall provide and maintain the wells at the

locations specified by the Department and, at the Department's request, shall submit a copy of the well logs to the Department within thirty (30) days of completion of construction.

(c) Where the Department determines that self-monitoring is practicable, the Department may require that the permittee collect and analyze samples of surface water, groundwater and/or gas, at intervals specified and in a manner approved by the Department, and submit the results within a time frame specified by the Department.

(d) The Department may require permittees who do self-monitoring to periodically split samples with the Department for the purpose of quality control.

(7) Endangered Species. No person shall establish, operate, expand or modify a landfill in a manner that will cause or contribute to the actual or attempted:

(a) Harassing, harming, pursuing, hunting, wounding, killing, trapping, capturing or collecting of any endangered or threatened species of plants, fish, or wildlife.

(b) Direct or indirect alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using that habitat.

(8) Gas Control. No person shall establish, operate, expand or modify a landfill such that:

(a) The concentration of methane (CH_4) gas at the landfill exceeds twenty-five (25) percent of its lower explosive limit in facility structures (excluding gas control or gas recovery system components) or its lower explosive limit at the property boundary.

(b) Malodorous decomposition gases become a public nuisance.

(9) Surface Drainage Control. Each permittee shall ensure that:

(a) The landfill is designed, constructed and maintained so that drainage will be diverted around or away from active and completed operational areas.

(b) The surface contours of the landfill are maintained such that ponding of surface water is minimized.

(10) Floodplains. No permittee of a landfill located in a floodplain shall allow the facility to restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human life, wildlife or land or water resources.

(11) Cover Material. Each permittee shall provide adequate quantities of cover material of a type approved by the Department for the covering of deposited solid waste at a landfill in accordance with the approved operational plan, permit conditions and these rules.

(12) Cover Frequency. Each permittee shall place a compacted layer of at least six inches of approved cover material over the compacted wastes in a landfill at intervals specified in the permit. In setting a requirement for cover frequency, the Department may consider such factors as the volume and types of waste received, hydrogeologic setting of the facility, climate, proximity of residences or other occupied buildings, site screening, availability of equipment and cover material, any past operational problems and any other relevant factor.

(13) Access Roads. Each permittee shall ensure that roads from the landfill property line to the active operational area and roads within the operational area are constructed and maintained so as to minimize traffic hazards, dust and mud and to provide reasonable all-weather access for vehicles using the site.

(14) Access Control. Each permittee shall insure that the landfill

has a perimeter barrier or topographic constraints adequate to restrict unauthorized entry.

(15) Site Screening. To the extent practicable, each permittee shall screen the active landfill area from public view by trees, shrubbery, fence, stockpiled cover material, earthen berm, or other appropriate means.

(16) Fire Protection:

(a) Each landfill permittee shall make arrangements with the local fire control agency to immediately acquire their services when needed and shall provide adequate on-site fire protection as determined by the local fire control agency.

(b) In case of accidental fires at the site, the operator shall be responsible for initiating and continuing appropriate fire-fighting methods until all smoldering, smoking and burning ceases.

(c) No operator shall permit the dumping of combustible materials within the immediate vicinity of any smoldering, smoking or burning conditions at a landfill, or allow dumping activities to interfere with fire-fighting efforts.

(17) Special Handling. Large dead animals, sewage sludges, septic tank pumpings, hospital wastes and other materials which may be hazardous or difficult to manage, shall not be deposited at a disposal site unless special provisions for such disposal are included in the operational plan or otherwise approved by the Department.

(18) Signs. Each permittee of a landfill open to the public shall post a clearly visible and legible sign or signs at the entrance to the disposal site specifying the name of the facility, the hours and days the site is open to the public, an emergency phone number and listing the general types of materials which either will be accepted or will not be

accepted.

(19) Truck Washing Facilities. Each permittee shall ensure that any truck washing areas at a landfill are hard surfaced and that any on-site disposal of wash waters is accomplished in a manner approved by the Department.

(20) Sewage Disposal. Each landfill permittee shall ensure that any on-site disposal of sewage is accomplished in a manner approved by the Department.

(21) Salvage:

(a) A permittee may conduct or allow the recovery of materials such as metal, paper and glass from the landfill only when such recovery is conducted in a planned and controlled manner approved by the Department.

(b) No person may salvage food products, hazardous materials or furniture and bedding with concealed filling from a landfill.

(22) Litter:

(a) Each permittee shall ensure that effective measures such as compaction, the periodic application of cover material or the use of portable fencing or other devices are taken to minimize the blowing of litter from the active working area of the landfill.

(b) Each landfill operator shall collect windblown materials from the disposal site and adjacent property and properly dispose of same at sufficient frequency to prevent aesthetically objectionable accumulations.

(23) Vector and Bird Control:

(a) Each permittee shall ensure that effective means such as the periodic application of earth cover material or other techniques as appropriate are taken at the landfill to control or prevent the propagation, harborage, or attraction of flies, rodents, or other vectors

and to minimize bird attraction.

(b) No permittee of a landfill disposing of putrescible wastes that may attract birds and which is located within 10,000 feet (3,048 meters) of any airport runway used by turbojet aircraft or within 5,000 feet (1,524 meters) of any airport used by only piston-type aircraft shall allow the operation of the landfill to increase the likelihood of bird/aircraft collisions.

(24) Weighing. The Department may require that landfill permittees provide scales and weigh incoming loads of solid waste, to facilitate solid waste management planning and decision making.

(25) Records. The Department may require records and reports it considers reasonably necessary to ensure compliance with conditions of a permit or these rules.

[(27) Closure of Landfills:]

CLOSURE OF LAND DISPOSAL SITES

340-61-042 (1) When solid waste is no longer received at a land disposal site, the person who holds or last held the permit issued under ORS 459.205 or, if the person who holds or last held the permit fails to comply with this section, the person owning or controlling the property on which the disposal site is located, shall close and maintain the site according to the requirements of ORS Chapter 459, any applicable rule adopted by the Commission under ORS 459.045 and any requirement imposed by the Department as a condition to renewing or issuing a disposal site permit.

(2) [(a)] Unless otherwise approved or required in writing by the Department, no person shall permanently close or abandon a [landfill] land disposal site, except in the following manner:

(a) [(A)] All filled areas not already closed in a manner approved by the Department shall be covered with at least [two (2)] three (3) feet of compacted earth graded to a minimum two (2) percent and maximum thirty (30) percent slope. In applying this standard, the Department shall consider the potential for adverse impact from the disposal site on public health, safety or the environment, and the ability for the permittee to generate the funds necessary to comply with this standard before the disposal site closes. A permittee may request that the Department approve a lesser depth of cover material based on the type of waste, climate, geological setting, degree of environmental impact, or that there is insufficient time to finance the full cover material requirement before the disposal site is scheduled to stop receiving solid waste.

(b) [(B)] Final cover material shall be applied to each portion of a [landfill] land disposal site within sixty (60) days after said portion reaches approved maximum fill elevation. In the event of inclement weather, final cover may be applied as soon as practicable.

(c) The finished surface of the filled areas shall consist of soils of a type or types consistent with the planned future use and approved by the Department. Unless otherwise approved by the Department, a vegetative cover of native grasses shall be promptly established over the finished surface of the disposal site.

(d) All surface water must be diverted around the disposal site.

(e) All systems required by the Department to control or contain discharges to the environment must be completed and operational.

(3) [(b) Unless otherwise approved by the Department as provided in section 340-61-025(4), permanent c]Closure of [landfills] land disposal sites shall be in accordance with detailed plans approved in writing by the Department pursuant to rule 340-61-033.

[(3) The finished surface of the filled areas shall consist of soils of a type or types consistent with the planned future use and approved by the Department. Where appropriate, the finished surface shall be promptly seeded with native grasses or other suitable vegetation.]

(4) Closure Approval:

(a) When closure is completed, the permittee shall submit a written request to the Department for approval of the closure.

(b) Within thirty days of receipt of a written request for closure approval, the Department shall inspect the facility to verify that closure has been effected in accordance with the approved closure plan and the provisions of these rules.

(c) If the Department determines that closure has been properly completed, the Department shall approve the closure in writing. Closure shall not be considered complete until such approval has been made. The date of approval notice shall be the date of commencement of the post-closure period.

[(28) Completed Landfills:]

POST-CLOSURE CARE OF LAND DISPOSAL SITES

340-61-043 (1) Post-Closure Requirements:

(a) Upon completion or closure of a landfill, a detailed description of the site including a plat should be filed with the appropriate county land recording authority by the permittee. The description should include the general types and location of wastes deposited, depth of fill and other information of probable interest to future land owners.

[(b) Completed landfills shall be inspected and maintained by the permittee as necessary to prevent significant surface cracking, erosion, or ponding of water and to comply with these rules.]

(b) During the post-closure care period, the permittee must, at a minimum:

(A) Maintain the approved final contours and drainage system of the site;

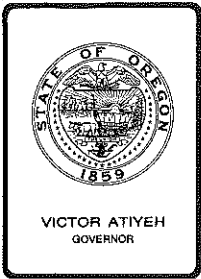
(B) Ensure that a healthy vegetative cover is established and maintained over the site;

(C) Maintain the leachate and/or gas collection, removal and treatment system if present at the disposal site;

(D) Maintain the groundwater and/or surface water monitoring system if present at the disposal site;

(E) Comply with all conditions of the closure permit issued by the Department.

(2) Post-Closure Care Period. Post-closure care must continue for ten years after the date of completion of closure of the land disposal site, unless otherwise approved or required by the Department according to rules 304-61-028(4) and (5).



Environmental Quality Commission

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MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G, October 7, 1983, EQC Meeting

Approval of Lane Regional Air Pollution Authority Ozone Standard and Submission as a Revision to the State Implementation Plan.

Background

Lane Regional Air Pollution Authority (LRAPA) has adopted a revised ozone standard. This revision to LRAPA Rule Section 31-035 replaces the .08 ppm photochemical oxidant standard with a .12 ppm ozone standard. The U.S. Environmental Protection Agency (EPA) took this identical action in February 1979 and the Commission amended OAR 340-31-030 in an identical fashion in January 1982. The Department has determined, upon receipt and review of the LRAPA rule, that it is identical to the state rule.

Problem

Oregon law requires the Commission to approve any ambient air standards adopted by LRAPA. So that Lane County would not be judged to be in non-attainment with its more stringent .08 ppm photochemical oxidant standard, LRAPA has requested Commission approval of the changed standard, and that the change be submitted to the EPA as a State Implementation Plan (SIP) revision. LRAPA held a public hearing, advertised it as a SIP Revision consideration, and met all other public notice procedural requirements. No Department hearing is required in such a case in order to submit the rule change to EPA as a SIP revision. The only testimony on LRAPA's standard change was a routine check-off from Dr. Max Bader of Oregon's Department of Health of "no adverse effect" and that "We are aware of no reason why the Lane Region requires a more stringent ozone air pollution standard than other areas of the state".

Summary

1. LRAPA has revised their .08 ppm photochemical oxidant standard to a less stringent .12 ppm ozone standard following all required public notice and hearing procedures including advertisement as a SIP revision.
2. LRAPA has requested Commission approval of the standard change and submittal to EPA as a SIP revision.
3. EPA made the identical standard change in 1979 and the Commission did the same in 1982 for the Oregon State standard.

Director's Recommendation

It is recommended that the Commission approve LRAPA's new ozone standard at .12 ppm, as identical to OAR 340-31-030 and direct the Department to submit it to EPA as a SIP revision.



William H. Young

Attachments: LRAPA Ozone Standard Rule Adoption Package

P.B. BOSSERMAN:a
(503) 229-6278
August 24, 1983
AA3718

REVISED LRAPA STANDARD

Section 31-035 Ozone

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

LANE REGIONAL

AIR POLLUTION AUTHORITY



(503) 686-7618
1244 Walnut Street, Eugene, Oregon 97403

Donald R. Arkell, Director

July 15, 1983

Mr. E. J. Weathersbee
Air Quality Division
Dept. of Environmental Quality
P. O. Box 1760
Portland, OR 97207

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JUL 19 1983

AIR QUALITY CONTROL

Re: Recently Adopted LRAPA Rules (Title 31, Ambient Air Standards)

Dear Jack;

At its July 12, 1983 meeting, the LRAPA Board of Directors adopted revisions to LRAPA Title 31 to bring our rules into conformance with the federal and State ozone rules.

Attached is the following documentation:

1. Minutes of Board meeting of May 10, 1983 - public hearing authorized;
2. Notice of Hearing publication in the Register-Guard;
3. A-95 Clearinghouse Reviews; and,
4. Minutes of Board meeting of July 12, 1983 - adoption of rule.

It is requested that this rule be considered for approval by the Commission and, if approved, submitted to EPA as a SIP revision.

If you need further information, please contact myself or Ralph Johnston at 686-7618.

Sincerely,

Donald R. Arkell
Director

DRA/mjd

Attachments

M I N U T E S

LRAPA BOARD OF DIRECTORS MEETING
TUESDAY--MAY 10, 1983

ATTENDANCE:

Board -- Bill Rogers, Acting Chair - Lane County; Dick Hansen - City of Eugene; John Lively - City of Springfield; Emily Schue - City of Eugene; Cynthia Wooten - City of Eugene
(ABSENT: Sandra Rennie - City of Springfield; Bill Whiteman - City of Cottage Grove)

Staff -- Don Arkell - Director; Joyce Benjamin - Legal Counsel; Paul Willhite, Ralph Johnston; Deanna Green; Marty Douglass; Merrie Dinteman

Advisory Committee -- Kathryn D. Barry

OPENING: The Meeting was called to order by Bill Rogers at 12:04 p.m.

MINUTES: MSP (Lively/Hansen) approval of minutes of April meeting as submitted.

EXPENSE REPORT: There was brief discussion of expenses for April. It was decided that future monthly expense reports will include cumulative expenditures. MSP approval of Expense Report for April 1983, as presented.

REQUEST FOR PUBLIC HEARING --

TO AMEND OZONE AMBIENT AIR QUALITY STANDARD AS SIP REVISION:

Arkell said that the proposed amendment to LRAPA Rules and Regulations, Section 31-035, is intended to provide a standard for Lane County which is uniform with those adopted by the federal EPA in February of 1979 and by the State of Oregon in January of 1982. The differences between the current rule and the proposal amendment are in the designation of the component in the air which is to be measured from "photochemical oxidants" to "ozone" and in the maximum allowable levels.

Arkell explained that the Eugene/Springfield metropolitan area attains the federal and state standards for ozone at present. The LRAPA standard for photochemical oxidants is not attained, and there is no plan for attaining the LRAPA standard. Exceedance of the existing standard could result in non-attainment designation and would require implementation of additional control measure for Volatile Organic Compounds (VOC). Exceedances of the federal and state ozone standards are likely to occur less often. Arkell said the proposed standard, while less strict, still provides a margin of safety, and that available health effects data no longer support the more restrictive standards.

Arkell said the proposed changed would involve a revision of the State Implementation Plan, requiring at least 30 days' public notice prior to hearing. Therefore, he recommended approval of a public hearing at the Board's July 12, 1983 meeting.

Motion -- MSP (Hansen/Lively) authorization of public hearing, as recommended by the Director.

VARIANCE
GUIDELINES:

Arkell introduced two documents recently completed by the Variance Policy and Procedures Task Force set up last year to draft an updated variance policy and procedures document. The purpose of the documents is to provide descriptions of legal matters involved in variance requests and of the types of information staff would prepare for the Board. One is Guidance to Applicants for Variances, and the other is Guidance for LRAPA Staff who process variance applications and prepare staff reports and recommendations for the Board. Arkell said the DEQ had not yet acted on what has been developed, because the DEQ Director wants to develop uniform guidance not only for air quality, but also for the other areas of environmental quality with which DEQ is concerned (such as water quality, solid waste, etc.). The documents were presented to the LRAPA Board for review only, and no Board action was required.

In response to questions, Arkell explained that the 60-day lead time for anticipation of need and submittal of variance request is for the purpose of providing orderly transition from variance request to action on the variance. He said even though variance may be granted by the LRAPA Board, the applicant is still subject to state and federal rules and runs the risk of trouble with EPA due to non-compliance. The 60 days provides sufficient time to notify EPA and reduce the likelihood of that happening.

As a result of discussion, the Board suggested two changes. First, the Board felt there should be a more descriptive list of criteria on effects of plant closure on the community, in order to minimize the possibility of a company's using environmental requirements as an excuse for plant closure, and possibly causing adverse public sentiment toward LRAPA. Secondly, there should be a note in the staff guidance that financial reports to support claims of financial hardship should be held confidential unless release is authorized by the applicant.

DIRECTOR'S REPORT: Arkell reported on events in which the Authority has recently been involved:

Training
Course

A Visible Emissions Informational Course for local industry personnel was scheduled for Wednesday, May 18, at 9:45 a.m. in the parking lot at EWEB. The purpose of the course is to acquaint boiler operators, veneer dryer tenders and plant environmental personnel with the fundamentals of visible emissions evaluation. Although some companies are unable to spare personnel to attend due to the present low staffing levels in many companies, interest among local industries is high. If the course proves beneficial, it might be repeated periodically.

Inter-Agency Activities LRAPA participated in a Willamette National Forest Service conference in April, and also was involved with the Oregon Lung Association in a number of Clean Air Week activities.

Office Re-Location The Authority will probably be relocating its offices in the near future, depending upon whether or not Lane County moves personnel into LRAPA's present space and takes over the lease. Bill Rogers said County efforts to find space in County-owned buildings to house LRAPA, as an in-kind contribution to the Authority, have been unsuccessful. However, the County's federally funded Employment and Training Division is being moved out of County-owned space in order to make room for County departments presently renting or leasing privately owned space, and the LRAPA office space is being considered for relocation of that Division. Arkell said staff has been working to locate suitable office space which to relocate LRAPA, in the event that the County Employment and Training Division decides to move into LRAPA's present space. He said the agency needs only about half the space it now occupies, and a move to smaller quarters would save a considerable amount of money.

Update, Woodstove Legislation Arkell said HB 2235, the woodstove bill, would be before the Senate Energy and Environment Committee on Wednesday evening, May 11, and that he planned to attend the hearing and testify on behalf of the LRAPA Board. He indicated the Bill has been altered somewhat from its original form and that most of the concerns expressed by the LRAPA Board were at least addressed in the current version. He said provision had been added for an advisory committee with representatives of woodstoves manufacturers and retailers to participate in development of standards and testing procedures. The area to be affected by the sales restrictions is essentially the Willamette Valley, between the Coast Range and the Cascade Crest, from the northern state line to the southern state line.

Performance Evaluation Arkell advised the Board that Sandra Rennie had suggested that the evaluation session on the Director's performance be scheduled to follow the June Board meeting. The Board members present agreed.

ADVISORY COMMITTEE: Ralph Johnston reported that the Advisory Committee began work in April on the first of the projects in its approved workplan, the agency evaluation.

PUBLIC PARTICIPATION: None

ADJOURNMENT: There being no further business, the meeting adjourned at 12:56 p.m. The next regular meeting of the LRAPA Board is scheduled for Tuesday, June 14, 1983, at 12:00 noon.


Merrie Dinteman
Recording Secretary

Legal Notice Advertising

- Lane Regional Air Pollution Auth. Tearsheet Notice
Attn: Donald Arkell
- 1244 Walnut Street
- Eugene, OR 97403
- Duplicate Affidavit

PAID 6-15-83
CHECK # 14292
ACCOUNT # 619(200)
\$59.34

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,)
COUNTY OF LANE,) ss.

I, Sharon W. Hayes

being first duly sworn, depose and say that I am the Advertising Manager, or his principal clerk, of the Eugene Register-Guard, a newspaper of general circulation as defined in ORS 193.010 and 193.020; published at Eugene in the aforesaid county and state; that the

NOTICE OF INTENT TO ADOPT RULE AMENDMENTS

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for one successive and consecutive day in the following issues:

June 6, 1983

Sharon W. Hayes

Subscribed and sworn to before me this June 7, 1983

Jean A. Crawford
Notary Public for Oregon

My Commission Expires: JUNE 30, 1987

AFFIDAVIT

INVOICE 3440

Amount Due \$59.34 ✓

Notice of Intent Amendments which Changes in Oregon State Implementation Plan

Case:

in men

NOTICE OF INTENT TO ADOPT RULE AMENDMENTS WHICH WOULD RESULT IN CHANGES IN THE OREGON STATE IMPLEMENTATION PLAN

In accordance with established rules of practice and procedure of the Lane Regional Air Pollution Authority, within the requirement of Oregon Statutes, and in conformance with EPA requirements for public participation, the LRAPA Board of Directors is proposing to amend the Ozone Ambient Air Quality Standard contained in LRAPA Rules and Regulations, Section 31-035.

On February 8, 1979, the U.S. Environmental Protection Agency adopted a new ambient air quality standard for ozone. This action relaxed the one-hour average standard from 0.08 ppm (160 ug/m3) to 0.12 ppm (235 ug/m3) and changed the name of the pollutant from the general category of photochemical oxidants to the specific pollutant, ozone. On January 22, 1982, the State of Oregon Environmental Quality Commission adopted the federal ambient air quality standard for ozone as the state standard. The LRAPA rules and regulations will retain the old standard and since these rules are a part of the SIP, the Eugene/Springfield Metropolitan Area could technically be found in non-attainment of the old standard. The proposed standard is lower than the existing standard; however, it still provides adequate margin for safety, and available health effects data no longer support the more restrictive standards.

It is proposed to adopt the federal and state standard for ozone as the LRAPA standard.

This change to the LRAPA Rules and Regulations will constitute revision of the Oregon State Implementation Plan (SIP).

The LRAPA Board of Directors has authorized a public hearing on the proposed rule amendment at its regularly scheduled meeting on Tuesday, July 12, 1983, 12:00 noon, at 1244 Walnut Street, Eugene, Oregon.

Copies of the proposed rule amendment are available at 1244 Walnut Street for public review, Monday through Friday, 8:00 a.m. to 5:00 p.m. Persons wishing to present views and data may do so on or before the date of the hearing. Anyone wishing to submit written information concerning the proposed rule amendment should address comments to:

Lane Regional Air Pollution Authority
1244 Walnut Street
Eugene, OR 97403
Attention: Donald R. Arkell, Director

This proposed change, if adopted, will be incorporated into the Oregon State Implementation Plan, and will be submitted to the Environmental Quality Commission with a request to include it in the State Implementation Plan as a revision.

NOTICE OF INTENT TO ADOPT
RULE AMENDMENTS WHICH WOULD RESULT
IN CHANGES IN THE OREGON STATE
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Eugene, OR 97403

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To Be Published Monday, June 6, 1983.

VICTOR ATIYEH
GOVERNOR



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310

July 11, 1983

Mr. Donald R. Arkell
Lane Regional Air Pollution Authority
1244 Walnut Street
Eugene, OR 97403

SUBJECT: State Plan Rule Amendment--Ozone Standards
PNRS #OR830523-139-6

Thank you for the opportunity to review the subject state plan amendment.

The amendment was circulated for review among appropriate state agencies. Comments made by the Community Health Services are enclosed for your information.

I am pleased to add my endorsement as required by OMB A-95, Part III.

Sincerely,

Victor Atiyeh
Governor

VA:sm

RECEIVED
JUL 12 1983
33724
LANE REGIONAL AIR POLLUTION AUTHORITY



OREGON PROJECT NOTIFICATION AND REVIEW SYSTEM

STATE CLEARINGHOUSE

Intergovernmental Relations Division
155 Cottage ST NE Salem, Oregon
Phone: 378-3732 97310

[Handwritten initials]

P N R S S T A T E R E V I E W JUN 06 1983

Project #: OR 830547 139

Return Date: _____

To Agency Addressed: If you intend to comment but cannot respond by the return date, please notify us immediately. If no response is received by the due date, it will be assumed that you have no comment and the file will be closed.

PROGRAM REVIEW AND COMMENT

TO STATE CLEARINGHOUSE: We have reviewed the subject Notice and have reached the following conclusions on its relationship to our plans and programs:

- It has no adverse effect.
- We have no comment.
- Effects, although measurable, would be acceptable.
- It has Adverse effects. (Explain in Remarks Section)
- We are interested but require more information to evaluate the proposal. (Explain in Remarks Section)
- Additional comments for project improvement. (Attach if necessary)

REMARKS (Please type or print legibly)

We are aware of no reason why the Lane Region requires a more stringent ozone air pollution standard than other areas of the state,

RECEIVED

JUL 12 1983

#33724

LANE REGIONAL AIR POLLUTION AUTHORITY

Agency 1124

By Max Bader, MD, MPH

Phone Number 229-6213

M I N U T E S

LRAPA BOARD OF DIRECTORS MEETING
TUESDAY--JULY 12, 1983

ATTENDANCE:

Board -- Sandra Rennie, Chair - City of Springfield; Dick Hansen - City of Eugene; John Lively - City of Springfield; Bill Rogers - Lane County; Emily Schue - City of Eugene; Bill Whiteman - City of Cottage Grove; Cynthia Wooten - City of Eugene
(ABSENT: None)

Staff -- Don Arkell - Director; Joyce Benjamin - Legal Counsel; Deanna Green; Marty Douglass; Merrie Dinteman

Advisory Committee -- Kathryn D. Barry

Other -- Ed Black - City of Springfield

OPENING: After calling the meeting to order at 12:10 p.m., Sandra Rennie announced that Don Arkell had been elected President of the Association of Local Air Pollution Control Officials at the organization's annual national convention in Atlanta in June. He will serve in that capacity through Spring of 1984.

MINUTES: MSP (Rogers/Hansen) approval of minutes of June meeting as submitted.

EXPENSE REPORT: MSP (Whiteman/Hansen) approval of the Expense Report for June as presented.

PUBLIC HEARING - AMENDMENT OF OZONE AMBIENT AIR QUALITY STANDARD AS SIP REVISION: Arkell explained the proposed amendment to Section 31-035 of the LRAPA Rules and Regulations. The federal and State of Oregon rules were changed in February 1979 and January 1982, respectively, relaxing the one-hour average standard for ozone from 0.08 ppm to 0.12 ppm and changing the designation of the pollutant from the general category of photochemical oxidants to the specific pollutant ozone. Review of federal government data regarding ozone shows that the proposed standard of 0.12 will continue to protect health with an adequate safety margin. There is little scientific basis for the more restrictive standard. The proposed amendment would make Lane County ambient standards consistent with federal and state standards. Also, since ambient air quality standards are part of Oregon's State Implementation Plan (SIP), Lane County could technically be found in non-attainment of the old standard.

In response to questions, Arkell said he did not think the term "photochemical oxidant" will be used again in the future, requiring another change in the pollution designation. He said it may be possible that individual standards for other compounds found in photochemical oxidants could be developed. These would each have a specific measuring technique.

Rennie opened the public hearing and asked if anyone wished to testify either for or against the proposed amendment. Receiving no response, she closed the public hearing.

MOTION -- MSP (Rogers/Whiteman) amendment of Section 31-035 by adoption of the one-hour average ozone standard of 0.12 ppm and change of the name of the pollutant from the general category of photochemical oxidants to the specific pollutant ozone.

LRAPA PERSONNEL
POLICY MANUAL
UPDATE:

At its June meeting, the Board approved changes to the Authority's Personnel Policy Manual and requested that administrative changes suggested by legal counsel be made and reported back at the July meeting. Two questions were raised regarding the Personnel Policy.

1. The section covering military leave did not specifically address the matter of pay during such leave. While there was no question that such leave should be granted without a loss of regular pay, the Board felt that the policy should include a provision which would avoid the possibility of double payment of both Authority pay and military pay for the same time period.
2. The section covering employment of relatives of incumbent employees could have been amended or omitted entirely. Staff chose to eliminate it, rather than to have specific policy, in order to allow more flexibility for such things as contractual work. It was felt that, since LRAPA employs few people, and the Director is the only person with hiring/firing authority, lack of specific policy in this regard would not cause any problems.

MOTION -- MSP (Whiteman/Schue) adoption of personnel policy with amendment to avoid double payment for military leave.

DIRECTOR'S REPORT: Arke11 described the Authority's activities during the month of June.

The Kingsford Company has completed its work on schedule, and a source test is planned for August 15. Additional testing of the company's "ashing" theory will be done in conjunction with that source test.

Georgia-Pacific Corp. has requested permission to apply emissions reduction credits from its boiler operation to its cyclone baghouse, which would result in a considerable savings for the company. This could be the first industrial "bubble" in Lane County. Because such a credit transaction would constitute a change in the SIP, it must be approved by EPA. However, EPA is in the process of delegating authority to LRAPA so that this kind of emissions trading can be handled locally in the future and not require EPA approval.

HB 2235 (Woodstove Certification) has been signed by the Governor. An Advisory Committee is to be formed by the EQC to assist in development of standard testing procedure and certification standards. The date of implementation of certification is now July 1, 1986, a year later than the date proposed in the original bill.

Arkell noted that there were additional improvements in data analysis capabilities.

LRAPA is continuing to work with local planning agencies to implement the tasks outlined in the planning document adopted earlier this year by the Board.

The field burning season began in July, although there has been no burning done so far, due to the wet weather. There is a potential for more smoke because of re-growth, but this season is not expected to be different from other years.

There was discussion of Springtime slash burning. Staff will prepare a summary of State's Smoke Management Plan.

The monitoring site at the Springfield City Hall should be measuring carbon monoxide and sulfur dioxide by the end of the Summer.

LRAPA has agreed to be host agency for a 1986 convention in the Eugene area which will bring business into the area. Arkell said LRAPA's contribution to the convention will be in manpower to organize committees that will be working on the convention.

ADVISORY
COMMITTEE:

A letter from Darrel Spiesschaert, the Advisory Committee Chair, explained the activities of the Committee and the formation of subcommittees to deal with the projects requested by the Board.

Kathryn Barry was present at the Board meeting and indicated that her subcommittee met last week and came up with two possible tasks: 1) include as part of LRAPA's booth at the Lane County Fair a questionnaire to see how people view the choice between state DEQ control or local LRAPA control of air quality; 2) contact other air quality control officials to determine the consequences of a change from local air quality control to the state DEQ. Emily Schue asked that any information obtained from these interviews be shared with the Board when it is received, rather than waiting until the Committee's full report is completed.

Barry said the question of expanding the base of financial support for LRAPA has been discussed by the full Committee, but they don't want to overstep the bounds of the LRAPA Budget Committee.

Bill Rogers informed the Board that HB 2952 regarding the term of advisory committee appointments has passed both houses unanimously and was waiting for the Governor's signature.

M I N U T E S
LRAPA Board of Directors Meeting
July 12, 1983

Page 4

PUBLIC PARTICIPATION: None

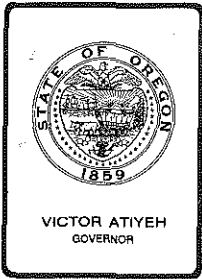
FURTHER BUSINESS: None

ADJOURNMENT: MSP (Rogers/Lively) adjournment at 12:50.

Merrie Dinteman

Merrie Dinteman
Recording Secretary





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, October 7 1983, EQC Meeting

Proposed Adoption of Amended Rules for Air Pollution
Emergencies, OAR Chapter 340, Division 27, as a Revision to
the Oregon State Implementation Plan.

Background and Problem Statement

Need for Revision

The Emergency Action Plan (EAP), OAR Chapter 34, Division 27, was adopted in 1972 when State Implementation Plans (SIP's) were first required as a result of the 1970 Amendments to the Clean Air Act (CAA). Subsequent amendments to the CAA, changes in the implementing Code of Federal Regulations (CFR's) and operational experience with the EAP, demonstrate the current EAP to be obsolete and in need of revision. The proposed new rules would provide this needed revision.

Source Emission Reduction Plans

An element of the EAP requires source emission reduction plans (SERP's) from operators of point sources and from governmental agencies. SERP's are individual source plans to be put into effect during serious episodes. The present State rules fail to stipulate limits of emission or location to which the SERP requirement applies. Therefore, SERP's may be required of persons responsible for sources having little or no significance to potential pollution episodes. For example, consider the Portland General Electric power plant near Boardman or the city of Pendleton. There is no expectation of air pollution episodes significantly affecting the areas of Boardman or Pendleton but SERP's could be required of PGE or the City of Pendleton. Extending this example to smaller sources and cities makes the determination of exactly who is required to have a SERP very awkward. Amendments to the CFR's make it possible to eliminate a large number of unnecessary SERP's. The proposed rules would make use of these CFR provisions to limit the sources and areas where SERP's are required to the larger sources in areas where episodes are more likely.

Episode Stages

Federal regulations require emergency action plans to specify two or more stages of episode criteria to initiate actions to prevent reaching the

levels of significant harm which are listed in the proposed rules, OAR 340-27-005, Attachment 1. The existing Oregon EAP uses four stages of episode criteria which have been called Forecast, Alert, Warning, and Emergency. Actions called for at the lower two stages of episode criteria require a considerable amount of staff effort which does not contribute to a noticeable improvement of ambient pollution levels or reduction in emissions.

The implementation of the EAP would be considerably improved if the Forecast stage were eliminated, using the Alert stage as a time for public notice and preparation for possible further action in worsening air quality conditions.

In the proposed rules, three active episode stages would be used. They are Alert, Warning and Emergency. The Alert stage would then be used for preliminary notice and preparation for emission curtailment as necessary if conditions worsen and a Warning stage is reached.

A pre-episode stand-by condition is identified in the proposed rules but no control actions would take place in this condition. It would be defined as the condition for normal activity and ambient monitoring. It would be used to identify normal, every day conditions and would assure that emergency action plan considerations are not forgotten when ambient monitoring reveals development of increasing pollution levels.

Non-regulatory EAP Procedures

The federal regulations, 40 CFR Part 51.16, identify six requirements which need to be addressed in an EAP. Table 1 identifies the six federal requirements with cross references to the source of the federal requirement and the OAR reference in the proposed rules where each requirement is addressed.

The existing State regulation addresses only requirements 1 and 3 listed in Table 1. The remaining four requirements are non-regulatory in nature in that they do not impose any obligations on the public. They do, however, require the Department to provide for communication procedures to gather and disseminate information. To satisfy requirements 2, 4, 5, and 6, listed in Table 1, it has been necessary for the Department to provide extensive additional information to EPA to obtain SIP approval. This additional information must be frequently revised.

OAR 340-27-035 in the proposed rules would be a major new addition to the EAP to respond to all requirements of federal regulations. It would make it unnecessary to provide EPA with extensive additional material to obtain an approvable SIP submittal. The proposed new OAR would establish the non-regulatory elements required by the CFR's and would stipulate that these elements be maintained in an operations manual. The operations manual would not be regulatory in nature and is not part of the rule package. It is, however, available for public inspection.

Table 1

Oregon Implementation Of
 Federal Emergency Action Requirements for Air Pollution Episodes

Requirement	Federal Reference In 40 CFR Part 51	Oregon Proposed Rule Reference
1. Specify two or more stages of episode criteria.	Part 51.16(b)(1) [Example-Appendix L]	OAR 340-27-010
2. Provide for public announcement whenever any episode stage has been determined to exist.	Part 51.16(b)(2)	OAR 340-27-035(2)
3. Specify adequate emission control actions taken at each episode stage. Control actions to be consistent with extent of episode stage and applicable to source causing the pollution.	Part 51.16(b)(3) [Example-Appendix L] Part 51.16(d)	OAR 340-27-015 OAR 340-27 Tables I, II and III
4. Provide for prompt acquisition of atmospheric stagnation and updates issued by the National Weather Service.	Part 51.16(e)(1)	OAR 340-27-035(3)
5. Provide for inspection of sources to ascertain compliance with emission control action requirements.	Part 51.16(e)(2)	OAR 340-27-035(4)
6. Provide for communication procedures transmitting status reports and orders for control actions to be taken during an episode stage to public officials, major emission sources, public health, safety, and emergency agencies and news media.	Part 51.16(e)(3)	OAR 340-27-035(2)

Ozone Episodes

In January 1982, the State ozone standard was changed from 160 ug/m³ to 235 ug/m³ for a 1 hour average. Unless the ozone alert level (currently 200 ug/m³) is also changed, the established alert level would be more restrictive than the ozone standard. The proposed new rule, OAR 340-27-010(2)(b), would establish a new ozone alert level of 400 ug/m³ for a one hour average.

Because of public concern expressed when the ozone standard was changed, the proposed rules provide for an "ozone advisory" which would be issued if the ozone levels were greater than 235 ug/m³ but less than the alert level of 400 ug/m³. The provision for an ozone advisory is not relevant, however, to CFR requirements for SIP's. This provision, along with other items not relevant to SIP's, would be in a proposed "special conditions" rule, OAR 340-27-012. It is proposed that this rule not be included in the SIP since it contains items of interest to Oregon but irrelevant to the SIP requirements.

During the past decade, the relationship between ozone and VOC (Volatile Organic Compounds) has become better understood. While automobile traffic has a significant influence on ozone precursors, other sources of VOC also have a substantial effect on ozone production. Because of the newly recognized need to consider non-automotive VOC sources for ozone control, curtailment of these sources has been added to EAP actions required at the Warning level for ozone. This is a new requirement and will affect petroleum bulk transfers, gasoline sales, dry cleaning (except perchloroethylene) process, paper coating plants and spray painting should ozone levels reach 800 ug/m³.

Particulate Episodes Due to Volcanic Ash and Dust Storms

During the 1980 eruption of Mt. St. Helens, extremely high levels of particulate from fallout were measured with 24 hour average values, reaching more than 3000 ug/m³ in the Portland area and estimated at ten times that amount in eastern Washington. The significant harm level for particulate is 1000 ug/m³. Since volcanic fallout and dust from native soils as contained in particulate from dust storms has not been exposed to contamination by industrial fallout or subjected to adsorption of urban gaseous pollutants, particulate from these sources are not generally considered to have as high a toxicity level as particulate originating in an urban, industrial environment. These issues are discussed in Attachment 2. Clearly, the EAP was not designed to meet conditions resulting from volcanic eruption or dust storms. To avoid stopping industrial and commercial activity due to high but unharmed particulate levels from volcanic fallout during the St. Helens episode, the Department followed best judgment and advice from the local medical community and did not declare an emergency episode.

The proposed rule would establish a special category of particulate levels resulting from volcanic activity and dust storms. Emergency action levels in this special category are contained in OAR 340-27-012 of the proposed rules. They are 800 ug/m³ for Alert, 2000 ug/m³ for Warning and 5000 ug/m³ for Emergency. The values are for a 24 hour average total suspended particulate sample and are justified in Attachment 2.

The legal authority for the proposed rule change is listed in Attachment 3. The Statement of Need for rule making is contained in Attachment 4.

Alternatives and Evaluation

Since the proposed rules would replace existing rules, the most obvious alternative would be to do nothing and leave the existing rules as they are. The consequences of the "do nothing" alternative would be the continued existence of the problems already described. Two of the more serious consequences of such action concern an inappropriate ozone alert level and undefined requirements for SERP submissions.

First, if the alert level for ozone is not changed, we will continue to face the dilemma of calling an alert for ozone at levels less than the established ambient air quality standard. The proposed EAP would establish a new alert level of 400 ug/m^3 . The warning level of 800 ug/m^3 and emergency level of 1000 ug/m^3 would remain the same as they are in the existing rules. An added feature of the proposed new rule (OAR 340-27-012) would provide an "ozone advisory" when ozone levels exceed the ambient air quality standards (235 ug/m^3) but are less than 400 ug/m^3 .

Second, the "do nothing" option would continue the administrative uncertainty concerning SERP requirements. In existing rules, SERP's are required from responsible persons when requested by the Department but the plant size and location are not specified. In such cases, the Department must decide who should submit SERP's (OAR 340-27-020) using its best judgment. The proposed rules would avoid potential ambiguity. In OAR 340-27-015, plant emissions and location limits would be specified for SERP requirements.

A third consequence of the "do nothing" option would be the continued potential of confusion in the event of particulate fallout from volcanic activity or dust storms. On the several occasions that Oregon was dusted with volcanic ash during 1980, special procedures were necessary to respond to the excessive levels of particulate from ash.

The proposed rule would establish a separate category of episodes for suspended particulate when the particulate is primarily fallout from volcanic activity or dust storm. For this category of particulate, the emergency action levels would be 800 ug/m^3 for Alert, 2000 ug/m^3 for Warning and 5000 ug/m^3 for Emergency. Attachment 2 is a short technical justification for these numbers. Failure to adopt the proposed change will leave the EAP without an appropriate response in the event of a volcanic eruption or dust storm.

Rule Development

The proposed rule was initiated by Headquarters staff as an outgrowth of SERP review and an identified need for updating both the SERP file and the rule. Input into the revision process drew primarily on the operational experience of Headquarters staff and EPA Region X contacts. The effect of the proposed revisions is to decrease the requirements on the affected public during lower level episodes without changing the ultimate goals, purpose or actions of the EAP. The proposed rule, Attachment 1, incorporates the features which have already been discussed.

As authorized by the Commission, notice of public hearing and intent to amend the rules was published in the Secretary of State's Bulletin on June 1, 1983, mailed to established mailing lists on June 3, 1983 and published in the Oregonian and Medford Mail Tribune on June 5, 1983. The required 60 day State Clearinghouse review period was initiated on June 13, 1983 under assigned PNRS # OR 830616-043-6. Receipt of the notice and proposed rules was acknowledged without comment by Oregon District 4 COG, Corvallis; Lane COG, Eugene; and Umpqua Region COG, Roseburg. Governor Atiyeh endorsed the proposed plan pursuant to A-95 procedures. All other comments received through the intergovernmental review process are summarized in the Hearing Officer's report of the public hearing and staff response, Attachments 5 and 6.

A Public Hearing was held in Portland on July 6, 1983. Attachment 5 is the report of that hearing and Attachment 6 is Staff Response to the testimony of the hearing. As a result of testimony at the hearing, several minor changes have been made in the wording of the rule. These changes are summarized below.

<u>Attachment 1</u> <u>Page Number</u>	<u>Rule Number</u>	<u>Changes</u>
2	340-27-010(1)	For consistency, the last sentence which read: "... air pollution standby condition ...", is changed to read: "... pre-episode standby condition ...".
3, 4, 5	340-27-010(2)(a), (3)(a), (4)(a)	"Stagnant meteoroligcal conditions ..." changed to "meteorological dispersion conditions ..." and wording changed to make a definition of terms unnecessary. Time period for considering the effect of meteorological conditions changed from twelve (12) to twenty-four (24) hours to cover a complete daily cycle.
6 and 8	340-27-010(5) 340-27-012(3)	Reduction to "... the next lower condition ..." changed to "... a lower condition ..." to allow cancellation of higher stage episode in rapidly improving circumstances.
6	340-27-012(1)	In the last sentence for ozone advisory, wording is strengthened to indicate that "...sensitive individuals may be affected by some symptoms."
10	340-27-025(2)	Required concurrence of DEQ before a regional authority may declare an air pollution episode has been deleted as it is unnecessary. DEQ may take action if the regional authority fails to act.
11	340-27-035(2)(a)	"... major emission sources ..." changed to "... emission sources ..." to make definition of terms unnecessary. The intent is to indicate the general category of appropriate people to be contacted, not to provide an exclusive listing of such people.
13 through 17	Tables 1, 2, 3	Headings changed to clarify applicability. Heading for Parts A and B have been changed to reflect specific pollutants and references to general or motor vehicle conditions are removed.
15	Table 2, Part B.e.	Added section to request the public to refrain from using coal or wood for space heating during carbon monoxide warning episodes. This condition is similar to what is proposed for particulate warning episodes.

Summation

1. Changing federal requirements and operational experience over the past decade have shown the existing Emergency Action Plan to be obsolete and in need of revision.
2. The proposed rules would clarify the requirement to develop and file Source Emission Reduction Plans with the Department.
3. The proposed rules would delete the "forecast" episode stage and defer most emission curtailment to episodes at the Warning and Emergency stages. A standby condition for normal everyday operations is defined to provide Emergency Action Plan continuity at all times.
4. The proposed rules would provide implementation for all specific Environmental Protection Agency requirements for an Emergency Action Plan as outlined in Table 1.
5. The proposed rules would change the Alert level for ozone from 200 ug/m³ to 400 ug/m³, 1 hour average. An "ozone advisory" would be issued when ozone levels are greater than 235 ug/m³ but less than 400 ug/m³ for a 1 hour average.
6. The proposed rules would establish separate emergency action levels for Total Suspended Particulate which is primarily fallout from volcanic activity or dust storms.
7. The proposed rules are fully supported by legislative authority.
8. A public hearing was held July 6, 1983. Appropriate changes have been made as a result of the public hearing testimony and other testimony received through the intergovernmental review process.
9. If adopted, the proposed OAR 340-27-005, 340-27-010, and 340-27-015 through 340-27-035 with Tables 1, 2, 3, and 4 would be submitted to the Environmental Protection Agency as a change to the State Implementation Plan. OAR 340-27-012 would not be included with the State Implementation Plan as this rule is not a federal requirement.

Director's Recommendation

Based upon the Summation, it is recommended that the rules proposed in Attachment 1 be adopted. It is further recommended that OAR 340-27-005, 340-27-010, 340-27-015, 340-27-025, 340-27-035, and Tables 1, 2, 3, and 4 be submitted to EPA as a revision of the Oregon State Implementation Plan.

Bill

William H. Young

- Attachments:
1. Proposed Comprehensive Plan for Air Pollution Emergencies, OAR 340-27-005 through 340-27-035.
 2. Technical Report On Total Suspended Particulate Which Is Primarily Fallout From Volcanic Activity or Dust Storms.
 3. Legal Authority.

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4. Statement of Need for rule making for Air Pollution Emergencies, OAR Chapter 340, Division 27.
5. Report of Hearing held July 6, 1983. Proposed Amendments to Rules for Air Pollution Emergencies, OAR Chapter 340, Division 27.
6. DEQ Staff Response to Testimony from Hearing on Proposed Amendments to Rules for Air Pollution emergencies, OAR Chapter 340, Division 27.

L.D. Brannock:a
229-5836
July 21, 1983
AA3002

**OREGON ADMINISTRATIVE RULES
CHAPTER 340, DIVISION 27
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**COMPREHENSIVE PLAN FOR
AIR POLLUTION EMERGENCIES**

Introduction

340-27-005 OAR 340-27-010, 340-27-015 and 340-27-025 are effective within priority I and II air quality control regions (AQCR) designated in 40 CFR Part 52 subpart MM, when the AQCR contains a nonattainment area listed in 40 CFR Part 81. All other rules in this Division 27 are equally applicable to all areas of the state. Notwithstanding any other regulation or standard, these emergency rules are designed to prevent the excessive accumulation of air contaminants during periods of atmospheric stagnation or at any other time, which if allowed to continue to accumulate unchecked could result in concentrations of these contaminants reaching levels which could cause significant harm to the health of persons. [thereby preventing the occurrence of an emergency due to the effects of these contaminants on public health.] These rules establish criteria for identifying and declaring air pollution episodes at levels below the level of significant harm and are adopted pursuant to [Chapter 420, Oregon Laws 1971 (House Bill 1504); Chapter 424, Oregon Laws 1971 (House Bill 1574); and ORS 449.800.] the requirements of the Federal Clean Air Act as amended and 40 CFR Part 51.16. Legislative authority for these rules is contained in Oregon Revised Statutes including ORS 468.020, 468.095, 468.115, 468.280, 468.285, 468.305 and 468.410. Levels of significant harm for various pollutants listed in 40 CFR Part 51.16 are:

- (1) For sulfur dioxide (SO₂) - 2,620 micrograms per cubic meter, 24-hour average.
- (2) For particulate matter (TSP) - 1000 micrograms per cubic meter, 24-hour average.
- (3) For the product of sulfur dioxide and particulate matter - 490 x 10³ micrograms squared per cubic meter squared, 24-hour average.
- (4) For carbon monoxide (CO) -
 - a. 57.5 milligrams per cubic meter, 8-hour average.
 - b. 86.3 milligrams per cubic meter, 4-hour average.
 - c. 144 milligrams per cubic meter, 1-hour average.
- (5) For ozone (O₃) - 1,200 micrograms per cubic meter, 1-hour average.
- (6) For nitrogen dioxide (NO₂) -
 - a. 3,750 micrograms per cubic meter, 1-hour average.
 - b. 938 micrograms per cubic meter, 24-hour average.

Stat. Auth: ORS Ch 468 including 468.020, 468.280, 468.285, 468.305

Episode Stage Criteria For Air Pollution Emergencies

340-27-010 Three stages of air pollution episode conditions and a pre-episode standby condition are established to inform the public of the general air pollution status and provide a management structure to require preplanned actions designed to prevent continued accumulation of air pollutants to the level of significant harm. The three episode stages are: Alert, Warning, and Emergency. The Department shall be responsible to enforce the provisions of these rules which require actions to reduce and control emissions during air pollution episode conditions.

An air pollution alert or air pollution warning shall be declared by the Director or appointed representative when the appropriate air pollution conditions are deemed to exist. When conditions exist which are appropriate to an air pollution emergency, the Department shall notify the Governor and declare an air pollution emergency pursuant to ORS 468.115. The statement declaring an air pollution Alert, Warning or Emergency shall define the area affected by the air pollution episode where corrective actions are required. Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Department determines that the accumulation of air contaminants in any place is [attaining or has attained] increasing or has increased to levels which could, if such [levels] increases are sustained or exceeded, lead to a threat to the health of the public. In making this the determination, the Department will be guided by the following criteria for each pollutant and episode stage as listed in this rule.

- (1) ["Air pollution forecast". An internal watch by the Department of Environmental Quality shall be actuated by a National Weather Service advisory that atmospheric stagnation advisory is in effect or by the equivalent local forecast of stagnant atmospheric conditions.] "Pre-episode Standby" condition, indicates that ambient levels of air pollutants are within standards or only moderately exceed standards. In this condition, there is no imminent danger of any ambient pollutant concentrations reaching levels of significant harm. The Department shall maintain at least a normal monitoring schedule but may conduct additional monitoring. An air stagnation advisory issued by the National Weather Service, an equivalent local forecast of air stagnation or observed ambient air levels in excess of ambient air standards may be used to indicate the need for increased sampling frequency. The pre-episode standby condition is the lowest possible air pollution episode condition and may not be terminated.
- (2) "Air Pollution Alert" [The alert level is that concentration of pollutants at which first stage control action is to begin.] condition indicates that air pollution levels are significantly above standards but there is no immediate danger of reaching the level of significant harm. Monitoring should be intensified and readiness to implement abatement actions should be

reviewed. At the Air Pollution Alert level the public is to be kept informed of the air pollution conditions and of potential activities to be curtailed should it be necessary to declare a warning or higher condition. An Air Pollution Alert condition is a state of readiness. When the conditions in both (a) and (b) below are met, an Air Pollution Alert will be declared [when any one of the following levels is reached at any monitoring site] and all appropriate actions described in Table 1 shall be implemented.

(a) Meteorological dispersion conditions are not expected to improve during the next twenty-four (24) or more hours.

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

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

(B) [(b)] Total Suspended Particulate - [3.0 COHs or] 375 ug/m^3 24 hour average, except when the particulate is primarily from volcanic activity or windblown dust

(C) [(c)] Sulfur dioxide and total suspended particulate product (not including suspended particulate which is primarily from volcanic activity or windblown dust. [combined - 24 hour average product of sulfur dioxide and particulate equal to:]

[(A) $525 \text{ (ug/m}^3)$ (COH); or]

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

[(C)] $65 \times 10^3 \text{ (ug/m}^3)^2$ [(ug/m^3)] - 24 hour average.

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

(E) [(e)] Photochemical oxidant] ozone - 400 [200] ug/m^3 [(0.1 ppm)] - 1 hour average.

(F) [(f)] Nitrogen dioxide:

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

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

(3) "Air Pollution Warning" [The warning level] condition indicates that [air quality is continuing to degrade] pollution levels are very high and that [additional] abatement actions are necessary to prevent these levels from approaching the level of significant harm. At the Air Pollution Warning level substantial restrictions may be required limiting motor vehicle use and industrial and commercial activities. When the conditions in both (a) and (b) below are met, [A] an Air Pollution Warning will be declared by the Department [when any one of the following levels is reached at any monitoring site:] and all appropriate actions described in Table 2 shall be implemented.

(a) Meteorological dispersion conditions are not expected to improve during the next twenty-four (24) or more hours.

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

(A) [(a)] Sulfur dioxide - 1600 ug/m³ [(0.6 ppm)] - 24 hour average.

(B) [(b)] Particulate - [5.0 COHs or] 625 ug/m³- 24 hour average, except when the particulate is primarily from volcanic activity or windblown dust.

(C) [(c)] Combined] Sulfur dioxide and [COHs] total suspended particulate product (not including suspended particulate which is primarily from volcanic activity or windblown dust) [24 hour average product of sulfur dioxide and particulate equal to]

[(A) 2100 (ug/m³) (COH); or]

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

[(C)] 261 x 10³ (ug/m³)² [(ug/m³)] - 24 hour average.

(D) [(d)] Carbon monoxide - 34 mg/m³ [(30 ppm)] - 8 hour average.

(E) [(e)] Photochemical oxidant] Ozone - 800 ug/m³ [(0.4 ppm)] - 1 hour average.

(F) [(f)] Nitrogen dioxide:

(i) [(A)] 2260 ug/m³ [(1.2 ppm)] - 1 hour average; or

(ii) [(B)] 565 ug/m³ [(0.3 ppm)] - 24 hour average [and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.]

- (4) "Air Pollution Emergency" [The emergency level] condition indicates that air pollutants have reached an alarming level requiring the most stringent actions to prevent these levels from reaching the [quality is continuing to degrade toward a] level of significant harm to the health of persons. [and that the most stringent control actions are necessary.]

At the Air Pollution Emergency level extreme measures may be necessary involving the closure of all manufacturing, business operations and vehicle traffic not directly related to emergency services.

Pursuant to ORS 468.115, when the conditions in both (a) and (b) below are met, an air pollution emergency will be declared by the Department [when any one of the following levels is reached at any monitoring site.] and all appropriate actions described in Table 3 shall be implemented.

(a) Meteorological dispersion conditions are not expected to improve during the next twenty-four (24) or more hours.

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

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

(B) [(b)] Particulate - [7 COH or] 875 ug/m^3 - 24 hour average, except when the particulate is primarily fallout from volcanic activity or windblown dust.

(C) [(c)] Combined] Sulfur dioxide and total suspended particulate [- 24 hour average] product (not including suspended particulate which is primarily from volcanic activity or windblown dust) [of sulfur dioxide and particulate equal to:]

[(A) $3144 \text{ (ug/m}^3\text{)} \text{-(CHO);}$]

[(B) 1.2 (ppm) (CHO); or]

[(C)] $393 \times 10^3 \text{ (ug/m}^3\text{)}^2 \text{ [(ug/m}^3\text{)] - 24 hour average.}$

(D) [(d)] Carbon monoxide; -

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

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

(iii)[(C)] 115 mg/m³ [(100 ppm)] - 1 hour average.

(E) [(e) Photochemical oxidant;] Ozone - 1000 ug/m³

[(A) 1200 ug/m³ (0.60 ppm)] - 1 hour average; [or]

[(B) 960 ug/m³ (0.48 ppm) - 2 hour average; or]

[(C) 640 ug/m³ 9.032 ppm) - 4 hour average.]

(F) [(f)] Nitrogen dioxide;

(i) [(A)] 3000 ug/m³ [(1.6 ppm)] - 1 hour average; or

(ii) [(B)] 750 ug/m³ [(0.4 ppm)] - 24 hour average [and meteorological conditions are such that this condition can be expected to remain at the above levels for twelve (12) or more hours.]

- (5) "Termination": [Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met, at which time the next lower status will be assumed, until termination is declared.] Any air pollution episode condition (Alert, Warning or Emergency) established by these criteria may be reduced to a lower condition when the elements required for establishing the higher condition are no longer observed.

Stat. Auth: ORS Ch 468 including 468.020, 468.115, 468.280, 468.285, 468.305, 468.410

Special Conditions

340-27-012 (1) The Department shall issue an "Ozone Advisory" to the public when monitored ozone values at any site exceed the ambient air quality standard of 235 ug/m³ but are less than 400 ug/m³ for a 1 hour average. The ozone advisory shall clearly identify the area where the ozone values have exceeded the ambient air standard and shall state that significant health effects are not expected at these levels, however, sensitive individuals may be affected by some symptoms.

(2) Where particulate is primarily soil from windblown dust or fallout from volcanic activity, episodes dealing with such conditions must be treated differently than particulate episodes caused by other controllable sources. In making a declaration of air pollution alert, warning, or emergency for such particulate, the Department shall be guided by the following criteria:

- (a) "Air Pollution Alert for Particulate from Volcanic Fallout or Windblown Dust" means total suspended particulate values are significantly above standard but the source is volcanic eruption or dust storm. In this condition there is no significant danger to public health but there may be a public nuisance created from the dusty conditions. It may be advisable under these circumstances to voluntarily restrict traffic volume and/or speed limits on major thoroughfares and institute cleanup procedures. The Department will declare an air pollution alert for particulate from volcanic fallout or wind-blown dust when total suspended particulate values at any monitoring site exceed or are projected to exceed 800 ug/m³ - 24 hour average and the suspended particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding.
- (b) "Air Pollution Warning for Particulate from Volcanic Fallout or Windblown Dust" means total suspended particulate values are very high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in sensitive individuals. Under these conditions staggered work hours in metropolitan areas, mandated traffic reduction, speed limits and cleanup procedures may be required. The Department will declare an air pollution warning for particulate from volcanic fallout or wind-blown dust when total suspended particulate values at any monitoring site exceed or are expected to exceed 2000 ug/m³ - 24 hour average and the suspended particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding.
- (c) "Air Pollution Emergency for Particulate from Volcanic Fallout or Windblown Dust" means total suspended particulate values are extremely high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in a significant number of people. Under these conditions cleaning procedures must be accomplished before normal traffic can be permitted. An air pollution emergency for particulate from volcanic fallout or wind-blown dust will be declared by the Director, who shall keep the Governor advised of the situation, when total suspended particulate values at any monitoring site exceed or are expected to exceed 5000 ug/m³ - 24 hour average and the suspended particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding.

(3) Termination: Any air pollution condition for particulate established by these criteria may be reduced to a lower condition when the criteria for establishing the higher condition are no longer observed.

(4) Action: Municipal and county governments or other governmental agency having jurisdiction in areas affected by an air pollution Alert, Warning or Emergency for particulate from volcanic fallout or windblown dust shall place into effect the actions pertaining to such episodes which are described in Table 4.

Stat. Auth: ORS Ch 468 including 468.020, 468.115, 468.280, 468.285, 468.305, 468.410

Source Emission Reduction Plans

340-27-015 (1) Tables 1, 2, and 3 of [this] these air pollution emergency rules set forth specific [special] emission reduction measures which [that] shall be taken upon the declaration of an air pollution alert, air pollution warning, or air pollution emergency [respectively]. Any person responsible for a source of air contamination within a priority I AQCR shall, upon declaration of any [such] air pollution episode condition affecting the locality of the air contamination source, take all appropriate actions specified in the applicable table and shall [particularly put into effect the preplanned abatement strategy for such condition.] take appropriate actions specified in an approved source emission reduction plan which has been submitted and is on file with the Department.

(2) Any person responsible for the operation of any point source of air pollution which is -a. located in a Priority I AQCR, -b. located within an Air Quality Maintenance Area (AQMA) or nonattainment area listed in 40 CFR Part 81, and -c. emits 100 tons or more of any air pollutant specified by this paragraph; shall file a Source Emission Reduction Plan (SERP) with the Department in accordance with the schedule described in paragraph (4) of this rule. Persons responsible for other point sources of air pollution located in a Priority I AQCR may optionally file a SERP with the Department for approval. Such plans shall specify procedures to implement the actions required by Tables 1, 2, and 3 of these rules and shall be consistent with good engineering practice and safe operating procedures. Source emission reduction plans specified by this paragraph are mandatory only for those sources which:

(a) Emit 100 tons per year or more of any pollutant for which the nonattainment area, AQMA, or any portion of the AQMA is designated nonattainment, or

(b) Emit 100 tons per year or more of volatile organic compounds when the nonattainment area, AQMA or any portion of the AQMA is designated nonattainment for ozone.

- (3) Municipal and county governments or other governmental body having jurisdiction in nonattainment areas where ambient levels of carbon monoxide, ozone or nitrogen dioxide qualify for Priority I AQCR classification, shall cooperate with the Department in developing a traffic control plan to be implemented during air pollution episodes of motor vehicle related emissions. Such plans shall implement the actions required by Tables 1, 2 and 3 of these rules and shall be consistent with good traffic management practice and public safety.
- (4) The Department shall periodically review the source emission reduction plans to assure that they meet the requirements of these rules. If deficiencies are found, the Department shall notify the persons responsible for the source. Within 60 days of such notice the person responsible for the source shall prepare a corrected plan for approval by the Department. Source emission reduction plans shall not be effective until approved by the Department.
- (5) During an air pollution alert, warning or emergency episode, source emission reduction plans required by this rule shall be available on the source premises for inspection by any person authorized to enforce the provisions of these rules.

Stat. Auth: ORS Ch 468 including 468.020, 468.095, 468.115, 468.280, 468.285, 468.305, 468.410

[Repeal OAR 340-27-020]

[**Preplanned Abatement Strategies**

- 340-27-020** (1) Any person responsible for the operation or control of a source of air contamination shall, when requested by the Department or regional air pollution authority in writing, prepare preplanned strategies consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an air pollution alert, air pollution warning, and air pollution emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with objectives set forth in Tables 1-3.
- (2) Preplanned strategies as required by this rule shall be in writing and describe the source of air contamination, contaminants, and a brief description of the manner and amount in which the reduction will be achieved during an air pollution alert, air pollution warning, and air pollution emergency.
 - (3) During a condition of air pollution alert, air pollution warning, and air pollution emergency, preplanned strategies as required by this rule shall be made available on the premises to any person authorized to enforce the provisions of these rules.

- (4) Preplanned strategies as required by this rule shall be submitted to the Department or regional air pollution authority upon request within thirty (30) days of the receipt of such request; such preplanned strategies shall be subject to review and approval by the Department or regional authority. Matters of dispute in developing preplanned strategies shall, if necessary, be brought before the Environmental Quality Commission or Board of Directors of a regional authority, for decision.
- (5) Municipal and county government, or other appropriate governmental bodies, shall, when requested by the Department of Environmental Quality or regional air pollution authority in writing, prepare preplanned strategies consistent with good traffic management practice and public safety, for reducing the use of motor vehicles or aircraft within designated areas during periods of an air pollution alert, air pollution warning, and air pollution emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants from motor vehicles in accordance with the objectives set forth in Tables 1-3, and shall be prepared and submitted for review and approval by the Department in accordance with sections (2), (3), and (4) of this rule. In reviewing the standby plans for local governments in counties within the territorial jurisdiction of a regional air pollution authority, the Department shall consult with said regional authority in determining the adequacy and practicability of the standby plans.]

Regional Air Pollution Authorities

- 340-27-025** (1) The Department of Environmental Quality and the regional air pollution authorities shall cooperate to the fullest extent possible to insure uniformity of enforcement and administrative action necessary to implement these rules. With the exception of sources of air contamination where jurisdiction has been retained by the Department of Environmental Quality, all persons within the territorial jurisdiction of a regional air pollution authority shall submit the source emission reduction plans [preplanned abatement strategies] prescribed in rule [340-27-020] 340-27-015 to the regional air pollution authority. The regional air pollution authority shall submit [summaries] copies of [the abatement strategies] approved source emission reduction plans to the Department of Environmental Quality.
- (2) Declarations of air pollution alert, air pollution warning, and air pollution emergency shall be made by the appropriate regional authority. [, with the concurrence of the Department of Environmental Quality.] In the event a declaration is not made by the regional authority, the Department of Environmental Quality shall issue the declaration and the regional authority shall take appropriate remedial actions as set forth in these rules.

(3) Additional responsibilities of the regional authorities shall include but are not limited to:

- (a) Securing acceptable [preplanned abatement strategies;] source emission reduction plans;
- (b) Measurement and reporting of air quality data to the Department of Environmental Quality;
- (c) Informing the public, news media, and persons responsible for air contaminant sources of the various levels set forth in these rules and required actions to be taken to maintain air quality and public health;
- (d) Surveillance and enforcement of [emergency] source emission reduction plans.

Stat. Auth.: ORS Ch 468 including 468.020, 468.305, 468.535

[Repeal OAR 340-37-030]

[**Effective Date**

340-27-030 All provisions of this regulation shall be effective September 1, 1972, provided however, that:

- (1) Emergency actions authorized by Chapter 424, Oregon Laws 1971 shall be immediately available.
- (2) Requests for preplanned abatement strategies authorized by rule 340-27-020 may be made at any time after the date of adoption of this rule.]

Operations Manual

340-27-035 The Department shall maintain an operations manual to administer the provisions of these air pollution emergency rules. This manual shall be available to the Department Emergency Action office at all times. At a minimum the Operations Manual shall contain the following elements:

- (1) A copy of these rules.
- (2) A chapter on communications which shall include:
 - (a) Telephone lists naming public officials, public health and safety agencies, local government agencies, emission sources, news media agencies and individuals who need to be informed about the episode status and information updates. These telephone lists shall be specific to episode conditions and will be used when declaring and cancelling episode conditions.

- (b) Example and sample messages to be released to the news media for declaring or modifying an episode status.
- (3) A chapter on data gathering and evaluation which shall include:
 - (a) A description of ambient air monitoring activities to be conducted at each episode stage including "Standby".
 - (b) Assignment of responsibilities and duties for ascertaining ambient air levels of specified pollutants and notification when levels reach the predetermined episode levels.
 - (c) Assignment of responsibilities and duties for monitoring meteorological developments from teletype reports and National Weather Service contacts. Part of this responsibility shall be to evaluate the meteorological conditions for their potential to affect ambient air pollutant levels.
- (4) A chapter defining responsibilities and duties for conducting appropriate source compliance inspections during episode stages requiring curtailment of pollutant emissions.
- (5) A chapter establishing the duties and responsibilities of the emergency action center personnel to assure coordinated operation during an air pollution episode established in accordance with these rules.
- (6) An appendix containing individual source emission reduction plans required by these rules plus any approved voluntary plans.

Stat. Auth: ORS Ch 468 including 468.020, 468.095, 468.115, 468.280, 468.285, 468.305, 468.410

Delete entire text of Tables 1, 2 & 3 and replace with the following text.

Table 1

Air Pollution Episode
ALERT Conditions
Source Emission Reduction Plan

Emission Control Actions to be Taken
as Appropriate in Alert Episode Area

Part A - Pollution Episode Conditions for Particulate
(Except Particulate from Volcanic Activity or Windblown Dust.)

- a. There shall be no open burning of any material in the designated area.
 - b. Sources having Emission Reduction Plans, review plans and assure readiness to put them into effect if conditions worsen.
-
-

Part B - Pollution Episode Conditions for Carbon Monoxide, Ozone

- a. All persons operating motor vehicles voluntarily reduce or eliminate unnecessary operations within the designated alert area.
- b. Governmental and other agencies, review actions to be taken in the event of an air pollution warning.

Table 2

Air Pollution Episode
WARNING Conditions
Emission Reduction Plan

Part A - Pollution Episode Conditions for Particulate
(Except Particulate from Volcanic Activity or Windblown Dust.)

Source	Emission control action to be taken as appropriate in warning area.
a. General (all sources and general public)	a. Continue alert procedures. b. Public requested to refrain from using coal or wood for domestic space heating where other heating methods are available. c. The use of incinerators for disposal of solid or liquid waste is prohibited. d. Reduce emissions as much as possible consistent with safety to people and prevention of irreparable damage to equipment. e. Prepare for procedures to be followed if an emergency episode develops.
b. Specific additional general requirements for coal, oil or wood-fired electric power or steam generating facilities.	a. Effect a maximum reduction in emissions by switching to fuels having the lowest available ash and sulfur content. b. Switch to electric power sources located outside the Air Pollution Warning area or to noncombustion sources (hydro, themonuclear). c. Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.
c. Specific additional general requirements for manufacturing industries including: Petroleum Refining, Chemical, Primary Metals, Glass, Paper and Allied Products, Mineral Processing, Grain and Wood Processing	a. Reduce process heat load demand to the minimum possible consistent with safety and protection of equipment. b. Reduce emission of air contaminants from manufacturing by closing, post- poning or deferring production to the maximum extent possible without caus- ing injury to persons or damage to equipment. In so doing, assume

Table 2 (Continued)

Air Pollution Episode
WARNING Conditions
Emission Reduction Plan

- reasonable economic hardships. Do not commence new cooks, batches or furnace changes in batch operation. Reduce continuous operations to minimum operating level where practicable.
- c. Defer trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances.
-
-

Part B - Pollution Episode Conditions for Carbon Monoxide, Ozone: control actions to be taken as appropriate in warning area.

-
- a. All operators of motor vehicles continue alert procedures.
- b. Operation of motor vehicles carrying fewer than three persons shall be requested to avoid designated areas from 6 AM to 11 AM and 2 PM to 7 PM or other hours as may be specified by the Department. Exempted from this request are:
1. Emergency vehicles
 2. Public transportation
 3. Commercial vehicles
 4. Through traffic remaining on Interstate or primary highways
 5. Traffic controlled by a preplanned strategy
- c. In accordance with a traffic control plan prepared pursuant to OAR 340-27-015(3), public transportation operators shall provide the additional service necessary to minimize the public inconvenience resulting from actions taken in accordance with paragraph b. above.
- d. For ozone episodes there shall be:
1. No bulk transfer of gasoline without vapor recovery from 2 AM to 2 PM.
 2. No service station pumping sales of gasoline from 2 AM to 2 PM.
 3. No operation of paper coating plants from 2 AM to 2 PM.
 4. No architectural painting or auto refinishing.
 5. No venting of dry cleaning solvents from 2 AM to 2 PM, (except perchloroethylene).
- e. For carbon monoxide episodes the public is requested to refrain from using coal or wood for domestic space heating where other heating methods are available.

Table 3

Air Pollution Episode
EMERGENCY Conditions
Emission Reduction Plan

Pollution Episode Conditions for all Pollutants
(Except Particulate from Volcanic Activity or Windblown Dust.)

<u>Source</u>	<u>Emission Control Actions to be Taken as Appropriate in Emergency Area</u>
a. General Actions for all sources and general public.	<ul style="list-style-type: none">a. Continue emission reduction measures taken under warning conditions.b. All places of employment, commerce, trade, public gatherings, government, industry, business, or manufacture shall immediately cease operations.c. Paragraph b. above does not apply to:<ul style="list-style-type: none">1. Police, fire, medical and other emergency services.2. Utility and communication services.3. Governmental functioning necessary for civil control and safety.4. Operations necessary to prevent injury to persons or serious damage to equipment or property.5. Food stores, drug stores and operations necessary for their supply.6. Operations necessary for evacuation of persons leaving the area.7. Operations conducted in accordance with an approved Source Emission Reduction Plan on file with the Department.d. The operation of motor vehicles is prohibited except for the conduct of the functions exempted in paragraph c. above.e. Reduce heat and power loads to a minimum by maintaining heated occupied spaces no higher than 65°F and turning off heat to all other spaces.

Table 3 (Continued)

Air Pollution Episode
EMERGENCY Conditions
Emission Reduction Plan

Pollution Episode Conditions for all Pollutants
(Except Particulate from Volcanic Activity or Windblown Dust.)

<u>Source</u>	<u>Emission Control Actions to be Taken as Appropriate in Emergency Area</u>
	f. No one shall use coal or wood for domestic space heating unless no other heating method is available.
b. Specific additional requirements for coal, oil or wood-fired electric power generating facilities operating under an approved source emission plan.	a. Maintain operation at the lowest level possible consistent with prevention of damage to equipment and power production no higher than is required to supply power which cannot be obtained elsewhere for essential services.
c. Specific additional requirements for coal, oil or wood-fired steam generating facilities operating under an approved source emission reduction plan.	a. Reduce operation to lowest level possible consistent with preventing damage to equipment.
d. Specific additional requirements for industries operating under an approved source emission reduction plan including: Petroleum Refining Chemical Primary Metals Glass Paper and Allied Products Mineral Processing Grain Wood Processing	a. Cease all trade waste disposal operations. b. If meteorological conditions are expected to persist for 24 hours or more, cease all operations not required for safety and protection of equipment.

Table 4

Air Pollution Episode Conditions Due to Particulate
Which is Primarily Fallout From
Volcanic Activity

or

Windblown Dust

Ambient Particulate Control Measures to be Taken
as Appropriate in Episode Area

Part A - ALERT Condition Actions

1. Traffic reduction by voluntary route control in contaminated areas.
 2. Voluntary motor vehicle speed limits in dusty or fallout areas.
 3. Voluntary street sweeping.
 4. Voluntary wash down of traffic areas.
-
-

Part B - WARNING Condition Actions

1. Continue and intensify alert procedures.
 2. Mandated speed limits and route control in contaminated areas.
 3. Mandate wash down of exposed horizontal surfaces where feasible.
 4. Request businesses to stagger work hours where possible as a means of avoiding heavy traffic.
-
-

Part C - EMERGENCY Condition Actions

1. Continue Warning level procedures, expanding applicable area if necessary.
2. Prohibit all except emergency traffic on major roads and thoroughfares until the area has been cleaned.
3. Other measures may be required at the discretion of the Governor.

Total Suspended Particulate Concentration Levels for Emergency Action When the Particulate is Primarily Fallout From Volcanic Activity or Dust Storms

Oregon Department of Environmental Quality
April, 1983

Air pollution "levels of significant harm" are established by the Environmental Protection Agency (EPA) with reference to air pollution generated by man. Emergency Action Plans (EAP's) are developed by the states to establish emergency measures to be taken to prevent pollution levels from reaching the level of significant harm. With respect to total suspended particulate (TSP) levels, the EPA established level of significant harm is 1000 ug/m³ for a 24 hour sample.

Naturally occurring and uncontrollable sources of air pollution such as fallout from volcanic activity and dust storm, are capable of producing TSP levels well above the national level of significant harm. It is prudent to see if the established significant harm level for TSP is really applicable in such cases.

Through internal policy statements, the EPA has recognized a fundamental difference between dust from native soil in rural areas and dust from urban areas, and has recognized rural areas as being in attainment, even though TSP samples sometimes exceed the primary or secondary ambient air standards. In the EPA "Fugitive Dust Policy Guidance for SIPs and New Source Review", August, 1977, one finds this statement:

"Briefly, efforts should begin to control fugitive dust from all major sources in urban areas, with little or no attention to natural or non-industrial (i.e., unpaved roads, agricultural activities) related fugitive dust sources in rural areas. Exclusion of rural areas from control efforts at this time is based upon the belief that the toxic fraction of fugitive dust in areas without the impact of man-made pollutants is likely to be small. Fugitive dust sources in such areas include dust from deserts, arid lands, sparsely vegetated land, exposed but vacant lots in rural communities, dust from sparsely traveled, unpaved roads and unpaved residential driveways, and other such conditions endemic to rural America. It is generally not exposed to potential contamination by industrial fallout or subject to adsorption of gaseous pollutants, which commonly occur in urban atmospheres".

From these statements it is clear that concern for the toxicity of TSP is centered in urban contamination. Dust from natural rural soils or from volcanic origin has not been subjected to urban contamination so real health and significant harm levels might be expected to be much higher than the established standards.

The eruption of Mt. St. Helens in 1980 and the resulting population exposure to higher levels of suspended particulate in the downwind distribution of ash, provides a basis for assessing some physiological effects of such high level particulate sources.

Volcanic particulate from Mount St. Helens resulted in some 24 hour average ambient particulate samples in the Portland, Oregon area between 1000 and 3000 ug/m³. Short term samples (3 to 12 hour averages) at places like Yakima and Spokane, Washington were used to estimate 24 hour averages as high as 20,000 to 30,000 ug/m³ for up to a 5 day period.

Table I summarizes the available data for hospital emergency room visits and admissions for respiratory ailments and TSP data during the first few eruptions of Mt. St. Helens. The major eruptions occurred on May 18, affecting mainly Eastern Washington; May 25, affecting Southwestern Washington and Portland; and June 12, affecting Portland.

The TSP data in Table I reflects, in a general way, the ambient levels of ash at various locations in the ash fallout areas. A significant rise in TSP values is observed following an eruption and ashfall.

These data are not, however, directly comparable because the sampling period is not equivalent for all samples. The highest of several sampling locations were considered for Longview and Portland data but only one sampling location was used for Yakima and Spokane.

The hospital visits and admissions due to respiratory illnesses also roughly follow the ash-fall sequence indicated by the TSP values but there is not a strong quantitative relationship. The hospital visits for Longview and Portland appear to be particularly insensitive to the eruptions and TSP values. The hospital diagnoses are related to respiratory type complaints and are at best only suggestive of problems from inhaling ash. The types of complaints tabulated include asthma, wheezing, cough, acute bronchitis, chronic obstruction pulmonary disease and hyperventilation.

The particulate data in Table I comes from the Oregon Department of Environmental Quality, Washington Department of Ecology, and the Spokane County Air Pollution Control Authority. The hospital emergency room visits and admission data is from a paper by Baxter et.al., Center for Disease Control, Atlanta, Ref. 1.

Evidence from the St. Helens incident seems to indicate that some health effects may be detected in the high-risk population in the 1000 to 3000 ug/m³ range, based upon hospital emergency visit and admission records. Significant increases in hospital admissions appeared to occur when volcanic ash particulate from fallout and resuspension were measured at levels in excess of 10,000 ug/m³ for several days in a row.

Some of the data suggest that hospital admissions for pulmonary disease may begin to increase when TSP measurements in the volcanic ash areas approach 2000 ug/m³ for several consecutive days. In Eastern Washington, pulmonary

TABLE I

Respiratory Diseases
Emergency Room Visits (ERV) and Hospital Admissions (HA)
at various hospitals during Mt. St. Helens eruptions.
Weekly totals ERV/HA by location (No. of hospitals)

1980 Date	TSP LEVELS ug/m ³				Ritzville Moses Lake	Pullman, Soap Lake, Ellens- burg, Ephrata (4)			Centralia, Chehalis (2)			Longview (2)	Portland (3)
	Yakima	Spokane Health Center	Longview ⁺	Portland ^{**} Area	Othello (3)	Yakima (2)	Spokane (2)	Chehalis (2)	Longview (2)	Portland (3)			
5/11 to 5/17					14/12	49/15		14/6	15/9	19/6	62/31	59/-	
5/18	33,402*	11,790*											
19	13,609*	20,870*		52									
20	5,863*	6,997*	62	73	72/35	150/83		27/7	55/17	31/7	54/14	68/-	
21	13,273*	5,910*	31	126									
22	28,465*	1,005*	28										
23	9,848*	869*											
24	1,773*	782*	720	137									
5/25	3,372*	85*	702	808									
26	248	351		342									
27	226	190	1420	1098	31/12	99/19		15/14	61/14	62/9	85/25	81/-	
28	334	162*	1987	544									
29	689	291*	2600	821									
30	255	159*		658									
31		168*	782	408									
6/1		1169*	1499	509									
2	236	398*	1119	277									
3	180	170*	473	189	14/8	101/21		18/8	45/9	33/5	51/16	75/-	
4	188	290*	499	342									
5	178	270*	298	175									
6	102	246*		256									
7	219	449*	510										
6/8	248	281*	986	74									
9	164	278*	244	70									
10	175	107*	312		14/8	102/16		13/10	36/16	27/6	53/16	69/-	
11	254	186*	364	64									
12	184	126*	192										
13	59	41*		2006									
14	168	85	92	2132									
6/15	78	43	162	2673									
16	149	90	183	1994									
17	107	141	361	3327		46/-				16/-		79/-	
18	144	151	340	1117									
19	180	149	271	818									
20	239	165	341	776									
21	215	124	180	432									

* Composite sample or
less than 24 hr period

+ Some
values
may be
less
than 24
hour
average

** Highest value
of several avail-
able sites in the
Portland area

disease admissions may have doubled from a normal average of about 42 patients to about 92 patients during the week after the May 18th eruption when TSP levels in ash fallout areas were measured at 10,000 to 30,000 ug/m³ for up to 5 days. The exposure and medical history of the patients is not known so it is impossible to draw specific conclusions. Given the size of the exposed population and the measured levels, it is significant that hospital admissions were not much higher than reported.

After the St. Helens incident, the EPA started a cooperative effort with the Center for Disease Control and the National Institute of Occupational Safety and Health to establish appropriate acute and chronic exposure levels for health standard for the St. Helens type of ash. That project has not been completed.

Dr. Sonya Buist of the Oregon Health Sciences Center recently published a summary of what is known about the effects of volcanic ash with medical judgments of the physiological effects on the population. Aside from the trauma deaths associated with the initial May 18th eruption, the known effects are limited to the respiratory complaints already described. Dr. Buist states, "The main reasons for the increase in emergency room visits seem to have been airways-related problems, such as bronchitis and exacerbations of asthma". She goes on to state there were an appreciable number of complaints related to eye irritation and abrasion, foreign bodies in the eye and conjunctivities.

Dr. Buist cautions against relying heavily on the reported number of clinical visits. She states, "However, it would be a mistake to place too much faith in the actual numbers because the disruption of normal life was so great, with travel very hazardous and many physicians' offices closed, that it is hard to know whether the numbers obtained were in fact an underestimate of the real extent of the problem or an overestimate".

Much of the concern about the toxicity of St. Helens ash related to the silica content, because of its known cytotoxicity in its alpha crystalline form. The consensus of approximately 25 analytical laboratories was that St. Helens ash is about 3 to 7% crystalline silica. Biological assays show the volcanic ash to be relatively inert, however, and it does not exhibit the cytotoxic effects of alpha quartz. Dr. Buist reports one set of workers (Beck et.al.) found that response to St. Helens ash was comparable to "aluminum oxide, which is generally considered to be relatively inert".

Some workers, however, (Martin et.al.) found lung damage in rats which were forced to breathe 100,000 ug/m³ of volcanic ash six hours per day for ten days. Concerning the results from such massive doses, Dr. Buist states: "Can these apparently conflicting results be reconciled? My interpretation of them would be that they clearly show that the volcanic ash does not have nearly the cytotoxic or fibrogenic potential of alpha quartz but it undoubtedly does have the ability to cause lung injury if deposited in sufficient quantities. In this regard, it is worth pointing out that the exposures in the inhalation studies and the dose instilled intratracheally were very high, much greater than any exposures encountered in an

occupational setting and orders of magnitude greater than environmental exposures. The question of whether lower doses delivered over a longer period will also cause lung injury must still be answered by appropriate studies in animals and humans".

Dr. Buist sums up her paper with the following:

"The advice given at the time of the ashfalls is still appropriate, namely, to minimize exposure to ash by staying indoors when feasible and by using masks approved by the National Institute of Occupational Safety and Health when out in the ash. Jogging and other forms of vigorous outdoor sports should therefore be avoided during and following ashfalls. Outdoor workers who are constantly exposed to the ash should wear adequate respiratory protection and goggles if eye irritation is a problem. Contact lenses should not be worn when dust levels are high".

In considering the available evidence, a proposed emergency level of 5000 ug/m³ for particulate from volcanic fallout or dust storms would seem to be conservative. At the 2000 to 5000 ug/m³ levels, the physical and mechanical inconvenience of the dust burden becomes so great that the public and local governments voluntarily start cleanup procedures. The proposed emergency action levels are thus seen as a reinforcement of voluntary effort.

Based on the experience in Oregon and Washington during the Mount St. Helens eruptions in 1980, it is recommended that emergency action levels for Alert, Warning and Emergency episodes be established at 800 ug/m³, 2000 ug/m³, and 5,000 ug/m³ respectively for 24 hour samples when the suspended particulate is primarily from volcanic activity or dust storms.

References:

1. Baxter, P.J., et.al.; Mount St. Helens Eruptions, May 18 to June 12, 1980, An Overview of the Acute Health Impact; JAMA 1981:V246, No.22, 2585-2589.
2. Buist, A.S.; Are Volcanoes Hazardous To Your Health? What Have We Learned From Mount St. Helens?; W. Journal of Med. 1982: V137, NO. 4, 294-301.

L.D. Brannock:a
AA3266

Legal Authority For Consideration of Proposed Revisions and Additions to OAR Chapter 340 Division 27, Air Pollution Emergencies.

Contingency plans to respond to air pollution emergencies are required by federal regulations, 40 CFR 51.16, as a part of the State Implementation Plan (SIP). The proposed new rules, OAR 340-27-005 through 340-27-035 are an Emergency Actin Plan (EAP) which is designed to meet the SIP requirements.

With the exception of the proposed new special conditions rule, OAR 340-27-012, the proposed EAP, OAR 340-27-005 through 340-27-035, would be submitted to the Environmental Protection Agency as a revision of the Oregon SIP. All of the proposed rules in the EAP would become a part of the general comprehensive plan authorized by ORS 468.305. Other Oregon statutes granting legal authority for these proposed rules are:

1. ORS 468.020 - directs the EQC to adopt rules necessary in the performance of its functions.
2. ORS 468.095 - grants the DEQ authority to enter and inspect any public or private property to ascertain compliance or non-compliance with any rule, standard or order within its jurisdiction.
3. ORS 468.115 - directs the Department, in cases of air contamination presenting an imminent and substantial endangerment to health, to enter an order at the direction of the Governor requiring the person or persons to cease from actions causing the contamination.
4. ORS 468.410 - grants authority to the EQC to adopt rules to regulate, limit, control or prohibit traffic as necessary to control air pollution which presents an imminent and substantial endangerment to health.

L.D. Brannock:a
AA3002.3

RULEMAKING STATEMENTS
for
Air Pollution Emergencies
OAR Chapter 340 Division 27

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 340-27-005 through 340-27-030 and adds OAR 340-27-012 and 340-27-035. It is proposed under authority of ORS Chapter 468 including 468.020, 468.095, 468.115, 468.280, 468.285, 468.305 and 468.410.

Need for the Rule

1. Changing federal requirements and experience with the Emergency Action Plan over the past decade have demonstrated the Emergency Action Plan to be obsolete and in need of revision.
2. Individual agency obligation to submit required source emission reduction plans is not clearly defined in the existing rule.
3. Actions required by the existing rule at Forecast and Alert air pollution episode stages are unnecessary.
4. The existing rule does not address some of the EPA requirements for emergency action plans.
5. The Alert level for ozone needs to be changed to avoid confusion with the ambient air quality standard.
6. Operation of volatile organic compound sources during ozone Warning and higher episodes needs to be limited.
7. Specific separate episode levels are needed for Total Suspended Particulate (TSP) which is primarily fallout from volcanic activity or dust storms.

Principal Documents Relied Upon

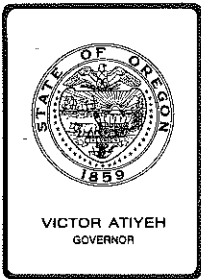
Federal Clean Air Act amended August, 1977;
CFR 40 Part 51.16; Annual Air Quality reports, 1976 to 1981, Oregon DEQ;
ORS Chapter 468; Fugitive Dust Policy: SIP's and New Source Review, EPA,
August 1977; Support document: Total Suspended Particulate Concentration
Emergency Action When the Particulate is Primarily Fallout From Volcanic
Activity or Dust Storms, DEQ, April, 1983.

FISCAL AND ECONOMIC IMPACT STATEMENT:

The proposed rules will reduce required planning documents and actions of manufacturing firms, businesses, and local governments, reducing the "burden of government" for businesses, and other agencies now required to take actions at low level air pollution episodes. New actions are proposed at the ozone warning level which would partially curtail the business operations of bulk gasoline plants, gasoline service stations, paper coating plants, spray painting operation and dry cleaning plants (except perchloroethylene processes). Small businesses involved in these activities may be required to curtail their activities during ozone Warning episode conditions. The ozone warning level has never been observed in Oregon and is not considered likely to occur in the future. Other small businesses are unaffected by any of the proposed rule changes.

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.



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: Hearing Officer

Subject: Report for Hearing Held July 6, 1983.

Proposed Amendments to Rules for Air Pollution Emergencies
OAR Chapter 340, Division 27

Summary of Procedure

A public hearing was convened in Room 1400 at 522 S. W. Fifth Avenue, Portland, Oregon, as announced in a properly filed public notice. The purpose of the hearing was to receive testimony on the proposed rule amendments. The hearing was conducted by Doug Brannock of the Air Quality Division staff. Margaret McCue of the Public Affairs section was also present at the hearing.

Oral testimony was offered by Ralph J. Edwards, Mobile Oil Corporation, 612 S. Flower Street, Los Angeles, CA 90017.

Oral and written testimony was offered by Michael J. Dougherty, Union Oil Company, Box 7600, Los Angeles, CA 90051 and Dr. Charles Shade, M.D., Multnomah County Health Officer, 426 S. W. Stark Street, Portland, OR 97204.

Written testimony was received from Dr. Max Bader, M.D., M.P.H., Oregon State Health Division, and Lane Regional Air Pollution Authority, 1244 Walnut Street, Eugene, OR 97403.

Summary of Testimony

Mr. Ralph Edwards of Mobile Oil Corporation, Los Angeles, believes the ozone Warning Episode Level actions required of service station operators is too restrictive. Mr. Edwards says prohibiting pump sales of gasoline between 2 a.m. and 2 p.m. would be a hardship on operators by restricting sales at a time of maximum sales volume. Mr. Edwards further stated that under these circumstances the period of authorized pump operation from 2 p.m. to 2 a.m. may not be sufficient relief from the operational curtailment during the morning hours. He thinks there will be a problem finding an adequate work force to operate the stations during disrupted hours of operation.

Mr. Edwards thinks data needs to be presented showing what the impact of operational curtailment under ozone warning conditions might be when applied to the operation of service stations and small bulk plants.

Mr. Edwards also thought data should be presented showing what reduction in ozone levels might be expected by the actions proposed.

Mr. Michael J. Dougherty of Union Oil Company echoes Mr. Edwards comments about the need to show the expected effect of the reduced VOC emissions on the ozone levels during ozone warning conditions.

Mr. Dougherty expressed several other points. He thinks the "pre-episode standby condition" identified in the proposed rule 340-27-010 should be deleted as there is no federal requirement to have such a condition in the Emergency Action Plan.

Mr. Dougherty thinks there is inconsistency to require emergency actions of small VOC sources such as service stations and bulk plants which emit less than 100 tons per year and are not required to develop a source emission reduction plan. He thinks service stations and bulk plants should not be included in the Emergency Action Plan.

Mr. Dougherty thinks that limiting the hours of service station gasoline sales has the potential for increasing ozone levels instead of decreasing the ozone. According to Mr. Dougherty, this could happen in three ways:

- a. Automobiles queuing up at service stations before 2 a.m. and after 2 p.m. will cause increased emissions from idling vehicles and increased sales of gasoline.
- b. Portlanders trying to get gasoline in Washington will cause traffic jams on the interstate bridges during the closed hours.
- c. Automobiles running out of gasoline will generate additional trips to get fuel and retrieve the stalled vehicles.

Dr. Charles P. Schade, Multnomah County Health officer, generally supports the proposed changes, particularly the approach to the problem of volcanic fallout or wind-blown dust and development of an operations manual.

Dr. Schade expressed a concern about the ozone standards and "ozone advisory." He thinks the wording should not be totally reassuring. He thinks "persons with chronic respiratory conditions and smokers should expect to develop some symptoms as ozone levels enter your advisory range; some may experience symptoms before that level."

Dr. Max Bader, State Health Officer, submitted comments on proposals covering ozone, carbon monoxide, and suspended particulate.

Concerning ozone, Dr. Bader is in agreement with the plan to issue an "ozone advisory" when the 1 hour standard is exceeded and with plans to raise the ozone alert level to 400 ug/m³. Dr. Bader points to the "controversy" which was raised when the State ambient air standard was raised from 160 ug/m³ to 235 ug/m³ and suggests that the Alert Level might be placed at 300 ug/m³ especially when that level is exceeded at several monitoring sites.

Concerning carbon monoxide, Dr. Bader thinks the levels and actions are reasonable where several monitoring sites exceed the levels. He thinks the actions required at the Warning Level may be a bit excessive if only one site exceeds the Warning Level.

Concerning suspended particulate, Dr. Bader was in favor of separating dust storms and volcanic particulates from other forms of particulate. He thought that volcanic particulate consisted of small particles which stayed suspended in air for an extended period of time but the proposed actions seemed appropriate. On the other hand, according to Dr. Bader, dust storms are usually short-term and the particles are larger. He sees no real reason to effect control strategies. Dr. Bader states that cases of "valley fever" have been related to dust storms but the disease is unknown in Oregon. He thinks that advisories should be limited to safety-type travel advisories issued jointly by the DEQ and State Police. Dr. Bader included several technical articles describing incidences of coccidioidomycosis (valley fever).

Donald R. Arkell, Director of the Lane Regional Air Pollution Authority submitted written testimony suggesting a number of changes to the text of the rules. Several suggested changes are typographical errors and minor changes in wording. Their written testimony is included in the attachments but the substantive changes suggested by Mr. Arkell are summarized below.

- a. LRAPA thinks definitions should be provided for "stagnant meteorological conditions" in 340-27-010(2)(a), (3)(a), and (4)(a); and for "major emission sources" in 340-27-035(2)(a).
- b. LRAPA would like to see a section of the rule reserved for future expansion of the particulate episodes to include values based upon a PM₁₀ measurement.
- c. At 340-27-012(1), LRAPA would like to see advisories for other air pollutants as well as for ozone.
- d. At 340-27-025(2), LRAPA would like to have the required concurrence of the DEQ deleted from the first sentence.

- e. In Table 2.B under Warning Episode Conditions for Carbon Monoxide, the public should be requested to refrain from using wood or coal for residential space heating.
- f. LRAPA wishes some guidance on how to enforce the prohibition on residential space heating listed in Table 3.F, sources a., action f.

Recommendations

This testimony is submitted for your consideration without recommendation.

Respectfully submitted,

L. D. Brannock

L. D. Brannock, Hearings Officer

Attachments:

Written Testimony

1. Michael J. Dougherty, Union Oil Company
2. Charles P. Schade, M.D., Multnomah County Health Officer
3. Max Bader, M.D., M.P.H., Oregon State Health Officer
4. Donald R. Arkell, Director, Lane Regional Air Pollution Authority

LDBrannock:ahe
229-5836
July 13, 1983
AZ288

Letter 7/6/83

Union 76 Division

Union Oil Company of California
Union Oil Center, Box 7600, Los Angeles, California 90051
Telephone (213) 977-7831 EC83-309

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUL 6 1983



July 1, 1983

AIR QUALITY CONTROL

Michael J. Dougherty
Manager Environmental Control

Mr. W. H. Young, Director
Department of Environmental
Quality
Air Quality Division
P.O. Box 1760
Portland, OR 97207

Dear Mr. Young:

Union Oil Company supports the intent of an Emergency Action Plan to protect public health. Union Oil Company will support curtailment plan actions that effectively improve air quality with minimum inconvenience to the public.

We would like to make the following suggested revisions to your proposed amendments to the Emergency Action Plan (EAP). The EAP is referenced in your Request for Authorization to conduct a public hearing to amend OAR Chapter 340, Division 27 as a revision to the Oregon State Implementation Plan (SIP).

Episode Stages (340-27-005 and 010)

As stated in the DEQ, Federal regulations require emergency action plans to specify two or more stages of episode criteria. The Oregon DEQ have proposed the use of three stages of episode criteria; Alert, Warning and Emergency. The DEQ is also proposing that a "pre-episode standby" condition be developed. It appears that the DEQ is substituting the "Standby Condition" as a "lowest air pollution episode condition" for the present "forecast" episode criteria, which the DEQ has indicated was unnecessary. There are no Federal requirements for this "standby condition" and since it represents "normal, every day conditions" we believe there is not need for it to be included with the episode criteria.

Mr. W.H.Young
July 1, 1983

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Part B - Motor Vehicles Related Pollution Conditions - Carbon Monoxide (CO), Ozone (O3): control actions to be taken as appropriate in warning area.

Under the ozone episode control measure (section d), restrictions are proposed that would cease gasoline transfer operations at service station and small bulk plants without vapor recovery. DEQ has defined sources which require a Source Emission Reduction Plan (SERP) (S 346-27-015) (2)(b) as those which emit "100 tons/year or more of volatile organic compounds when the non-attainment area, AQMA or any portion of the AQMA is designated non-attainment for ozone". Service stations and bulk plants emit much less than 100T/yr. of VOC and, therefore, should not be included in the emission reduction plan.

In addition to not being consistent with the SERP definition, service stations should not be included in any emergency episode plan since there is a potential to actually increase emissions from this proposal. Shutting down service stations without shutting down operations that cause trips to be generated will simply cause logistics problems that could result in an emission increase rather than a decrease. Consider the following:

- People (including three-person carpools) need gasoline to get to-and-from work. There will be long lines at service stations before and after the shutdown period. Emissions from idling vehicles and fueling will cause peaks which may be counterproductive
- Portlanders needing gasoline will simply head north and fuel their vehicles in Vancouver. In the middle of the day I-5 at Interstate Bridge could be backed up like it is at evening rush hours -- clearly counterproductive.
- People running out of gasoline will have to call friends or neighbors to come and pick them up which will generate more exhaust emissions.


Mr. W.H.Young
July 1, 1983

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Page 3

These are only a few of the practical problems which could result from shutting down service stations. We recommend that this strategy be deleted from the plan.

Union Oil Company appreciates the opportunity to comment on the proposed EAP regulations. If you have questions on our comments, please address them to me.

Very truly yours,



Michael J. Dougherty
Manager Environmental Control

SRK:gq
cc E. R. Brown
W. R. Morse
R. S. Osburn
P. C. Dennis



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
HEALTH PROTECTION DIVISION
DISEASE CONTROL OFFICE
426 S.W. STARK STREET
PORTLAND, OREGON 97204
(503) 248-3406

DONALD CLARK
COUNTY EXECUTIVE

June 14, 1983

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JUN 16 1983

Douglas Brannock
Dept. of Environmental Quality
Air Quality Division
PO Box 1760
Portland, OR 97207

AIR QUALITY CONTROL

Re: Amendments to the Rules for Air Pollution Emergencies

Dear Mr. Brannock:

Thank you very much for the opportunity to comment on your proposed rules.

I generally support the Department's approach to the problem of volcanic fall-out or wind-blown dust. Our experience with volcanic ash in this region is that the acute toxicity to it is slight, and that chronic toxicity has not been well demonstrated. If the silica content of volcanic ash were to change, we would need to rethink the standards which you have proposed, at least if exposure were expected to continue for a long period of time. The main personal health problem which we have observed in the Portland area during the Mt. St. Helens eruptions was upper respiratory irritation. The main cause of serious morbidity, however, was accidents related both to reduced visibility and to individual attempts to clean up the ash. Therefore, if you issue health warnings at any but the most extreme levels of volcanic ash aerosol, they should be directed to prevention of the more likely adverse affects.

I am also in complete accord with the development of an operations manual and would be delighted to provide assistance and the cooperation of our agency.

I am concerned about your alteration of the ozone standard, and your creation of a "ozone advisory". Because the literature for ozone exposure is unclear as to the chronic exposure effects, I think it is unwise for you to be totally reassuring in the wording of your ozone advisory message. It would be better to say that most of the population should experience no immediate adverse health affects from the levels of ozone present. Individuals with pre-existing respiratory illnesses may indeed have increased irritation.

Douglas Brannock
June 14, 1983
Page 2

Zagraniski and her co-workers showed that variation in ambient ozone levels between 0 and 0.2 parts per million were significantly associated with nose irritation, eye irritation, and cough in certain high risk individuals. Plopper and his colleagues demonstrated that exposure to 0.1 and 0.2 parts per million ozone produces morphological changes in rats. These studies certainly support stronger wording in your advisory message. Persons with chronic respiratory conditions and smokers should expect to develop some symptoms as ozone levels enter your advisory range; some may experience symptoms before that level.

Because questions of the possible mutagenicity and carcinogenicity of ozone have not been resolved, I would urge you to be circumspect in issuing messages of reassurance. I would further think it appropriate to consider the final ozone standard still unsettled. I am not aware of literature which has provided more definition in this area than was true last year when the commission fixed the standard.

Thanks again for the opportunity for commenting.

Sincerely,



Charles P. Schade, M.D.
Health Officer

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STATE OF OREGON

INTEROFFICE MEMO

TO: Douglas Brannock
Department of Environmental Quality

DATE: June 8, 1983

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 19 1983

FROM: Max Bader, M.D., M.P.H.
Oregon State Health Officer *Max Bader, MD*
Health Division

AIR QUALITY CONTROL

SUBJECT: Proposed Amendments to Rules for Air Pollution Emergencies

The following are my comments on your proposed rule amendments related to air pollution emergencies.

New ozone alert level

I have no problem in accepting the DEQ plan to issue an advisory when the 1-hour standard is exceeded or with the plan to raise the alert level to 400 ug/m³. However, there was considerable controversy over the State standard change from 160 ug/m³ to 235 ug/m³. It may therefore be desirable to keep the alert level a bit more stringent than that adopted by E.P.A. Instead of going from 200 ug/m³ to 400 ug/m³, perhaps a level of 300 ug/m³ might be considered when that level is found at several monitoring sites as opposed to a single monitoring site.

Carbon monoxide

The standards and actions noted are reasonable where several monitoring sites are affected. However, carbon monoxide level increases are often quite localized. If the problem is present only at a single, non-residential site, some of the warning actions may be a bit excessive. If carbon monoxide were to reach the 40-100 ppm emergency levels at many sites including residential areas, the problem would be more serious.

Total suspended particulate

The revisions in the TSP standards and monitoring levels are reasonable. Exclusion of dust storm and volcanic particulate is most appropriate.

Particulate from volcanic activity and dust storms

These are two quite different problems and are best dealt with separately. The standards and action levels proposed for volcanic activity seem appropriate in the light of our past experience. These are small particles which stay in the air and the environment for an extended time. Air stagnation makes the ash problem worse. The one suggestion here is to somehow demarcate the affected areas. The actions suggested are appropriate to the areas where the ash fell. However, like in a snowstorm, there may be areas that are completely or substantially missed in the same metropolitan area, e.g. when Portland and Beaverton suffered substantial ash fallout, Lake Oswego and Oregon City were missed.



Douglas Brannock
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Dust storms generally are short term and relate to winds, not air stagnation. The particles are larger and the problem is usually closer to the ground. Motion usually stops, because people can't see. There is no real reason to effect control strategies. There may be value for DEQ and the State Police to jointly issue travel advisories so that people can avoid getting caught in these storms. This might reduce accidents and other problems. The one disease concern related to dust storms is coccidiomycosis which is caused by the agent, Coccidioides immitis. This problem has not been noted in Oregon, but is seen in the southwest U.S. and the San Joaquin Valley where dust storms have caused epidemics of "Valley Fever". In those areas, it is worthwhile to warn area residents and travelers of the possibility of infection during a dust storm so that ill persons will not be subjected to unnecessary diagnostic tests. So far as is known, this organism is not found in Oregon. I would simply indicate that "Dust storms in Oregon are not considered to be an air quality problem which affects health, except to the extent that they obscure vision of drivers and result in traffic accidents. If at some future date the Health Division associates dust storms with a disease causing agent such as Coccidioides immitis, appropriate warnings will be provided to the public."

MB:cb

Enclosure

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AN UNUSUAL OUTBREAK OF WINDBORNE COCCIDIOIDOMYCOSIS

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 AND GORDON A. WONG, M.D.

EARLY in the morning on December 20, 1977, high-velocity winds centered around Arvin, a town at the southern extreme of the San Joaquin Valley near Bakersfield, in Kern County, California, bore aloft soil containing arthroconidia of *Coccidioides immitis*. Dispersion of this soil by peculiar wind conditions resulted in an epidemic of coccidioidomycosis in an area encompassing approximately 87,000 km², an area larger than the state of Maine. We report the morbidity, mortality and cost of the epidemic in Sacramento County, an area of 2797 km² at the northern limit of the San Joaquin Valley, which is normally an area of low endemicity for coccidioidomycosis.

METHODS

We reviewed hourly data on the wind and atmospheric conditions that were recorded at urban stations in the Central Valley (from south to north: Bakersfield, Fresno, Stockton, Sacramento and Marysville) by the National Weather Service (United States Department of Commerce) on December 20 to 21, 1977. The National Weather Service also supplied sequential data on baro-

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metric pressure for the same period. All cases of coccidioidomycosis reported to the county of Sacramento in the first six months of 1978 were reviewed. We accepted a case as dust storm related if the patient resided in Sacramento County at the time of the storm; had onset, within five weeks of the storm, of illness typical of acute coccidioidomycosis; had positive results on serologic studies for precipitin (IgM antibodies) or *C. immitis* in cultures of pulmonary secretions or extrapulmonary lesions during the acute illness; and, finally, had no indication of chronic coccidioidomycosis or other cause for the illness. Criteria for inclusion as a case of disseminated coccidioidomycosis were those for acute pulmonary disease plus demonstration of *C. immitis* in an extrapulmonary lesion other than mediastinal or supraclavicular nodes.

The Sacramento Regional Area Planning Commission provided data on the race and sex distribution of the population of Sacramento County. These data were based on a door-to-door sampling census conducted in 1975. We adjusted the population in each group to correct for an overall population growth in Sacramento County of 9 per cent from January, 1975, to December, 1977. We assumed that the racial distribution did not change during this period. We obtained data on medical-care costs from the University of California Davis Medical Center hospital and professional billing services.

RESULTS

The Storm

The apposition of an extreme high-pressure area to the northeast of California, centered over southern Idaho, with an extreme low-pressure area to the west, centered over the Pacific Ocean about 1300 km off the coast of California, generated winds gusting up to 160 km per hour in the southern San Joaquin Valley (Fig. 1). Wind swept down the west face of the Sierra-Tehachapi Mountains, scouring the topsoil to a depth of up to 15 cm and raising it in a huge dust cloud that reached an elevation of approximately 1500 m.¹ Lower-velocity winds produced such a severe ground-level dust storm in a wide area around Bakersfield that vehicle traffic on California's major north-south highway was halted. Extensive property damage from wind and blowing dust occurred locally. The winds continued for approximately 36 hours.

A prevailing southerly wind carried the dust borne aloft near Arvin up the San Joaquin Valley at high altitude. Settling of this dust produced hazy atmospheric conditions up to 600 to 700 km north of Bakersfield, from the foothills of the Sierra on the east to coastal communities between San Luis Obispo to San Francisco on the west. Cities to the south were not affected because of the presence of the Tehachapi Mountains and the prevailing southerly wind.

Dust reached Sacramento, 500 km to the north, 20 hours after the start of the storm in Kern County. It was omnipresent as a brown haziness in the air for approximately 18 hours — irritating the eyes and mucous membranes of area residents and forming a thick layer prominent on automobiles and sidewalks.

Morbidity

The State of California Department of Health Services recorded approximately 550 cases of coccidioidomycosis in the first 16 weeks of 1978, as compared with a maximum of 175 for this period in any of the

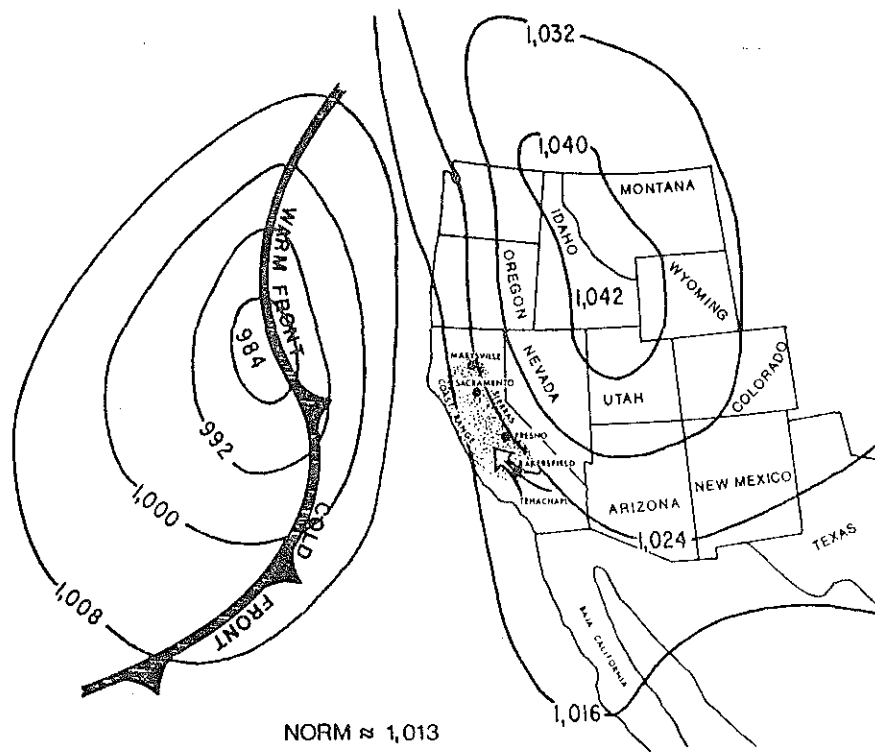


Figure 1. Map of the Dust Storm. Numbers represent surface pressures in millibars. The arrow indicates the direction of movement of soil dust, and the stippled area the area affected by settling dust.

previous 10 years.² Figure 2 shows the weekly reported number of cases of coccidioidomycosis in the state of California for 1968 to 1977 and for 1978. The steep rise in cases from the fourth to the 18th weeks of 1978 reflects cases reported after the dust storm. The rate of rise resumed a slope similar to that in previous years at approximately the 18th week. The rate appeared to increase again toward the 48th week. Most of these late cases were reported from Kern County. The lower portion of Figure 2 has been corrected for late reporting (22d week) of 105 cases by Sacramento County. These cases were apportioned for the graph according to week reported to the county, rather than week reported by the state.

As Talbot¹ has reported, 15 of California's 58 counties experienced greater than 10-fold increases over the usual number of reported cases for this period, and an additional nine counties recorded lesser increases. Sacramento County reported 139 cases that probably resulted from exposure to the dust, in contrast to the zero to six cases reported per year over the previous 20 years. One hundred and fifteen of these 139 cases met our criteria for dust-storm-related coccidioidomycosis. Exclusions resulted from residence and exposure in another county despite diagnosis and reporting by physicians in Sacramento County (eight patients), late onset of symptoms (12 patients) or equivocal or negative results on precipitin tests (four patients). Table 1 summarizes our data on these 115 cases.

Smith et al.³ estimated from a study of healthy military recruits stationed in an area highly endemic for *C. immitis* that the ratio of actual to reported cases

of acute pulmonary coccidioidomycosis was approximately 5:1. They also determined that 0.26 per cent of infected white men and 3.4 per cent of infected black men had disseminated disease. Application of the 5:1 ratio to the 115 cases in Sacramento County results in an estimated attack rate of 80 per 100,000, or one per 1200, population. However, on the basis of the 0.26 per cent rate of dissemination in white men (seven cases observed) and 3.4 per cent in black men (five cases observed), approximately 2700 infections occurred among white men, and 150 occurred among black men. Calculated attack rates based on these latter estimates are 970 per 100,000 white men and 700 per 100,000 black men, or approximately one per 100 men. The 10-fold discrepancy in calculated attack rate, depending on whether the ratio of actual to reported infections or the ratio of actual infection to observed disseminations is used, suggests that one of these ratios is in error.

In the study by Smith et al.³ of a population of military recruits in a highly endemic area, both the study population and the diagnosing physicians were extremely familiar with symptoms of coccidioidomycosis ("valley fever"). It is likely that patients more often reported symptoms suggestive of acute pulmonary coccidioidomycosis and that physicians more frequently diagnosed the disease in that study than in the epidemic that we studied.

However, disseminated disease is unlikely to escape detection and diagnosis for any appreciable length of time because of its persistent and usually severe symptoms. It is reasonable to conclude that the rate of dissemination is a more nearly constant feature of coc-

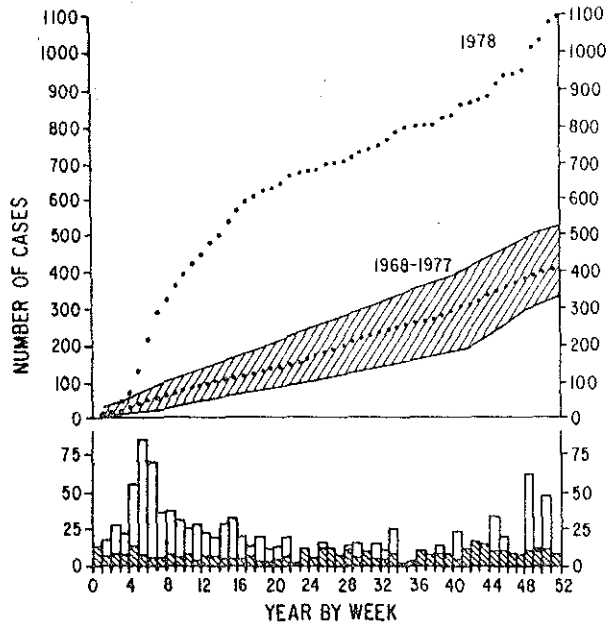


Figure 2. Reported Cases of Coccidioidomycosis According to Week, in California.

The upper portion shows the cumulative number; the hatched area represents the range of values, and the dotted line within the hatched area the mean value. The lower portion shows the number reported each week; the hatched bars represent the mean for 1968 to 1977, and the open bars the values for 1978.

coccidioidomycosis than is the proportion of infection to diagnosed and reported illness, which depends heavily on patient and physician awareness.

Our population was more heterogeneous than that of Smith et al.; however, we do not believe that lesser resistance to dissemination in our population could account for the high ratio of dissemination to reported cases, because only three of 16 patients experiencing disseminated disease had an identifiable underlying illness that might have contributed to susceptibility (one had ischemic heart disease with angina pectoris, one alcoholism, and one diabetes mellitus).

Advanced age in our population with disseminated disease (mean age, 47 years) could have contributed to a spuriously high observed rate of dissemination for the entire population at risk, but it is doubtful that this characteristic alone could have introduced a 10-fold error. Finally, it is possible that either the strain or strains of *C. immitis* that produced disease in the 1978 epidemic were more virulent than the strains involved in the population studied by Smith et al., or that the manner of inoculation or the density of the inoculum produced an unusually high rate of dissemination. We conclude that the attack rate was approximately one in 100 persons, and that as many as 7000 persons were infected in Sacramento County. If this figure is correct, the ratio of actual to reported infections was 50:1 in this epidemic.

Our data appear to confirm a predilection to dis-

semination in black men. The differences in the reported rates of acute pulmonary disease (67 vs. 19 per 100,000) and disseminated disease (23.8 vs. 2.5 per 100,000) in this epidemic in black vs. white men are significant ($P < 0.001$, chi-square with Yates' correction). These figures suggest that black men are more likely than white men to become ill enough to seek medical attention and have their illness diagnosed as coccidioidomycosis and are more likely to experience dissemination. Huppert⁴ recently reviewed data pertaining to racial differences in dissemination and concluded that further information was needed to confirm or deny the validity of the long held belief that blacks have dissemination more often than whites. Our information fulfills Huppert's criterion of uniform exposure. Socioeconomic status among affected blacks and whites was similar in this epidemic. Therefore, we conclude that although the study population was small, the statistically significant difference in the rates of dissemination of coccidioidomycosis among black and white men was unaccounted for by differences in exposure or socioeconomic status. The causes for the racial difference remain obscure.

Mortality

Eight of the 115 persons who acquired acute coccidioidomycosis as a result of infection with *C. immitis* during the dust storm have died. Two deaths were not directly attributable to the disease: one resulted from complications of anesthesia, and one from exsanguination from a ruptured pulmonary artery during mediastinotomy for a biopsy of an enlarged hilar lymph node. The remaining six deaths resulted from un-

Table 1. Characteristics of Sacramento County Study Population.

RACE	SEX	TOTAL			DISSEMINATED		DIED§
		REPORTED CASES	POPULATION IN THOUSANDS*	CASES/100,000	CASES	% OF REPORTED CASES	
White	M	52	279	19	7(4)†	13	3
	F	32	284	11	2(0)	6.3	1‡
Subtotal		84	563	15	9(4)	10	4
Black	M	14	21	67	5(2)	36	3§
	F	5	22	23	0	—	0
Subtotal		19	43	44	5(2)	26	3
Mexican-American	M	2	16.8	12	0	—	0
	F	2	17.2	12	0	—	0
Subtotal		4	34	12	0	—	0
Oriental	M	3	10	30	1(1)	33	0
	F	3	10.2	30	0	—	0
Subtotal		6	20.2	30	1(1)	17	0
Other	M	1	—	—	1(1)	—	1
	F	1	—	—	—	—	0
Subtotal		2	—	—	1(1)	—	1
Total		115	730	16	16(8)	14	8

* 1975 special census, Sacramento Regional Area Planning Commission, updated to Dec, 1977, door-to-door sampling method.
 † Figures in parentheses denote no. with meningitic dissemination.
 ‡ Includes 1 anesthesia-related death.
 § Nondisseminated operative death.

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controlled coccidioidal meningitis or hydrocephalus associated with meningitis or both. One patient with meningitis survived and is under treatment. Treatment with amphotericin B or amphotericin B methyl ester resulted in control of disease in all patients with nonmeningitic dissemination.

Economic Impact

The cost of treatment of patients with dissemination was high. Fourteen of the 16 patients in Sacramento County with disseminated disease were treated at the University of California Davis Medical Center by the authors, at a total cost of \$500,000. An additional six patients from surrounding counties were treated at the center, at a cost of \$280,000. Five patients were hospitalized with acute pulmonary coccidioidomycosis, at a cost of \$13,000. The remaining 94 patients received treatment on an outpatient basis, at an estimated cost of \$50 each, totaling nearly \$5,000. On the basis of the Sacramento County figures, it is apparent that the epidemic resulted in medical-care costs in excess of one million dollars throughout the state.

DISCUSSION

The dust storm of December 20 to 21, 1977, was a unique event in the recorded history of the San Joaquin Valley. It demonstrated the ability of *C. immitis*, an extremely hardy organism, to become airborne and be dispersed over a wide area as a result of peculiar meteorologic conditions. The airborne arthroconidia proved to be highly infectious, producing infection in perhaps as many as one per 100 residents of Sacramento County. In addition, *C. immitis* were deposited in the soil of nonendemic areas by the settling dust. It is intriguing to speculate that gigantic dust storms like this one may have a major role in determining the northern boundaries of the area endemic for *C. immitis* in California's Central Valley, with local wind activity playing a much less important part in distributing the fungus than it does in more highly endemic areas.⁵ *C. immitis*, in its arthroconidial state, is exceedingly well adapted to travel by means of airborne dust and awaits only an obliging wind to carry it to new, receptive soils or, incidentally, to human lungs.

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PSEUDOHYPOXEMIA SECONDARY TO LEUKEMIA AND THROMBOCYTOSIS

CHARLES E. HESS, M.D., ALLEN B. NICHOLS, M.D., WILLIAM B. HUNT, M.D., AND PAUL M. SURATT, M.D.

IN the interval between drawing of arterial blood and analysis of blood-gas composition, partial pressure of oxygen (PO_2) and pH fall, and the partial pressure of carbon dioxide (PCO_2) rises; the rate of these changes is dependent on the temperature.^{1,2} In addition, the rate of fall in partial pressure of oxygen in arterial blood (PaO_2) depends on the initial level of PaO_2 and also roughly correlates with the white-cell count.²⁻⁴ There are no data, however, concerning the effect of the specific cellular composition of blood on values of arterial blood gas. This investigation concerns the effect of extreme leukocytosis due to leukemia or thrombocytosis on the PaO_2 of blood stored at room temperature. The rate of fall in PaO_2 in these patients is increased enough over that in controls to lead to an incorrect diagnosis of hypoxemia if analysis of blood gas is delayed and the sample is stored at room temperature.

PATIENTS AND METHODS

Patients with thrombocytosis and various types of leukemia were studied. Those with fever or a thyroid disorder were excluded. Normal subjects or patients with chronic obstructive pulmonary disease served as controls. Two arterial-blood samples were drawn from the brachial artery in a 10-ml glass syringe whose dead space was filled with heparin (100 U per milliliter). One sample was kept at room temperature (22 to 24°C), and the other immediately immersed in ice water (2°C). PO_2 , PCO_2 , and pH were measured in each sample every 15 minutes for one hour with two model 113-S1 Instrument Laboratory pH and blood-gas analyzers (Instrument Laboratory Inc., Lexington, Massachusetts). The water bath of the analyzer was maintained at 37°C. Before each determination the PO_2 and PCO_2 electrodes were recalibrated with a low-gas oxygen-carbon dioxide mixture, and the pH electrode was recalibrated with 7.385 pH buffer. Hematologic studies were performed on samples of venous blood obtained at the same time as the arterial samples. Statistical significance was measured with Student's t-test.

RESULTS

Clinical and hematologic data are presented in Table 1. The hematocrit range in seven controls (one of whom had chronic obstructive pulmonary disease) was 31 to 44 per cent, the white-cell count 4100 to 8600 per cubic millimeter, platelets 190,000 to 333,000 per cubic millimeter and reticulocytes 0.2 to 1.0 per cent; all had normal differential white-cell counts. The mean PaO_2 values at 22°C measured at 15-minute intervals in patients and controls are shown in Figure 1. Changes in PaO_2 after one hour of storage at 22°C and 2°C in patients are shown in Table 2. The mean decrease in PaO_2 after storage for one hour

From the Hematology and Pulmonary divisions, Department of Internal Medicine, University of Virginia School of Medicine, Charlottesville (address reprint requests to Dr. Hess at the Department of Medicine, Box 180, University of Virginia Hospital, Charlottesville, VA 22908).

Supported by a grant (4-66672) from the Research and Development Fund, University of Virginia School of Medicine.

URBAN COCCIDIOIDOMYCOSIS AND HISTOPLASMOSIS

Sacramento and Indianapolis

Quite suddenly, however, it launched a new attack and established itself in the business center. Residents accused the wind of "broadcasting germs," as the hotel manager put it. Whatever the reasons might be, people living in the central districts realized that their turn had come...

Camus, *The Plague*, 1947

COCCIDIOIDOMYCOSIS and histoplasmosis are traditionally (if not always accurately) considered to be related to rural pursuits. Histoplasmosis has been associated with the clearing of land where birds have roosted, the destruction of a chicken house, spelunking, sleeping on a pillow made of chicken feathers and, most recently, cutting down a giant oak tree in Williamson County, Tennessee.¹ Coccidioidomycosis has been associated with the clearing of semidesert land for airfields, archeologic searches for American Indian artifacts and traveling through the countryside with the automobile window down.² When cases of either mycosis occur in urban areas, there is generally the suspicion that the patient has been in a rural area where the disease is endemic or has had contact with an identifiable, local point-source of infection (e.g., the school-yard contaminated with bird-droppings that affected participants on "Earth Day"³), even if the source cannot be specifically identified. Indeed, some of the fun of medical diagnosis comes in trying to determine where infections with coccidioidomycosis or histoplasmosis were acquired.

The article concerning the dust storm in California in this issue of the *Journal* serves to remind us, however, that city dwellers are not spared more generalized exposure to endemic mycoses. When man fails to come to the fungus, the fungus is perfectly capable of coming to man. This is not a new point. The likelihood of acquiring histoplasmosis as an airborne "pollutant" rather than through contact with a specific locus of fungal contamination is well known to mycologists.⁴ The common denominator has been disturbance of the environment, often by human activity, with subsequent airborne spread of fungi.

What makes the present coccidioidomycosis story so extraordinary is that at about the same time that *Coccidioides immitis* arthroconidia were attacking urban (and rural) northern California, the conidia of *Histoplasma capsulatum* were engaged in similar pursuits in Indianapolis. The latter outbreak, occurring between November, 1978, and April, 1979 (and possibly still in progress), has produced nearly 350 clinical cases of acute pulmonary histoplasmosis, with 36 instances of dissemination and 14 deaths. The actual attack rate may be 100 to 1000 times higher, and it has been estimated that more than 20 per cent of the residents of Indianapolis may have acquired histoplasmosis dur-

ing the same period. All cases of coccidioidomycosis reported to the county of Sacramento in the first six months of 1978 were reviewed. We accepted a case as dust storm related if the patient resided in Sacramento County at the time of the storm; had onset, within five weeks of the storm, of illness typical of acute coccidioidomycosis; had positive results on serologic studies for precipitin (IgM antibodies) or *C. immitis* in cultures of pulmonary sections or extrapulmonary lesions during the acute illness; and, finally, had no indication of chronic coccidioidomycosis or other cause for the illness. Criteria for inclusion as a case of disseminated coccidioidomycosis were those for acute pulmonary disease plus demonstration of *C. immitis* in an extrapulmonary lesion other than mediastinal or supraclavicular nodes.

The Sacramento Regional Area Planning Commission provided data on the race and sex distribution of the population of Sacramento County. These data were based on a door-to-door sampling census conducted in 1975. We adjusted the population in each county to correct for an overall population growth in Sacramento County of 9 per cent from January, 1975, to December, 1977. We assumed that the racial distribution did not change during this period. We obtained data on medical-care costs from the University of California Davis Medical Center hospital and professional billing agencies.

RESULTS

The Storm

The apposition of an extreme high-pressure area to the northeast of California, centered over southern Idaho, with an extreme low-pressure area to the west, centered over the Pacific Ocean about 1300 km off the coast of California, generated winds gusting up to 160 mph per hour in the southern San Joaquin Valley (Fig. 1). Wind swept down the west face of the Sierra-Tehachapi Mountains, scouring the topsoil to a depth of up to 15 cm and raising it in a huge dust cloud that reached an elevation of approximately 1500 m.¹ Lower-velocity winds produced such a severe ground-level dust storm in a wide area around Bakersfield that vehicle traffic on California's major north-south highway was halted. Extensive property damage from wind and blowing dust occurred locally. The winds continued for approximately 36 hours.

A prevailing southerly wind carried the dust borne aloft near Arvin up the San Joaquin Valley at high altitude. Settling of this dust produced hazy atmospheric conditions up to 600 to 700 km north of Bakersfield, from the foothills of the Sierra on the east to coastal communities between San Luis Obispo to San Francisco on the west. Cities to the south were not affected because of the presence of the Tehachapi Mountains and the prevailing southerly wind.

Dust reached Sacramento, 500 km to the north, 20 hours after the start of the storm in Kern County. It was omnipresent as a brown haziness in the air for approximately 18 hours — irritating the eyes and mucous membranes of area residents and forming a thick layer prominent on automobiles and sidewalks.

Morbidity

The State of California Department of Health Services recorded approximately 550 cases of coccidioidomycosis in the first 16 weeks of 1978, as compared with a maximum of 175 for this period in any of the

ing this period. The source of infection may have been construction activity within the city, with subsequent spread of fungi, since most cases have been downwind (Wheat LJ, White A: personal communication).^{*} In any event, these two episodes appear to represent the largest epidemics of histoplasmosis and coccidioidomycosis ever reported in urban areas.

The outbreaks in Sacramento and Indianapolis are instructive for several reasons. First of all, neither of these cities is recognized as being within the traditional endemic zones of either of the respective mycoses, although both cities are near the northern borders of such areas. Traditionally, the presence of a fungal endemic zone and a susceptible population within striking distance results in epidemics of infection when conditions (in this case, the wind) are right.

Secondly, the clinical manifestations of acute respiratory mycoses tend to be nonspecific and are easily confused with a variety of other respiratory infections, including the usual bacterial pneumonias, mycoplasma infection, psittacosis, Q fever and Legionnaires' disease. A useful clue to the presence of coccidioidomycosis, especially when many cases occur simultaneously, is the presence of erythema nodosum or erythema multiforme with prominent articular complaints and conjunctivitis. This so-called (San Joaquin) valley fever complex (also known as "desert rheumatism" or "the bumps") has seemed particularly prone to occur in white women and is reputedly associated with a good prognosis.² However, this point is debatable because the prognosis for recovery from coccidioidomycosis is excellent in white women even without the valley fever complex. The development of symptoms appears to coincide with the acquisition of delayed-type hypersensitivity to coccidioidin — suggesting that cell-mediated immunity is important in the pathogenesis of this clinically dramatic phenomenon. Not so widely appreciated, although admirably documented, is the occurrence of virtually the same symptom complex in the early stages of histoplasmosis; most patients so affected have been middle-aged white women.^{5,6} Of interest is the observation that rheumatologic complaints and erythema nodosum were also present in a number of patients in Indianapolis. It is apparent that our understanding of these immunologic phenomena is incomplete, and that they are not necessarily linked to a single type of fungal infection. Nevertheless, a community-wide outbreak of acute respiratory infection with the appropriate cutaneous and articular manifestations should alert practitioners to the possible presence of coccidioidomycosis or histoplasmosis.

Thirdly, earlier observations suggesting that blacks may be unusually predisposed to coccidioidal dissemination² appear to be borne out by the report in
this issue

^{*}Many of these data will be presented at the 19th Interscience Conference on Antimicrobial Agents and Chemotherapy, October 1 to 5, 1979, in Boston.

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trosoarea (CCNU), procarbazine, hexamethylmelamine and an epidodophyllotoxin (VP-16-213).

Combination chemotherapy is superior to single drugs in eliminating all clinical evidence of the neoplasm (complete response). A complete response is the first step to increasing useful survival. The most frequently administered combination chemotherapeutic regimen consists of cyclophosphamide given with either doxorubicin and vincristine, methotrexate and vincristine or with methotrexate and CCNU. Chemotherapy has generally been applied rather intensively, but intermittently to allow for hematologic recovery between treatments. More intensive therapy (higher doses given more frequently), although associated with greater toxicity, appears more effective in producing complete responses. The optimal type and duration of therapy have not been determined.

The role of radiotherapy is being defined.²¹ Prophylactic cranial irradiation results in an appreciable decrease of the incidence of brain metastases.¹⁴ The brain is a pharmacologic sanctuary, and metastases cannot be eradicated by chemotherapy. Irradiation of the primary tumor and chemotherapy in extensive-stage patients have not improved results over the same chemotherapy alone. In limited-stage patients, chemotherapy and irradiation of the primary tumor have been widely used, but the value of radiotherapy over combination chemotherapy alone is currently under study.

Radiotherapy of symptomatic lesions in the brain and spinal epidural space should be given in concert with chemotherapy. In previously untreated patients, obstructed bronchi and superior vena cava syndrome appear to respond equally well to combination chemotherapy or radiotherapy, so chemotherapy alone is appropriate initial therapy. Palliative radiotherapy should be used when these problems are not responsive to chemotherapy.

Limited-stage patients treated by several regimens attained a complete response rate of about 66 per cent, as compared with 20 per cent in extensive-stage patients.¹⁹ A minority have remained in complete remission for longer than two years. Of 225 limited-stage patients compiled from 10 institutions and treated with effective combination chemotherapy alone or with radiotherapy, 184 had complete remissions (72 per cent), and 42 of these 184 patients (23 per cent) remained free of detectable cancer for two years or longer after beginning therapy.¹⁹ Although kinetically active neoplasms usually recur promptly or not at all, longer follow-up study is necessary to determine if a two-year "cancer-free" survival is tantamount to cure. Extensive-stage patients have only rarely (1 to 2 per cent) remained free of detectable cancer more than two years after treatment with current therapies.

All the effective regimens are associated with some toxicity. The severity of toxicity is a function of the dose of drugs and of irradiation, the number and type of drugs, the schedule of therapy, the stage of disease,

the presence of other medical illnesses and the patient's performance status. Encouraging patients to maintain adequate nutrition may help to attenuate toxicity, and in malnourished patients, enteral or parenteral hyperalimentation should be considered. In general, transient nausea, vomiting, alopecia and neurotoxicity are favorable trade-offs for the symptoms and signs of cancer. Most regimens produced granulocytopenia (500 to 1000 cells per cubic millimeter) for three to eight days in each cycle, and infection, often manifested only by fever, is the major risk. Approximately 5 to 10 per cent of patients will require hospitalization for presumed sepsis, and the risk of lethal infections is 1 to 4 per cent during the course of induction therapy. During the granulocytopenic period, the patient and physician must be acutely aware of fever, chills or other symptoms and signs suggesting infection. Other severe toxicities may include thrombocytopenia (less than 20,000 platelets per cubic millimeter of blood), transient irradiation-drug-induced esophagitis, irradiation-drug-induced pneumonitis and cardiotoxicity due to doxorubicin.

The therapy available offers the patient the opportunity to obtain effective palliation and prolongation of life. A minority of patients can be expected to remain free of detectable cancer more than two years after beginning therapy, and these patients have the potential for cure. Although current therapies are now more effective, toxicity and the high relapse rate remain major problems. By necessity, a better understanding of basic mechanisms, better methods for determining the extent of disease before and after therapy and improvements in therapy will continue to evolve and be refined.

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A Large Urban Outbreak of Histoplasmosis: Clinical Features

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An outbreak of histoplasmosis estimated to involve more than 100 000 residents in Indianapolis, Indiana, occurred between September 1978 and August 1979. In the 435 cases evaluated, 52% of the patients were between 15 and 34 years old, and 63% were black. Fifteen patients died, and 46 had progressive disseminated infection. Twenty-four patients had pericarditis, and 26 had rheumatologic syndromes. Unusual manifestations that occurred in 18 patients included esophageal and vocal cord ulcers, parotitis, adrenal insufficiency, uveitis, fibrosing mediastinitis, interstitial nephritis, intestinal lymphangiectasia, and epididymitis. The highest attack rate was in the central part of the city, which is a densely populated, disproportionately black section. The source of the outbreak has not been proved by positive culture results; two sites, however, were suspected on an epidemiologic basis.

RESPIRATORY MYCOSES have been called "sleeping giants" (1). The exact prevalence and importance of these infections are unknown; 500 000 persons, however, are estimated to acquire histoplasmosis each year in the United States (2). Histoplasmosis may not be suspected in urban residents with pulmonary illnesses who have not engaged in activities such as cleaning a chicken coop, clearing a bird roost, or tunneling through a cave inhabited by bats. Today most citizens of the United States live in towns or cities. Microfoci containing *Histoplasma capsulatum* spores are located in parks, open fields, and old buildings of many U.S. cities and are frequently disturbed during construction and demolition activities (1). Such activities are so commonplace that patients are usually unaware of their potential exposure. In patients without a history of exposure, physicians often fail to consider histoplasmosis in the differential diagnosis of a respiratory illness.

A large but elusive outbreak of histoplasmosis occurred in Indianapolis, Indiana, a city with a population of nearly 1 million. This outbreak was not suspected for at least 4 months because patients presented sporadically to many different physicians rather than as a cluster. Ultimately, over 100 000 Indianapolis residents were presumed infected, over 300 were hospitalized, and at least 5 died. Findings from this outbreak expand our knowledge of the clinical findings in acute histoplasmosis.

Materials and Methods

An outbreak was first suspected in January 1979 on the basis of an apparent increased frequency of histoplasmosis in six Indianapolis hospitals. At that time a retrospective and prospective study of persons with positive culture or serologic test re-

sults for histoplasmosis at those six hospitals was started. About half the cases occurring between September 1978 and September 1979 in both the retrospective and the prospective part of the study were personally evaluated by the authors.

Patients were considered to have histoplasmosis if they fulfilled the following two criteria and no other cause for the illness could be found: [1] appropriate clinical syndrome: pulmonary infiltrates or hilar or mediastinal lymphadenopathy on chest roentgenogram with or without respiratory symptoms; or arthritis or arthralgia; or pericarditis; or an unexplained febrile illness in an immunocompromised patient; and [2] laboratory evidence of histoplasmosis: positive cultures or histopathologic visualization of organisms consistent with *H. capsulatum* in deep tissues, complement fixation titers of at least 1:8 to the yeast or mycelial antigens, or both, or H or M precipitin lines by immunodiffusion (3). The methods for serologic testing have been reported (4).

The following laboratory classifications were used: proven—positive cultures or histopathologic visualization of organisms consistent with *H. capsulatum* from deep tissues; highly suggestive—complement fixation titers of at least 1:32 to the yeast or mycelial antigen, or a fourfold titer change in sera tested at least 2 weeks apart during the outbreak or follow-up during the subsequent year; or presumptive—complement fixation titers of 1:8 or 1:16 to the yeast or mycelial antigens or H or M precipitin lines by immunodiffusion but negative complement fixations test results (3). The clinical classification of cases was [1] acute respiratory syndrome—respiratory complaints with a chest roentgenogram showing hilar or mediastinal adenopathy or pulmonary infiltrates; [2] disseminated histoplasmosis—progressive illness (continued fever and weight loss after 3 weeks of illness) and histopathologic or cultural evidence of *H. capsulatum* in an extrapulmonary location (liver, spleen, bone marrow, blood, or extrathoracic lymph nodes, 40 cases; and noncalcified granulomas in extrathoracic tissues, six cases); three weeks of illness was chosen because acute pulmonary histoplasmosis generally resolves in less than 2 weeks (5-7); [3] pericarditis—pericardial chest pain and a pericardial friction rub or cardiomegaly with a pericardial effusion shown by echocardiography if no other cause could be established; [4] rheumatologic syndrome—arthritis or arthralgia if the latter was the major symptom; [5] asymptomatic—identified through evaluation of roentgenographic abnormalities found during routine examination or evaluation of another problem.

Results

DOCUMENTATION OF THE OUTBREAK

Laboratory records at the six Indianapolis hospitals were reviewed for positive cultures for *H. capsulatum* from January 1976 to December 1979. An average of two cases of culture-proven histoplasmosis per 3-month period was documented from January 1976 to September 1978, compared to 27 in the last quarter of 1978 and 29 in the first quarter of 1979 but only one in the second quarter of 1979. Although there was a 20.8% increase in the number of cultures done during the two quarters between October 1978 and March 1979, the fraction that

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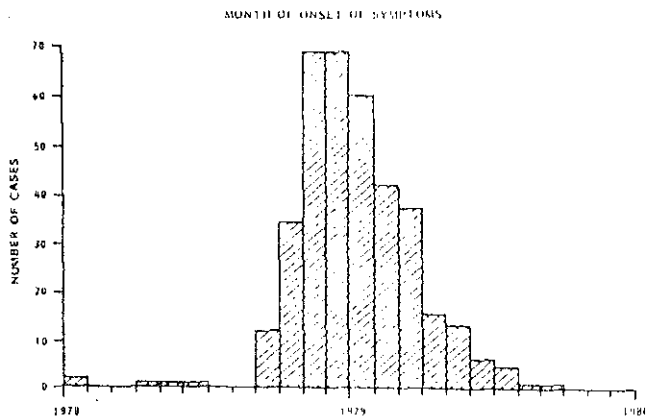


Figure 1. Monthly incidence of new cases of histoplasmosis. Data from 54 asymptomatic cases diagnosed in evaluation of new chest roentgenographic abnormalities and 19 patients in whom the date of onset of symptoms was unclear were excluded from this figure.

were positive increased eightfold from 1.1 per 1000 to 8.9 per 1000 ($p < 0.0001$). Thus the increased number of positive culture results is not explained by the increased number of specimens cultured. There were no changes in laboratory techniques or initiation of screening or surveillance programs during the period that accounted for this increase in the number or fraction of positive cultures.

The monthly prevalence of laboratory-confirmed cases of histoplasmosis in Indianapolis, Indiana, from January 1978 to December 1979 is shown in Figure 1, with data only from Indianapolis residents or nonresidents who visited Indianapolis regularly included. The outbreak appears to have started in September 1978 when the number of cases increased to 15 SD higher than the average during the preceding 8 months. The number of cases per month returned to the pre-epidemic baseline in August 1979. Subsequent analysis concerns only cases that occurred during that 12-month period, to exclude cases in which patients were believed not to have acquired histoplasmosis during this outbreak. Additionally, several cases that were diagnosed in Indianapolis hospitals but probably contracted elsewhere have not been included. This criterion was needed to exclude cases that were not acquired in Indianapolis but rather in the home town of persons referred to one of the hospitals studied.

The geographic distribution of cases is shown in Figure 2. The greatest concentration of cases occurred in the center of the city. Because that area of the city is densely populated, case rates per 1000 residents in specific census tracts were ascertained (Table 1). Case rates were also highest in that area. Thus, the central part of the city was the area with the highest prevalence of clinically apparent infection. A serologic survey of juniors and seniors from 13 Indianapolis high schools confirmed the high prevalence of infection in that area. Except for informed consent from the student and parents, no other criteria were used for selection of those volunteers.

CLINICAL FEATURES

Four hundred thirty-five cases that met the criteria for inclusion and occurred between September 1978 and August 1979 were evaluated for clinical details. There were

213 males and 222 females. Two hundred sixty-seven or 62.8% of patients were black, and 168 or 37.2% were white. To ascertain whether blacks were predisposed to infection, race-specific attack rates within specific census tracts were ascertained (Table 1). The attack rate of clinically apparent infection was significantly higher in blacks than in whites irrespective of residence (inner city, $p < 0.025$; outer city, $p < 0.0001$). Reporting bias should not explain the apparent predisposition of blacks to clinically apparent infections because six different hospitals serving most Indianapolis residents were studied. The correlation of attack rate of clinically recognized infection and age is shown in Table 2. The age distribution of patients and of other Indianapolis residents differed significantly, with a preponderance of cases in persons between 15 and 34 years old ($p < 0.0001$). Serologic studies confirmed the higher attack rate in young adults compared to older persons. Sera were obtained from 170 Wishard Memorial Hospital outpatients who were more than 55 years old and who lived in the 39 census tracts in the central part of the city and from 292 high school juniors and seniors from those same census tracts. Except for age and census tract, there were no other criteria for the Wishard Memorial Hospital outpatients. Whereas 36.0% of surveyed high school students from those tracts were seropositive in the midst of the outbreak, only 8.8% of persons more than 55 years old from that same area were seropositive ($p < 0.0001$). Before the outbreak, one of 67 or 1.5% of the 15- to 35-year-old residents of the 39 inner city census tracts were seropositive (M bands by immunodiffusion). Those sera were obtained between March and May 1978 from outpatients at Wishard Memorial Hospital who had pre-employment syphilis serologic studies done. Except for age and census tract, those

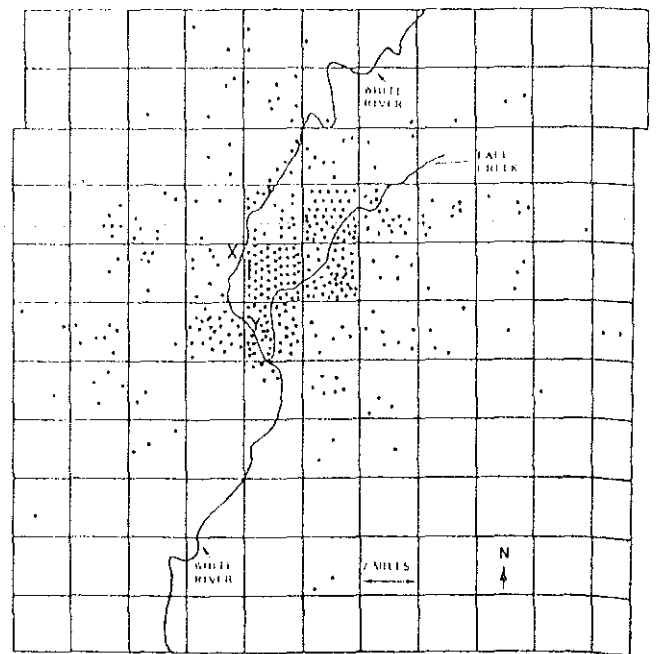


Figure 2. The residences of patients in the Indianapolis cases are shown on this map of Indianapolis. Point X, an old amusement park, and point Y, a newly constructed tennis stadium, were two possible sources for the outbreak.

Table 1. Correlation of Case Rate with Race and Residence

Race	Inner City*		Outer City		Overall†	
	cases/residents	cases/1000‡	cases/residents	cases/1000	cases/residents	cases/1000
Black	134/83 609	1.60	80/50 877	1.57	214/134 486	1.57
White	52/47 015	1.10	117/608 268	0.19	169/655 283	0.26
Total	186/130 624	1.42	197/659 145	0.30	383/789 769	0.48

* This was a group of 39 census tracts in the center of the city. The area was chosen on the basis of a serologic survey of high school juniors or seniors. Thirty-six percent of the 292 students tested who lived in those 39 census tracts but only 14% of students living in other parts of the city were seropositive. The sex, race, age, and census tract distribution of Indianapolis residents was obtained from the 1970 census.

† Number of clinically recognized and laboratory-confirmed cases of histoplasmosis per 1000 population evaluated from September 1978 to August 1979. Data on patients who lived outside Indianapolis and patients whose census tract of residence could not be ascertained are excluded.

outpatients were unselected. Those sera had been frozen at -70°C until they were tested by immunodiffusion.

A clinical classification of cases is shown in Table 3. The symptoms and signs in the entire group of 435 cases included fever in 62.9%; cough, 60.7%; chest pain, 54.5%; chills, 44.4%; sweats, 41.6%; weight loss, 38.4%; hepatomegaly, 14.6%; palpable lymphadenopathy, 9.2%; splenomegaly, 7.8%; hemoptysis, 6.4%; and erythema nodosum, 4.1%. Illness lasted more than a month in at least 45% of patients. Thirty-one or 67.4% of the patients with disseminated histoplasmosis had hematologic malignancies or were receiving corticosteroids or cytotoxic medications. Clinical findings in the 46 patients with disseminated histoplasmosis included respiratory symptoms with chest roentgenographic abnormalities in 100%; fever, 78.3%; weight loss, 67.4%; hepatomegaly, 43.5%; and splenomegaly, 26.1%. The average duration of symptoms in patients with disseminated infection was 9 ± 5 weeks; 73% were symptomatic for longer than 5 weeks and 50% for more than 10 weeks. Results of blood or bone marrow cultures were positive in 56.5%, and death occurred in 23.9% of disseminated cases. At least one of those indicators of severe infection occurred in 67.4% of disseminated cases, suggesting that most of these patients had serious, life-threatening infections. The illness resolved in seven patients with disseminated histoplasmosis without amphotericin B treatment; however, the frequency of late progression has not been ascertained. Treatment was withheld in four of those seven patients because improvement had occurred by the time the histologic or culture result was known. Reasons for withholding treatment from the other three patients are not known. All seven patients with spontaneous resolution of illness were immunosuppressed and ill for more than 10 weeks. Four of those seven patients had positive culture results (blood, bone marrow, intra-abdominal lymph node, one each) or histopathologic visualization of organisms resembling *H. capsulatum* in extrapulmonary tissues (spleen, bone marrow, intra-abdominal lymph node, one each). The remaining three had positive findings of serologic studies and noncaseating granulomas in the liver (one patient) or the liver and bone marrow (two patients).

Pericarditis, arthritis, or arthralgia occurred in over 10% of cases. Twenty of the 24 patients with pericarditis were black. These patients all had respiratory symptoms,

nine had pulmonary infiltrates, 12 had hilar lymphadenopathy, and three had pleural effusions. Four of these patients required partial pericardiectomies for relief of tamponade. *Histoplasma capsulatum* was seen but not cultured in histopathologic sections of lung or mediastinal tissue of the patients with the two proven cases, and non-caseating granulomas without visible yeast forms or positive cultures results were found in the pericardium of another patient. Pericardial fluid was analyzed in four cases and was usually described as bloody. The fluids contained 552 to 30 000 leukocytes/mm³ (mean, 7925/mm³); 4080 to 775 000 erythrocytes/mm³ (mean, 146 846/mm³), and 5.6 to 7.4 g of protein/dL (mean, 5.8g). None of the pericardial fluid cultures grew *H. capsulatum*. Of the 26 patients with rheumatologic syndromes, six had frank arthritis, nine had erythema nodosum, 17 had respiratory symptoms, and 13 had pulmonary infiltrates or hilar lymphadenopathy. Of the six patients with frank arthritis, none were in the proven category, three in the highly suggestive, and three in the presumptive laboratory category. The three patients with arthritis in the presumptive category had M bands by immunodiffusion but were not tested for complement-fixing antibodies. Synovial fluid obtained from a single patient had a poor mucin clot and negative results of Gram stain and culture and contained 11 500 leukocytes/mm³, 61% lymphocytes, 25% neutrophils, and 14% monocytes. A synovial biopsy from that same patient showed

Table 2. Age-Related Infection Rate*

Age Group	Cases		Residents	
	yr	n	n	n/1000
0-4	14	70 867	0.20	
5-14	35	166 587	0.21	
15-24	110	135 711	0.81	
25-34	118	100 773	1.17	
35-44	59	91 238	0.65	
45-54	43	90 622	0.47	
55-64	32	68 363	0.47	
65-74	17	42 751	0.40	
≥75	7	25 347	0.28	
Total	435	792 259	0.55	

* The age distribution of patients with histoplasmosis and other Indianapolis residents differed significantly, with a preponderance of cases in persons between 15 and 34 years old ($p < 0.0001$).

Table 3. Classification of Cases

Clinical Syndrome	Laboratory Classification*			Total
	Proven	Highly Suggestive	Presumptive	
Acute respiratory	67	162	56	285
Disseminated	40	6	0	46
Pericarditis	2	19	3	24
Rheumatologic	2	17	7	26
Asymptomatic	18	15	21	54
Total	129	219	87	435

* Explanations for the clinical and laboratory classification are given in Methods.

chronic inflammation without granulomas and failed to grow *H. capsulatum*.

Eighteen patients had unusual clinical findings. Four patients had esophageal ulcers, with histologic evidence of *H. capsulatum* in two. Three patients had parotitis, one with positive blood cultures and another with a fourfold change in the complement fixation titer. Two patients had adrenal insufficiency, and both had histologically proven histoplasmosis. Two patients had uveitis, one with a fourfold change in the complement fixation titer and the other with a conversion from a negative to a positive immunodiffusion result. Three patients had fibrosing mediastinitis, one presenting with a superior vena cava syndrome and two with pulmonary hypertension. One patient had interstitial nephritis with histologic evidence of *H. capsulatum* in a hilar lymph node. One patient had epididymitis that was confirmed histologically to be caused by histoplasmosis. A patient with newly diagnosed intestinal lymphangiectasia had a fourfold change in the complement fixation titer. One patient who presented with hoarseness had a nodular lesion on one vocal cord and an ulcerative lesion on the other; that patient had a fourfold rise in the complement fixation titer. The vocal cords were normal 1 month later. Except for one patient with parotitis who had acute lymphoblastic leukemia and another who was an alcoholic, no other causes could be found for the unusual clinical findings in these 18 patients. Although these unusual manifestations were each considered to be related to histoplasmosis, only in the two patients with esophageal ulcers and in the one patient with epididymitis, in whom yeasts resembling *H. capsulatum* were seen in histologic sections taken from the unusual site, can the association be considered proven.

ANALYSIS OF SEVERITY

Fifteen patients died, and 46 had progressive disseminated histoplasmosis. Death was directly or indirectly related to histoplasmosis in all 15 cases; in no case was histoplasmosis an incidental autopsy finding. None of the deaths were due to rapidly progressive respiratory insufficiency, which is occasionally seen after heavy exposure. Only one fatal case, in a 75-year-old man, lacked positive cultures or histologic specimens showing *H. capsulatum*, and there was extensive pulmonary involvement besides

other features suggesting dissemination. Although sputum cultures gave negative results, no biopsies were obtained. Serologic evidence for infection in that case included positive H and M bands by immunodiffusion and complement fixation titers of 1:32 to both the yeast and mycelial antigens. Forty-three patients were treated: amphotericin B alone, 33 patients; miconazole alone, three; ketoconazole alone, four; and amphotericin B followed by ketoconazole, three. Over 300 patients were hospitalized, and 193 patients were ill for more than 1 month.

Chest roentgenograms were usually typical for acute pulmonary histoplasmosis. Infiltrates alone were seen in 27.3% of cases, hilar, or mediastinal lymphadenopathy alone in 27.3%, infiltrates and adenopathy in 30.7%, neither infiltrate nor adenopathy in 11.7%, coin lesions in 6.9%, cavities in 5.0%, and pleural effusions in 4.8%; as noted above, three of the 21 patients with pleural effusions had pericarditis. The chest roentgenogram was normal in 13 cases. Routine laboratory findings from 231 of the patients seen at the Indiana University Medical Center hospitals were not distinctive. Anemia was common; the hemoglobin was between 10 and 12 g/dL in 24.5% and less than 10 g/dL in 10.8% of the 195 patients on whom data were available. The leukocyte count was more than 10 000/mm³ in 22.8% and less than 4000/mm³ in 8.8% of those patients. The alkaline phosphatase was elevated at greater than 120 U in 41.2% of 120 patients (normal for our laboratory, 115 U/L).

Discussion

A massive outbreak of histoplasmosis occurred in Indianapolis, Indiana, from September 1978 to August 1979. Nearly 40% of young adults and 9% of persons more than 55 years old who lived in certain parts of the city were presumed infected on the basis of serologic data. Before the outbreak, only 1.5% of young adults from that same area were seropositive. Thus, the serologic survey provided an accurate estimate of the number of cases acquired during the current outbreak. A serologic survey was chosen rather than a skin test survey because of the previously reported high background rate of skin test positivity in young adults from Indianapolis: 55% of white military recruits between 17 and 21 years old were seropositive between 1958 and 1965 (8). Extrapolation from those serologic data suggests that over 100 000 persons were actually infected.

Serologic data provided the laboratory basis for inclusion of 70% of the Indianapolis cases. Whereas cases in which patients have positive cultures or histopathologic sections showing yeast resembling *H. capsulatum* can be readily accepted as histoplasmosis, those based on serologic data are often regarded with suspicion. Although cultures are usually positive in chronic pulmonary and disseminated histoplasmosis (5), they are rarely positive in acute histoplasmosis such as occurs in epidemics (0 of 384 cases in one report [6]). Because the histoplasmin skin test is an unreliable diagnostic tool (9), serologic tests must be used to identify cases of acute histoplasmosis. The Indianapolis cases with only serologic laboratory evidence of histoplasmosis were subdivided into highly

suggestive and presumptive categories to show more exactly the reliability of inclusion. This classification, which has been used by others (3, 9), can be supported by data from one well-designed study (10). Other studies, which suggest a high incidence of false-positive results, do not convincingly exclude histoplasmosis in their patients (11-14) or even include patients who received histoplasmin skin tests (12), which are known to cause false-positive results (9). Nevertheless, cautious interpretations of yeast phase titers of 1:16 or less is warranted because false-positive results are usually at those low titers (3, 9-11). However, complement fixation titers of 1:8 or more to the mycelial antigen and H or M bands by immunodiffusion are rarely falsely positive (10, 11). Even low titers of 1:8 or 1:16 are associated with a high risk of serious infection. In one study, 18% of patients with yeast-phase titers of 1:8 or 1:16 had positive cultures for *H. capsulatum* compared to only one of 309 patients with pulmonary lesions but negative serologic tests (15). Thus, histoplasmosis was probably accurately diagnosed in most—more than 90%—of the Indianapolis cases.

Epidemiologically, this outbreak was unusual. It lasted nearly 1 year and was spread over a 400-square-mile area. Of more than 60 reported outbreaks, only two have been prolonged and widespread. Forty-two cases occurred over a 6-month period in Montreal, Canada, in an outbreak attributed to construction of a subway (16). An outbreak that lasted four months and involved 20% of the residents of Greenwood, South Carolina, was attributed to construction of a golf course (17). Those two outbreaks, like the Indianapolis outbreak, may have resulted from prolonged and diffuse windborne spread of *H. capsulatum*. Windborne infection, best recognized with coccidioidomycosis (18), clearly occurs with histoplasmosis (16, 17, 19, 20). Chick has found that skin test and seropositivity rates are increased as far as 10 miles from contaminated starling roosts that have been disturbed (CHICK E. Personal communication). Persons living far from the source might also have acquired histoplasmosis while traveling near the source rather than by distant windborne spread. As with two similar prolonged and widespread windborne outbreaks (16, 17), no source could be identified in this outbreak despite intensive investigation.

Usually, histoplasmosis outbreaks begin explosively after a common exposure such as cleaning a chicken coop, clearing a bird roost, demolishing an old building, or exploring a cave (20-22). No common exposure was identified in this outbreak. Patients presented sporadically to many Indianapolis physicians. Consequently, the outbreak was not suspected until January 1979.

This study increases our knowledge of the clinical spectrum of acute histoplasmosis. Our current understanding of that infection is based on analysis of cases reported in small outbreaks. Although the epidemiologic features of the three largest previously reported outbreaks were carefully evaluated, the clinical, radiographic, serologic, and laboratory findings were incompletely reported (6, 19, 20).

Several important clinical questions (23) were at least

partly answered by this study. The effect of age, race, and sex on the frequency of clinically apparent infection could be ascertained. Infection was significantly more frequent in blacks than in whites. This is the first reported outbreak involving a large number of blacks. Persons between the ages of 15 and 34 years were predisposed to infection in this outbreak and in those reviewed by Lehan and Furcolow (21). One explanation for the preponderance of cases in young adults would be that older persons were relatively immune to histoplasmosis (5). The skin test survey made from 1958 to 1965 showed positive findings in 55% of white Indianapolis military recruits between 17 and 21 years old (8). Older persons were not tested. Results of one other study, however, showed that the frequency of skin test positivity increased with patient age, reaching a peak of 70% in persons over 35 years old and then remaining stable in persons up to age 80 (24). Skin test surveys were not done to document a high rate of positivity, and presumably immunity, in older Indianapolis residents. The rate of skin test positivity in young Indianapolis residents may have been lower at the onset of this outbreak than when the 1958 to 1965 survey was conducted, thus explaining the high infection rate in young adults. The high school serologic survey, using complement fixations rather than immunodiffusion results, showed that over 80% of students from some of the inner city schools had evidence of histoplasmosis during the outbreak. An infection rate of 80% is higher than would be predicted on the basis of the earlier skin test survey suggesting that only 45% of young adults were at risk (55% were presumed immune as indicated by positive skin tests). Possibly fewer young Indianapolis adults were immune during this outbreak because of urbanization that had occurred since the time of exposure of persons studied in the earlier skin test survey (8). Urbanization may have decreased the exposure to *H. capsulatum*. Older persons may have been exposed before the period of urbanization thus explaining their apparent protection during the outbreak. Additional factors must also be important to explain the low prevalence of clinically apparent infection in children less than 15 years old. Age could influence the risk of exposure to the infection and the clinical manifestations of the infection (25). Sex was not a risk factor for clinically apparent infection. Besides the endogenous risk factors discussed above, residence in the central part of the city, presumably near the source of the outbreak, predisposed to clinically recognized infection.

The Indianapolis outbreak was unusually severe. There were 15 deaths, 46 cases of progressive disseminated histoplasmosis, and 43 patients who were treated. In the largest outbreak previously reported, the Earth Day outbreak, no patient died, had disseminated disease, or was treated (6). Only five of 400 patients died in the 41 outbreaks reviewed by Lehan and Furcolow (21). Although some patients diagnosed to have disseminated histoplasmosis in this outbreak appeared to improve without treatment, the long-term outcome in those cases is not known. Disseminated infection may be slowly progressive (5). Although the diagnosis of disseminated histoplasmosis can be difficult because the published studies have not listed

precise, clinically useful criteria for diagnosing this syndrome (5, 26-31), the frequency of clinical and laboratory findings suggesting dissemination in our cases was similar to that in cases reported previously (26-28). Three-week duration of illness was chosen to exclude patients with histologic evidence of infection but with mild self-limiting illnesses. Acute pulmonary histoplasmosis generally resolves in less than 2 weeks (5-7). Criteria used in this study are similar to those reported in a recent study (32). On the basis of 120 000 total cases, estimated by extrapolation from serologic surveys, there were 0.38 disseminated cases and 0.12 deaths/1000 infected. The incidence of disseminated disease is twice that estimated (0.17/1000) in the second Mason City, Iowa, outbreak (20). That estimate was based on one disseminated case of 6000 presumed infections based on a skin test survey. The fatality rate of histoplasmosis has been estimated to be between 0.2% to 0.5% of untreated adults (5). The 15 deaths in this outbreak represented 3.4% of the 435 clinically apparent cases and 0.01% of the 120 000 persons presumed infected. Furthermore, in Indianapolis over 300 patients were hospitalized, and 193 remained ill for more than 1 month, compared to five and one patient, respectively, in the Earth Day outbreak. Possibly only persons with more severe infections were evaluated. Surveys were not conducted to define the clinical syndromes in persons not identified by our case finding methods. Thus, this report may be biased toward the severe end of the disease spectrum. A detailed multivariate analysis of risk factors for fatal or disseminated histoplasmosis will be the subject of another report.

Whereas clinical syndromes such as arthritis or arthralgia and erythema nodosum, which are recognized to be common in histoplasmosis, occurred frequently in this outbreak, nearly 10% of the patients presented with unusual syndromes. Pericarditis, occurring in 24 patients in this outbreak, has been reported only once before during an epidemic (33). Parotitis has not been reported with histoplasmosis. Uveitis was reported in one other outbreak (17). Interstitial nephritis has been reported previously (34). Epididymitis as the presenting manifestation of histoplasmosis has been reported once before (35). Fibrosing mediastinitis (36), thought to be a late complication of histoplasmosis, occurred during the acute illness in three patients. Although some caution is appropriate in accepting serologic data as proof that these unusual manifestations were all attributable to histoplasmosis, no other cause was discovered. Thus, we believe that these were unusual manifestations of histoplasmosis rather than unrelated, coincidental findings.

The short-term impact of this outbreak was devastating. Long-term complications such as progressive cavitary histoplasmosis (37), mediastinal fibrosis (36), constrictive pericarditis (38, 39), subacute or chronic disseminated histoplasmosis (5), and uveitis (40) are also expected. Thus, the overall impact of this outbreak has probably not yet been felt.

ACKNOWLEDGMENTS: The authors thank Drs. Albert England, Libero Ajello, and Leo Kaufman from the Centers for Disease Control and Dr. David Bauman and Coy Smith for advice in organizing the study and for

processing and culturing the soil samples. They also thank the following persons who assisted in the study: Drs. Sarah Zimmerman, Ingrida Ozols, James Norton, Ted Pass, James Bowes, Frank Johnson, Charles Barrett, James W. Smith, and Arthur White and Jean Rutter, Peggy White, Georgia Hoover, Barbara Masterson, Denise Davis, Barbara Bowers, Noreen Knudson, Marcia Piccione, Sarah Zeckel, Anne Kohler, Barbara Wheat, Susan Stephens, Marilyn Bartlett, Patricia Gony, Barbara Wilder, Kathy Eickland, Stanley Smith, and Peter Dillman.

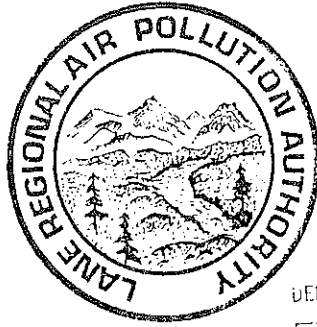
► Requests for reprints should be addressed to Lawrence Joseph Wheat, M.D., Wishard Memorial Hospital, OP 310, 1001 West 10th Street, Indianapolis, IN 46202.

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LANE REGIONAL



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Donald R. Arkell, Director

AIR POLLUTION AUTHORITY

July 6, 1983

Mr. James E. Petersen
Environmental Quality Commission
Department of Environmental Quality
Air Quality Division
P. O. Box 1760
Portland, OR 97207

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JUL 11 1983

AIR QUALITY CONTROL

Re: Proposed Amendments to the
Rules for Air Pollution Emergencies

Dear Mr. Petersen:

We have reviewed the proposed amendments to OAR Chapter 340, Division 27, and have comments as follows:

- (1) 340-27-010(1) In the last sentence the term [air pollution] should be replaced by pre-episode.
- (2) 340-27-010(2)(a) The term "stagnant meteorological conditions" needs to be defined. (Also in (3)(a) and (4)(a))
- (3) 340-27-010(2)(b) It is recommended a section be reserved for PM₁₀ in anticipation of a new standard being promulgated.
- (4) 340-27-010(3)(b)(E) This should read 1 hour average.
- (5) 340-27-010(4)(b)(C) This should read 393 X 10³.
- (6) 340-27-010(5) In order to facilitate termination of an episode condition, this should read...criteria may be reduced to [the next] a lower condition...
- (7) 340-27-012(1) Primary standards for all criteria air pollutants are based upon health effects. The need is recognized to issue a special advisory for O₃ when the standard is exceeded. This service should also be extended to issue a special advisory for the other pollutants when their standards are exceeded.
- (8) 340-27-025(2) As stated in ORS 468.535(3), LRAPA is to have "exclusive jurisdiction" within Lane County. LRAPA should be able to declare episode conditions without the concurrence of the DEQ. This paragraph should be changed to read...by the appropriate authority, [with the concurrence of the Department of Environmental Quality.]...by the regional authority, and conditions warrant a declaration, the Department...

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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OFFICE OF THE DIRECTOR

Mr. James E. Petersen
July 6, 1983
Page 2

- (9) 340-27-035(2)(A) The term "major emission sources" needs to be defined. This would probably be those sources for which SERP's were required.
- (10) Table 2 Part B For CO episodes add a statement to the effect: the public is requested to refrain from using wood heating devices where other heating methods are available.
- (11) Table 3 - f How will this requirement be enforced?

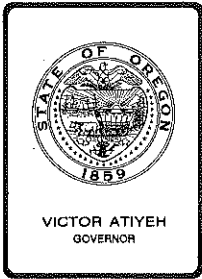
We appreciate the opportunity to comment on these proposed amendments. If you have any questions regarding these comments, please contact Ralph Johnston of our staff at 686-7618.

Sincerely,



Donald R. Arkell
Director

DRA:ceh



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 *W. J. [Signature]*

Subject: Department Response to Testimony from Public Hearing July 6, 1983 on Proposed Amendments to Rules for Air Pollution Emergencies, OAR Chapter 340, Division 27.

The testimony from the public hearing on rules for Air Pollution Emergencies produced several comments which have been incorporated into the proposed rules. The Department consensus is that other testimony is contrary or incompatible with the functions of an Emergency Action Plan. The Department responses to issues raised in the hearing follow the order of the hearing report.

1. Issue: Service station operators will suffer hardship and economic loss if gasoline sales are prohibited in the morning hours during an ozone warning episode.

Response: When considering ozone Warning conditions, we are talking about extreme conditions of ozone levels in excess of 800 ug/m³. The highest ozone level ever recorded in Oregon is 421 ug/m³. Ozone standards maintenance strategies are designed to keep ozone levels below 235 ug/m³. The probability of being required to implement the ozone Warning episode actions is very, very low. Acceptance of reasonable economic hardships is expected and necessary under Warning conditions. Limiting hours of operation without an outright closure does not seem unreasonable under these circumstances.

2. Issue: Address the operational impact of curtailment on service stations and small bulk plants under ozone Warning conditions.

Response: When viewed from the standpoint of annual or monthly operational statistics, the impact must be infinitesimally small due to the low probability of occurrence. Even should such circumstances occur, it is hard to imagine how sales volume could be affected by more than 10 to 20% on an individual day. Sales may already be down

during such a period because of voluntary trip reductions. Given the expected rarity of such an occurrence, the impact of the proposed curtailment on operations must be extremely small.

3. Issue: Show what reduction in ozone levels might be expected from the proposed actions at the ozone Warning episode stage.

Response: Tested models are not available which operate at such high ozone levels, 800 ug/m³ and higher. The models which are available do show, in all cases of high ozone values, that when the hydrocarbon to NO_x concentration ratio is reduced, a reduction in ozone concentrations will result. In the actions proposed at ozone Warning conditions, service stations and bulk plants are in a group of VOC sources which when taken together account for 34% of all VOC emissions in the 1987 projected inventory in the Portland area. (Total inventory: 122,087 Kg/day.) It is concluded that if the fresh sources of VOC emissions can be reduced by 34% during the morning hours, the peak concentrations of ozone during the afternoon can be significantly reduced.

4. Issue: Pre-episode standby condition should be deleted since there is no Federal requirement.

Response: The pre-episode standby condition has value to inform the public that pollutant levels are being monitored. The provision is otherwise innocuous.

5. Issue: Requiring emergency actions of small VOC sources is inconsistent with the 100 tons per year requirement for source emission reduction plans.

Response: The two requirements are not related. All sources are subject to control at some point regardless of size. SERP's serve only to assure that the largest sources have a practical means of reducing emissions as they are presumed to be the largest single contributors and, therefore would have the more complicated reduction procedures.

6. Issue: Limiting hours of service stations would potentially increase emissions by increasing trips.

Response: It will be widely publicized that gasoline will not be available during the morning hours and before 2 p.m. It is expected that people will be able to easily adjust to this schedule and plan to get necessary gasoline during the later afternoon and evening hours when it will be available. Occurrence of an ozone warning level is considered to have a very low probability and also should be of a very short duration. This should not be enough time for serious logistical problems to develop.

7. Issue: Wording describing "ozone advisory" is too reassuring.

Response: Wording has been changed.

8. Issue: Ozone Alert level should be put at 300 ug/m³.

Response: The ozone alert level of 400 ug/m³ was chosen to coincide with the Federal pollutant standards index value of 200. Emergency Action levels are arranged in a progressive manner and are aimed at preventing levels of significant harm. It seems reasonable to place the lower episode levels at some distance from the standard relative to the level of significant harm. With the level of significant harm set at 1200 ug/m³ for ozone, the difference between the ambient air standard of 235 ug/m³ and 300 ug/m³ does not seem large enough to warrant initiation of the Emergency Action Plan. Initiation of Alert level action at 400 ug/m³ seems more reasonable. Since an ozone advisory will be issued at levels between 235 ug/m³ and 400 ug/m³, the public should be adequately informed.

9. Issue: Actions for carbon monoxide episodes excessive at Warning level if only one monitor exceeds.

Response: Episodes are declared with attention given to potential of continued high levels, not just the observed level at a particular monitor. It is not reasonable to assume that a carbon monoxide monitor in a region could exceed the Warning level without having elevated levels at other sites in the region. Area boundaries where specific episode conditions apply are to be established at the time the episode is declared by the Department. It is expected that the area boundary will be appropriately selected.

10. Issue: Provide definition for "stagnant meteorological conditions" and "major emission sources" as used in 340-27-010(2)(a), (3)(a), and 340-27-035(2)(a).

Response: A definitions section is unnecessary. Wording has been changed in the referenced proposed rules to make the meaning clear within the text. The list in 340-27-035(2)(a) is not intended to be exclusive. It is intended to indicate the type of contacts which are reasonable to notify.

11. Issue: Reserve a rule section for future PM₁₀ episode expansion.

Response: Reserving a rule section is unnecessary. A PM₁₀ episode would probably not be considered until and unless a PM₁₀ significant harm level is established. If this occurs, PM₁₀ episode conditions can be added to OAR 340-27-010.

12. Issue: Establish pollutant advisories for all the criteria pollutants, not just for ozone.

Response: Pollutant standards are established with the philosophy of providing a margin of safety above the standard. Since there was more controversy concerning the margin of safety for the ozone standard than there was with other pollutants, the Department agreed to issue an "ozone advisory" to the public as a result of medical testimony. This is a singular case and applies to ozone only. The public is informed of times when the ambient standards are exceeded by the daily publishing of the Air Pollution Index. Values greater than 100 indicate that the standard has been exceeded. It is unnecessary to have advisories for other pollutants when monitored levels are between the standard and the Alert level.

13. Issue: Delete the required concurrence of DEQ before declaration of an episode by a regional authority in accordance with 340-27-025(2).

Response: Agreed and change made in proposed rules. The Department may take action if the regional authority fails to act.

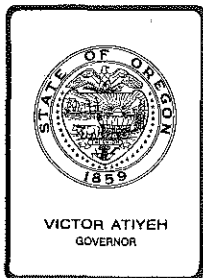
14. Issue: The public should be requested to refrain from using coal or wood heat during carbon monoxide Warning episodes.

Response: Agreed and change made in proposed rules, Table 2.B.

15. Issue: How is prohibition on coal and wood space heating under emergency episode conditions to be enforced?

Response: Under emergency episode circumstances, conditions are expected to be so obviously serious that most everyone will readily follow the rule. Those who do not will likely be reported to the authorities so an investigation can be made. A civil penalty could be the outcome of such an investigation. This is similar to procedures presently used for open burning violations.

LDBrannock:ahe
229-5836
July 22, 1983
AZ300



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. I, October 7, 1983, EQC Meeting

Proposed Adoption of Amendments to OAR 340-22-110(2)(b) to Exempt 1,000 Gallon or Smaller Gasoline Storage Tanks in Medford AQMA From Submerged Fill Requirements.

Background

The eight owners of gasoline bulk plants in the Medford Air Quality Maintenance Area (AQMA) petitioned the Environmental Quality Commission (EQC) to exempt tanks of 1,000 gallon size and smaller from the submerged fill requirement of OAR 340-22-110(1)(a), in the Medford AQMA. The rule with proposed exemption is Attachment 1.

In 1979, this rule was adopted to lessen the generation of gasoline vapors during the filling of underground service station tanks (and other gasoline tanks), by forbidding splash filling through requiring submerged fill. This is one of the several strategies adopted to lessen emissions of this and other volatile organic compounds (VOC), which on hot summer days were forming levels of ozone above the ambient air standard in the Medford AQMA.

The Commission accepted the petition at the May 20, 1983 meeting and authorized a hearing on the requested rule change. The Department received one letter favorable to the rule change and heard two persons testify in its favor at the July 7, 1983 hearing. See Attachment 2 for the Hearing Report and written testimony.

Evaluation of Airshed Effect

The Department responded to the petition by asking for estimates of how much gasoline is moved through the six hundred 1,000 gallon and smaller tanks. Using estimates provided by the petitioners, it appears that granting the petition gives up 7.0 tons of VOC reduction planned in the strategy. In comparison, all sources produce 10,900 tons of VOC per year in the AQMA.

The overall VOC reduction strategy has worked so well that this year the Medford-Ashland AQMA will be proposed for reclassification from nonattainment to attainment. The airshed data for ozone has shown attainment from 1979 to 1982. The 7.0 ton/year increase could easily be accommodated in the 1,200 tons/year VOC growth cushion for the Medford area.

Economic Burden

The petition cites the difficulty of accomplishing submerged fill at "Ma and Pa stores", where a cost of \$150 per tank or higher is estimated. This would be a contractor-installed cost.

The Department based its submerged fill rule upon a cost of \$20 per tank for a do-it-yourself installation.

The difference in vapor losses between submerged fill and splash fill has been calculated to be 4.2 lbs of gasoline per 1,000 gallons handled. For the 3,347,000 gallons/yr handled in the Medford AQMA in tanks of 1,000 gallon or less sizes, 14,000 lbs or 2,500 gallons are lost in splash-filling that would not be lost if submerged filled. At \$1.00 per gallon, a loss of \$2500 occurs each year from splash-filling small tanks. At \$20 per tank, this could pay back the retrofit costs for all 600 tanks with drop tubes in 4.8 years. At \$150 per tank, it would take 36 years. It is not a cost-effective measure at \$150 per tank..

Support for Rule Change and Authority

The eight petitioners, their customers, one company, the Chamber of Commerce, and the Southern Region of the Oregon Lung Association supported the rule change. Testimony was not heard from anyone opposing the rule change.

The authority for the Commission to act is cited in the Rulemaking Statement which is Attachment 3 to this memorandum.

Alternatives

1. The Commission could decline to change the rule. This would ignore the costs cited by the petitioners. The rule, requiring submerged fill for small gasoline tanks, also now seems to be an unnecessary strategy. By installing drop tubes on large tanks, vapor capture fittings at stations where the gasoline comes direct from terminals, and other strategies, the AQMA VOC sources have reduced overall volatile organic compound emissions enough to have attained the ozone ambient air standard for four straight years.
2. The Commission could amend the rule as proposed. This action would include amending the strategy in the State Implementation Plan for attaining the ozone standard in the Medford-Ashland AQMA.

Summation

1. Eight bulk gasoline plant owners have petitioned the Commission for an exemption for customers with 1,000 gallon or smaller gasoline tanks for adding submerged fill as required by OAR 340-22-110(1)(a). The Commission accepted the petition and authorized a hearing on the proposed rule change.
2. The Medford AQMA, where these petitioners are located, has achieved attainment for the ozone standard, partly by the efforts of these petitioners in installing vapor capture and other equipment to lessen emissions at the larger installations.
3. Submerged fill pipes for 1,000 gallon or smaller tanks would result in a reduction of only 7.0 tons/yr of VOC emissions.
4. The costs for commercial installation of drop tubes in these small tanks would be about \$150 per tank and would not be cost-effective, as payback in gasoline savings could take as much as 30 years.
5. The VOC growth cushion of 1,200 tons/yr can accommodate the 7.0 tons/yr emissions from the requested exemption without adversely affecting the Medford ozone strategy.
6. The July 7, 1983 hearing on the proposed rule change produced only testimony favorable to the rule change.

Director's Recommendation

It is recommended that the Commission adopt the amendment to the gasoline marketing rule, OAR 340-22-110, as attached as a revision to the State Implementation Plan.

Bill

William H. Young

- Attachments: 1. Proposed Rule Change OAR 340-22-110(2)(b)
2. Hearing Report and Testimony
3. Rulemaking Statements

P.B. BOSSERMAN:a
229-6278
August 26, 1983
AA3729

Small Gasoline Storage Tanks

340-22-110 (1) No person may transfer or cause or allow the transfer of gasoline from any delivery vessel which was filled at a Bulk Gasoline Terminal or nonexempted Bulk Gasoline Plant into any stationary storage tank of less than 40,000 gallon capacity unless:

(a) The tank is filled by Submerged Fill; and

(b) A vapor recovery system is used which consists of a Certified Underground Storage Tank Device capable of collecting the vapor from volatile organic liquids and gases so as to prevent their emission to the outdoor atmosphere. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.
Or

(c) The vapors are processed by a system demonstrated to the satisfaction of the Department to be of equal effectiveness.

(2) Exemptions. This section will not apply to:

(a) Transfers made to storage tanks of gasoline dispensing facilities equipped with floating roofs or their equivalent;

(b) Stationary gasoline storage containers of less than 2,085 liters (550 gallons) capacity used exclusively for the fueling of implements of farming, provided the containers use submerged fill[;].
HOWEVER, IN THE MEDFORD-ASHLAND AQMA, ALL EXISTING TANKS RATED 1,000 GALLON CAPACITY, OR LESS, WILL BE EXEMPT FROM SUBMERGED FILL;

(c) Stationary gasoline storage tanks located at a gasoline dispensing facility that are filled by a delivery vessel which was filled at an exempted bulk gasoline plant; provided that the storage tanks use submerged fill. However, in the Portland-Vancouver AQMA, no person shall deliver gasoline to a gasoline dispensing facility at a rate exceeding 10,000 gallons per month from a bulk gasoline plant, unless the gasoline vapor is handled as required by subsection (1)(b) or (c) of this rule.

(3) The owner, operator, or builder of any stationary storage container subject to this rule shall comply by April 1, 1981, except where added equipment is required by rule changes adopted in 1980, compliance is delayed to April 1, 1983.

(4) Compliance with subsection (1)(b) of this rule shall be determined by verification of use of equipment identical to equipment most recently approved and listed for such use by the Department or by testing in accordance with Method 30 on file with the Department.

Stat. Auth.:ORS Ch. 468

Hist: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80



STATE OF OREGON

INTEROFFICE MEMO

DEQ Medford

776-6010

DEPT.

TELEPHONE

TO:

Pete Rosenberger, P.D.
[REDACTED]

DATE: 7/08/83

FROM:

Larry Jack *LJ*
Southwest Region

SUBJECT: AQ Hearing to Amend OAR 340-22-110(1)(a)

A public hearing was held in the second floor conference room of the Department of Environmental Quality offices, 201 W. Main, Medford, Oregon on July 7, 1983. The hearing was held to gather testimony on the proposal to amend OAR 340-22-110(1)(a). The hearing was held at 3:00p.m..

The meeting was attended by five (5) persons. Three representatives of the Medford, Ashland Bulk Dealers Association were present, but did not provide testimony at the hearing.

Testimony was received from Genevieve Sage, representing the Oregon Lung Association, Southern Region, who spoke in favor of the change (copy of comments attached). In addition, Dale Lininger, representing the Greater Medford Chamber of Commerce, stated that at their Board meeting that morning they elected to go with the proposed amendment.

No further testimony was received.

LJ:fs
attchs. (3)

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUL 12 1983

AIR QUALITY CONTROL

Meridian Rock, Inc.

P.O. BOX 2594 * WHITE CITY, OREGON 97503 * (503) 779-7221

JK
JK
L. J. ...

June 4, 1983

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JUN 8 1983

Dept. of Environmental Quality
Air Quality Division
P.O. Box 1760
Portland, OR 97207

AIR QUALITY CONTROL

Re: Proposal to amend O.A.R. 340-22-110 (1) (a)

We have occasion to use small (1,000 gallon or less) fuel storage tanks in our construction business and at our rock Pits.

Requirements of buried gasoline tanks greatly adds to the cost of gasoline at those locations. An investment of that size is not justified for the small quantities of fuel that are used. We therefore must haul fuel in small quantities or drive the equipment to alternate fuel sources. Either of these alternatives is wasteful and costly.

We urge you to adopt the proposed amendment.

Sincerely,

MERIDIAN ROCK, INC.
E. W. Lininger, President



Oregon Lung Association, Southern Region

243 South Holly Street
Medford, Oregon 97501
(503) 772-4466

Comments in Favor of Exempting Gasoline Tanks of 1,000 Gallon Capacity or Smaller in the Medford-Ashland AQMA from the Requirement of Submerged Filling

The Oregon Lung Association, Southern Region, is in favor of exempting gasoline tanks of 1,000 gallon capacity or smaller in the Medford-Ashland AQMA from the requirement of submerged filling and supports the Department of Environmental Quality's proposal to amend OAR 340-22-110(1)(a) in order to effect this exemption. We are satisfied that this exemption will not affect the ability of the AQMA to remain well within the standard for ozone air pollution.


Our reasons are as follows, based on information supplied by the DEQ:

- (1) 1,000 gallon capacity or smaller gasoline tanks are a negligible source of the reactive vapor which produces ozone air pollution. It is reported that in 1982 they produced 20.9 T of reactive vapor out of the total of 10,900 T produced by all sources combined in the AQMA. That is less than .2%.
- (2) The higher cost per gallon for gasoline from smaller tanks indicates that smaller tanks will be a decreasing rather than a increasing source.
- (3) The other, much larger, sources are providing much greater reductions than had been originally calculated.

Unlike motor vehicles and woodstoves, which individually are also perhaps negligible sources of their pollutants but collectively are the major problem, these gasoline tanks are negligible even collectively.

We believe that it is essential that air quality regulations be strictly enforced. It is true, however, that air quality regulations are continually breaking new ground; and in light of this, revisions and adjustments that come about from experience can make the resulting regulations even more successful.

Submitted By:


Genevieve Pisarski Sage
Regional Director

cc: Joe Weller
Oregon Lung Association
Stuart Foster
Chamber Air Quality Task Force

RULEMAKING STATEMENTS

for

Gasoline Marketing Rule Petition

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 340-22-110(1)(a). It is proposed under authority of ORS 468.020(1) and ORS 468.295(3).

Need for the Rule

About 600 small gasoline storage tanks in the Medford AQMA have not complied with OAR 340-22-110(1)(a). To accomplish the required submerged fill would be costly and cause only minor air shed improvement. Therefore, since the AQMA is presently attaining the ozone standard, it is proposed to change this rule to exempt small tanks from submerged fill in the Medford AQMA.

Principal Documents Relied Upon

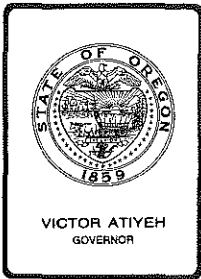
1. Petition, dated March 28, 1983, from Mike Hawkins et.al., to W.H. Young of DEQ, for a change to OAR 340-22-110(1)(a)
2. Agenda Item No. E, May 20, 1983, EQC Meeting, "Authorization to Hold a Hearing to Amend Gasoline Marketing Rule 340-22-110(1)(a) for the Medford AQMA in Response to a March 28, 1983 Petition From 8 Bulk Gasoline Plant Operators in the Medford Area"
3. Hearing Officer's Report of July 7, 1983 Hearing on Gasoline Marketing Rules 340-22-110(1)(a).

FISCAL AND ECONOMIC IMPACT STATEMENT:

This proposed rule change, if adopted, would relieve about 500 large and small businesses of the \$20 to \$150 cost of installing a submerged fill pipe in gasoline storage tanks of 1,000 gallon capacity or smaller.

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.



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, October 7, 1983, EQC Meeting

Proposed Adoption of Rules Amending Standards of Performance for New Stationary Sources OAR 340-25-510 to 655 to Incorporate New Federal Rules for Asphalt Processing and Asphalt Roofing and Five Volatile Organic Compound Sources and to Amend the State Implementation Plan.

Background and Problem Statement

The U.S. Environmental Protection Agency (EPA) adopted New Stationary Source Performance Standards (NSPS) beginning in 1971. To acquire delegation to administer these standards, the Commission adopted OAR 340-25-505 to 705 in September 1975, and amended them in 1981 and 1982. EPA delegated NSPS to the Department in 1976 and in 1981.

Problem Statement

EPA is continuously bringing new source categories under NSPS. DEQ has committed to bring these rules up to date with EPA rules on a once a year basis.

Five new NSPS rules and one amendment published by EPA in the last year necessitate the EQC considering rule adoptions. The proposed new rules (see Attachment 1) cover the following source categories:

<u>40 CFR Subpart</u>	<u>Title</u>	<u>Federal Register Date</u>
EE, 60.310 to 60.316	Metal Furniture Surface Coating	10/29/82
QQ, 60.430 to 60.435	Publication Rotogravure Printing	11/08/82 1/10/83
SS, 60.450 to 60.456	Large Appliance Surface Coating	10/27/82
TT, 60.460 to 60.466	Metal Coil Surface Coating	11/01/82 1/10/83
UU, 60.470 to 60.474	Asphalt Processing and Asphalt Roofing	8/06/82
Ka, 60.114	Storage Vessels	12/01/82

Authority for the Commission to act is given in Oregon Revised Statutes 468.020 and 468.295(3) where the Commission is authorized to establish emission standards for sources of air contaminants. A "Rulemaking Statement" is Attachment 2 of this memorandum.

Alternatives and Evaluation

1. The Commission could take NO ACTION.

A no-action consequence would be that both the Department and EPA staffs would have to review certain emission sources in Oregon, because the DEQ's rules have not been kept up to date with EPA's.

2. The Commission could adopt the attached amendments to Oregon Administrative Rules.

This would help EPA-Department cooperation to achieve single, state jurisdiction and review of certain new and modified sources.

Rule Development Process

The Department has assembled a complete list of amendments to NSPS, and the Federal Registers describing those rule changes, and has made appropriate changes in wording to fit these rules into the OAR format.

There has been no testimony on these proposed rule changes; no one attended the August 15, 1983 public hearing, even though materials were mailed to 12 interested and affected persons.

The proposed rules should be considered as changes in the Oregon State Implementation Plan (SIP) in order to allow EPA to delegate administration of applicable Federal Rules.

PROPOSED RULE CHANGES AND ADDITIONS

Metal Furniture Surface Coating, Subpart EE, was added by 47 FR 49278, October 29, 1982. This new standard for Volatile Organic Compounds (VOC) is proposed to be added as OAR 340-25-642. It limits VOC to 0.90 kg of VOC per liter of coating solids applied.

Publication Rotogravure Printing, Subpart QQ, was added by 47 FR 50644, November 8, 1982. The test procedure was amended by 48 FR 1056 on January 10, 1983. This new standard for VOC is proposed to be added as OAR 340-25-660. It limits VOC emissions to 16% of the mass of solvent and water used.

Large Appliance Surface Coating, Subpart SS, was added by 47 FR 47778, October 27, 1982. This new standard for VOC is proposed to be added as OAR

340-25-665. It limits VOC to 0.90 kg of VOC per liter of coating solids applied.

Metal Coil Surface Coating, Subpart TT, was added by 47 FR 49606, November 1, 1982. The test procedure was amended by 48 FR 1056, January 10, 1983. This new standard for VOC is proposed to be added as OAR 340-25-670. It limits VOC to 0.28 kg of VOC per liter of coating solids applied, or to more stringent emission limits where a control device is employed.

Asphalt Processing and Asphalt Roofing, Subpart UU, was added by 47 FR 34137, August 6, 1982. This new standard for particulate matter and opacity is proposed to be added as OAR 340-25-675. It sets limits for particulate matter and opacity from asphalt saturators, asphalt blowing stills, asphalt storage tanks, and mineral storage and handling facilities.

60.114 (Subpart Ka) was amended by 47 FR 54259, December 1, 1982. For new storage vessels, a Volume-Maximizing Seal was conditionally added to the approved list; EPA disapproved two other proposed seals. The above change is incorporated by changing the date of the federal rules, adopted by reference, from April 17, 1982 to June 2, 1983, in OAR 340-25-510(2), 340-25-530, and twice in 340-25-535.

Summation

1. EPA adopted the first New Stationary Source Performance Standards (NSPS) in 1971. More have been added since then, the most recent two in November 1982.
2. To acquire delegation to administer NSPS in Oregon, the Commission adopted equivalent administrative rules in September 1975 and subsequently received delegation.
3. The Commission amended the NSPS rules in April 1981 and in October 1982 to bring them up to date with EPA rules.
4. The proposed rule changes (Attachment 1) would bring the State rules up to date with the federal EPA NSPS rules. The regulated sources affected are:
 - a. Metal Furniture Surface Coating
 - b. Publication Rotogravure Printing
 - c. Large Appliance Surface Coating
 - d. Metal Coil Surface Coating
 - e. Asphalt Processing and Asphalt Roofing
 - f. Large Storage Tanks
5. No testimony has been received before, during, or after the August 15, 1983 public hearing on these proposed additions to the rules.

EQC Agenda Item No.
October 7, 1983
Page 4

Director's Recommendation

It is recommended that the Commission adopt the proposed attached amendments to OAR 340-25-510 to 340-25-675, rules on Standards of Performance for New Stationary Sources, and authorize the Department to submit those rule changes to EPA as amendments to the State Implementation Plan.



William H. Young

Attachments: 1. Proposed Rules 340-25-510 to 340-25-675
2. Rulemaking Statement

P.B. BOSSERMAN:a
(503) 229-6278
August 24, 1983
AA3430

**Standards of Performance for
New Stationary Sources**

Statement of Purpose

340-25-505 The U.S. Environmental Protection Agency has adopted in **Title 40, Code of Federal Regulations, Part 60**, Standard of Performance for certain new stationary sources. It is the intent of this rule to specify requirements and procedures necessary for the Department to implement and enforce the aforementioned Federal Regulation.

Definitions

340-25-510 (1) "Administrator" herein and in **Title 40, Code of Federal Regulations, Part 60**, means the Director of the Department or appropriate regional authority.

(2) "Federal Regulation" means **Title 40, Code of Federal Regulations, Part 60**, as promulgated prior to [April 17, 1982] June 2, 1983.

(3) "CFR" means Code of Federal Regulations.

(4) "Regional authority" means a regional air quality control authority established under provisions of ORS 468.505.

Statement of Policy

340-25-515 It is hereby declared the policy of the Department to consider the performance standards for new stationary sources contained herein to be minimum standards; and, as technology advances, conditions warrant, and Department or regional authority rules require or permit, more stringent standards shall be applied.

Delegation

340-25-520 The Commission may, when any regional authority requests and provides evidence demonstrating its capability to carry out the provisions of these rules, authorize and confer jurisdiction upon such regional authority to perform all or any of such provisions within its boundary until such authority and jurisdiction shall be withdrawn for cause by the Commission.

Applicability

340-25-525 This rule shall be applicable to stationary sources identified in rules 340-25-550 through [340-25-655] 340-25-675 for which construction or modification has been commenced, as defined in **Title 40, Code of Federal Regulations (40 CFR) 60.2** after the effective dates of these rules.

General Provisions

340-25-530 Title 40, CFR, Part 60, Subpart A as promulgated prior to [April 17, 1982] June 2, 1983, is by this reference adopted and incorporated herein. Subpart A includes paragraphs 60.1 to 60.16 which address, among other things, definitions, performance tests, monitoring requirements, and modifications.

Performance Standards

Federal Regulations Adopted by Reference

340-25-535 Title 40, CFR, Parts 60.40 through 60.154, and 60.250 through [60.404] 60.474, as established as final rules prior to [April 17, 1982] June 2, 1983, is by this reference adopted and incorporated herein. As of [April 17, 1982] June 2, 1983, the Federal Regulations adopted by reference set the emission standards for the new stationary source categories set out in rules 340-25-550 through [340-25-655] 340-25-675 (these are summarized for easy screening, but testing conditions, the actual standards, and other details will be found in the **Code of Federal Regulations**).

. . .

Standards of Performance for Metal Furniture Surface Coating

340-25-642 The pertinent federal rules are 40 CFR 60.310 to 60.316, also known as Subpart EE. The following emission standard, summarizing the federal standard set forth in Subpart EE, applies to metal furniture surface coating operations in which organic coatings are applied which commenced construction, modification, or reconstruction after November 28, 1980.

Standard for Volatile Organic Compounds: no owner or operator shall cause to be discharged into the atmosphere Volatile Organic Compounds in excess of 0.90 kilograms per liter of coating solids applied.

. . . .

Standards of Performances for Publication Rotogravure Printing

340-25-660 The pertinent federal rules are 40 CFR 60.430 to 60.435, also known as Subpart QQ. The following emission standard, summarizing the federal standard set forth in Subpart EE, applies to publication rotogravure printing presses, but not proof presses, which commenced construction, modification, or reconstruction after October 28, 1980.

Standard for Volatile Organic Compounds: no owner or operator shall cause to be discharged into the atmosphere Volatile Organic Compounds in excess of 16 per cent of the total mass of Volatile Organic Compounds solvent and water used at that facility during any one performance averaging period.

Standards of Performance for Large Appliance Surface Coating

340-25-665 The pertinent federal rules are 40 CFR 60.450 to 60.456, also known as Subpart SS. The following emission standard, summarizing the federal standard set forth in Subpart SS, applies to large appliance surface coating lines which commenced construction, modification, or reconstruction after December 24, 1980.

Standard for Volatile Organic Compounds: no owner or operator shall cause to be discharged into the atmosphere Volatile Organic Compounds in excess of 0.90 kilograms per liter of coating solids applied.

Standards of Performance for Metal Coil Surface Coating

340-25-670 The pertinent federal rules are 40 CFR 60.460 to 60.466, also known as Subpart TT. The following emission standard, summarizing the federal standard set forth in Subpart TT, applies to each prime coating operation, and/or to each finish coating operation, at a metal coil surface coating facility, which commenced construction, modification, or reconstruction after January 5, 1981.

Standards for Volatile Organic Compounds: no owner or operator shall cause to be discharged into the atmosphere more than:

(1) 0.28 kilogram VOC per liter (kg VOC/l) of coating solids applied for each calendar month for each affected facility that does not use an emission control device(s); or

(2) 0.14 kg VOC/l of coating solids applied for each calendar month for each affected facility that continuously uses an emission control device(s) operated at the most recently demonstrated overall efficiency; or

(3) 10 percent of the VOC's applied for each calendar month (90 percent emission reduction) for each affected facility that continuously uses an emission control device(s) operated at the most recently demonstrated overall efficiency; or

(4) a value between 0.14 (or a 90 percent emissions reduction) and 0.28 kg VOC/l of coating solids applied for each calendar month for each affected facility that intermittently uses an emission control device operated at the most recently demonstrated overall efficiency.

Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture

340-25-675 The pertinent federal rules are 40 CFR 60.470 to 60.474, also known as Subpart UU. The following emission standards, summarizing the federal standards set forth in Subpart UU, applies to each saturator and each mineral handling and storage facility at asphalt roofing plants; and each asphalt storage tank and each blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants. The standards apply to facilities commenced after November 18, 1980.

Standards for Particulate Matter.

(1) No owner or operator shall cause to be discharged into the atmosphere from any saturator:

(a) Particulate matter in excess of (i) 0.04 kilograms of particulate per megagram of asphalt shingle or mineral-surfaced roll roofing produced, or (ii) 0.4 kilograms per megagram of saturated felt or smooth-surfaced roll roofing produced;

(b) Exhaust gases with opacity greater than 20 percent; and

(c) Any visible emissions from a saturator capture system for more than 20 percent of any period of consecutive valid observations totaling 60 minutes.

(2) No owner or operator shall cause to be discharged into the atmosphere from any blowing still:

(a) Particulate matter in excess of 0.67 kilograms of particulate per megagram of asphalt charged to the still when a catalyst is added to the still; and

(b) Particulate matter in excess of 0.71 kilograms of particulate per megagram of asphalt charged to the still when a catalyst is added to the still and when No. 6 fuel oil is fired in the afterburner; and

(c) Particulate matter in excess of 0.60 kilograms of particulate per megagram of asphalt charged to the still during blowing without a catalyst; and

(d) Particulate matter in excess of 0.64 kilograms of particulate per megagram of asphalt charged to the still during blowing without a catalyst and when No. 6 fuel oil is fired in the afterburner; and

(f) Exhaust gases with an opacity greater than 0 percent unless an opacity limit for the blowing still when fuel oil is used to fire the afterburner has been established by the Department.

(3) No owner or operator shall cause to be discharged into the atmosphere from any asphalt storage tank exhaust gases with opacity greater than 0 percent, except for one consecutive 15-minute period in any 24-hour period when the transfer lines are being blown for clearing. The control device shall not be bypassed during this 15-minute period.

(4) No owner or operator shall cause to be discharged into the atmosphere from any mineral handling and storage facility emissions with opacity greater than 1 percent.

RULEMAKING STATEMENTS

for
Standards of Performance for
New Stationary Sources

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 Oregon Administrative Rules 340-25-510 to 340-25-675. It is proposed under authority of Oregon Revised Statutes 468.020(1) and 468.295(3) where the Environmental Quality Commission is authorized to establish different rules for different sources of air pollution.

Need for the Rule

The proposed changes bring the Oregon rules up-to-date with the latest changes and additions to the federal "Standards of Performance for New Stationary Source", 40 CFR 60. As Oregon rules are kept up-to-date with the federal rules, then the federal EPA delegates jurisdiction for their rules to the Department, allowing Oregon industry and commerce to be regulated by only one environmental agency.

Principal Documents Relied Upon

1. 40 CFR 60 Code of Federal Regulations, as amended in recent Federal Registers, concerning "Standards of Performance for New Stationary Sources":

<u>Subpart</u>	<u>Title</u>	<u>Federal Register Date & Page</u>	
EE, 40 CFR 60.310 to 60.316	Metal Furniture Surface Coating	10/29/82	49278
QQ, 60.430 to 60.435	Publication Rotogravure Printing	11/08/82 1/10/83	50644 1056
SS, 60.450 to 60.456	Large Appliance Surface Coating	10/27/82	47778
TT, 60.460 to 60.466	Metal Coil Surface Coating	11/01/82 1/10/83	49606 1056
UU, 60.470 to 60.474	Asphalt Processing and Asphalt Roofing	8/06/82	34137
Ka, 60.114	Large Storage Tanks	12/01/82	54258

2. EQC Agenda Item No. D, July 8, 1983 EQC Meeting, Request for Authorization to Hold a Public Hearing to Amend Standards of Performance for New Stationary Sources OAR 340-25-510 to 655 to Include New Federal Rules for Asphalt Processing and Asphalt Roofing and Five VOC Sources; and to Amend the State Implementation Plan.

FISCAL AND ECONOMIC IMPACT STATEMENT:

The NSPS rules are already promulgated by EPA. Adoption by and delegation to DEQ simplifies environmental administration generally at less cost.

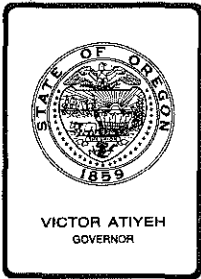
Small businesses will have less trouble following several of these environmental rules if they are administered by only one agency, the DEQ.

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.

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. The rule does not appear to conflict with other goals.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. K, October 7, 1983, EQC Meeting

Request for Approval of Preliminary Plan, Specifications and Schedule for Sanitary Sewers to Serve Health Hazard Annexation Area Known as Fir Villa Area, Contiguous to City of Dallas, Polk County

Background

Pursuant to ORS 222.850-915, the Administrator of the State Health Division, on April 26, 1983, certified an area northwest of the City of Dallas, to be a health hazard because of failing septic systems. The certification orders the area to be annexed to Dallas. The area requiring annexation to correct the health hazard is known as Fir Villa Area. A copy of the annexation order was sent to the City of Dallas. (Attachment 1)

The area was surveyed during April 1979 and November 1982. Twelve properties surveyed had either inadequate sewage disposal or sluggish operation of plumbing during the wet season.

The City has 90 days after receipt of a certified copy of the order to prepare preliminary plans and specifications, together with a time schedule for removing or alleviating the health hazard.

By letters received August 3 and September 6, 1983, the City of Dallas has submitted preliminary plans, specifications, and a time schedule for construction of sewers in the proposed annexation area (Attachments 2 and 3). A single copy of the plans and specifications is available for your review.

The Environmental Quality Commission has 60 days from time of receipt of preliminary plans and other documents to determine them either adequate or inadequate to remove or alleviate the dangerous conditions and to certify same to the City.

Upon receipt of EQC certification, the City must adopt an ordinance in accordance with ORS 222.900 which includes annexation of the territory. The City is then required to cause the necessary facilities to be constructed.

Evaluation

The schedule proposed by the City calls for annexation of the territory immediately following certification of plans, specifications, and time schedule by the EQC. All construction work would be completed within the 1984 construction season.

The proposed plan is to construct a single run of 10-inch gravity sewer on Fir Villa Road to serve the health hazard area. This sewer will discharge into an existing city interceptor sewer.

Treatment of collected sewage will be at the City's treatment plant which has adequate capacity to do so.

The staff concludes from the Health Division findings and conclusions that the health hazard in the area is a result of sewage at or on the surface of the ground and disposal systems constructed within high groundwater areas containing clayey soils. Installation of a sewage collection system will prevent the discharge of inadequately treated sewage to the ground surface and adjacent drainageways.

Thus, the staff concludes that installation of sewers in the area will remove the health hazard.

Summation

1. Pursuant to the provisions of ORS 222.850 to 222.915, the State Health Division issued an order adopting findings and conclusions and certified a copy to the City of Dallas.
2. The City has submitted a preliminary plan and specifications, together with a time schedule to the DEQ for review.
3. ORS 222.898(1) requires the Commission to make a determination of the adequacy or inadequacy of the preliminary plans and other documents submitted by the City within 60 days of receipt.
4. ORS 222.898(2) requires the Commission to certify to the City its approval if it considers the proposed facilities and time schedule adequate to remove or alleviate the dangerous conditions.
5. The gravity sewers proposed by plans and specifications will remove the conditions dangerous to public health within the area to be annexed. The proposed time schedule is satisfactory.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the Commission approve the proposal of the City of Dallas and certify approval to the City.

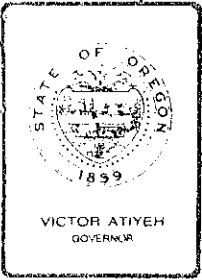
Bill

William H. Young

Attachments:

1. Health Division Rulings, Findings, Conclusions of Law and Order
2. City Letter of July 29, 1983
3. City Letter of August 29, 1983

James L. Van Domelen:g
WG2300
229-5310
September 16, 1983



Department of Human Resources
HEALTH DIVISION

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

April 26, 1983

CERTIFIED MAIL #4768694FS
 RETURN RECEIPT REQUESTED

Roger Jordan
 City Manager
 City of Dallas
 P.O. Box 67
 Dallas, Oregon 97338

Dear Mr. Jordan:

RE: IN THE MATTER OF ANNEXATION OF A CERTAIN TERRITORY COMMONLY KNOWN AS THE FIR VILLA AREA TO THE CITY OF DALLAS, POLK COUNTY, OREGON PURSUANT TO THE PROVISIONS OF ORS 222.850 TO 222.915 DUE TO CONDITIONS CAUSING A DANGER TO PUBLIC HEALTH.

Please find enclosed a certified copy of Findings and a final Order in the above designated matter.

I refer you to ORS 222.897 through 222.900 which direct procedures following these Findings. If you have any questions in this regard, please contact me at 229-6325.

Sincerely,

Ronald A. Hall, Manager
 Health Hazard Studies Program
 Office of Environment and Health Systems

State of Oregon
 DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
 APR 27 1983

WATER QUALITY CONTROL

RAH:io

cc: Joe Richards, Environmental Quality Commission
 John Borden, DEQ, 895 Summer Street, NE Salem, OR 97310
 Mary Halliburton, DEQ ✓
 Gene Clemens, Polk County Health Department

AN EQUAL OPPORTUNITY EMPLOYER

Mailing Address: P.O. Box 231, Portland, Oregon 97207
 EMERGENCY PHONE (503) 226-5500

RECEIVED

APR 27 1983

CERTIFICATE

WATER QUALITY CONTROL

I, Kristine Gebbie, Assistant Director for Health, Department of Human Resources, Administrator of the State Health Division and legal custodian of the records and files of said Division, DO HEREBY CERTIFY:

That the attached copy of the Assistant Director's Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order in the matter of the Annexation of Certain Territory referred to as the Fir Villa area to the City of Dallas in Polk County, has been compared by me with the original thereof and said copy is a true, full and correct transcript from and of the whole of said original as the same appears in the records of the State Health Division in my custody.

In Testimony Whereof, I have hereunto
set my hand this 26 day of April, 1983.



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

BEFORE THE HEALTH DIVISION OF THE DEPARTMENT OF
HUMAN RESOURCES OF THE STATE OF OREGON

In the Matter of the Proposed)	
Annexation of a Certain Territory	)	ASSISTANT DIRECTOR'S
Commonly Known as the Fir Villa	)	FINDINGS OF FACT,
Area to the City of Dallas, Polk	)	ULTIMATE FINDINGS OF FACT,
County, Oregon, Pursuant to the	)	CONCLUSIONS OF LAW
Provisions of ORS 222.580 to	)	AND ORDER
222.915 Due to Conditions Causing)	
a Danger to Public Health.)	

A hearing on the question of the existence of a danger to public health in the above-entitled matter was held on December 16, 1982 in Room 107A of the Polk County Courthouse, Dallas, Oregon, a place near the proposed area to be annexed, before Samuel J. Nicholls, the hearings officer appointed by the Health Division. The hearings officer considered all the evidence presented by the Division and affected persons and made his FINDINGS OF FACT, ULTIMATE FINDING OF FACT, CONCLUSION OF LAW and RECOMMENDATIONS. Opportunity for arguments and for petitioning for exclusion of property was thereafter given by publication of notice as prescribed by rules of the Division. No arguments or petitions were received.

The Assistant Director, having considered the findings, conclusions and recommendations of the hearings officer, now makes the following disposition of this matter.

FINDINGS OF FACT

I

By order of the Oregon State Health Division dated November 8, 1982, a hearing was ordered in this matter for the following

1 - ASSISTANT DIRECTOR'S FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

purpose: to determine whether danger to public health exists due to conditions existing in the territory proposed to be annexed and described in a resolution of the Board of Health of Polk County, Oregon, which was filed with the county clerk on October 13, 1982.

II

Notice of said order and resolution was given by the Health Division by publishing them once each week for two successive weeks in the Polk County Itemizer-Observer, a newspaper of general circulation within the City of Dallas, Oregon, and the territory proposed for annexation and by posting copies of the order and resolution in each of four public places within the territory proposed to be annexed.

III

There is no community collection system for sewage disposal and treatment within the area proposed to be annexed; all units depend upon individual subsurface sewage disposal facilities, primarily septic tanks and drain fields.

IV

There are two primary components to a septic tank and drain field system. The first is the septic tank itself, which is a water-tight box which serves as a settling basin to settle out solids. The second component is a drain field, which is a series of underground pipes through which the sewage effluent is pumped into the ground.

///

V

Treatment of raw sewage occurs in the soil of the drain field, where micro-organisms in the presence of oxygen break down pathogenic or disease-causing organisms which are always present in human sewage.

VI

Properly constructed and functioning subsurface disposal systems do not pump sewage effluent onto the ground surface. Sewage must be retained in the soil to be adequately treated bacteriologically and to be rendered nonseptic. Sewage effluents rising or discharging onto the ground surface from a subsurface sewage disposal facility are inadequately treated and essentially raw.

VII

Limiting factors to the effective use of a subsurface drainage system are soil type of the drain field and the level of the water table. Both factors affect the amount of oxygen in the soil, which is necessary for adequate bacteriological treatment of effluent. Presence of excess water in the drain field limits the amount of oxygen available to the micro-organisms which break down the pathogenic organisms in the sewage and render them nonseptic.

VIII

Nontreated sewage being discharged onto the ground may be detected by a very strong characteristic odor and appearance. In addition, nontreated sewage rising to the surface may be detected

by finding standing water on the surface of a drain field which does not appear on adjacent areas, especially when combined with a lush green growth of grass over the drain field area.

IX

One method used to detect an improperly functioning subsurface drainage system is to introduce a dye into the toilet of a particular system, flush water through the system, and watch to see if the hydraulic action of the system carries that dye to the surface of the ground. If the dye appears on the ground at all, the system is not functioning properly. If the dye appears on the surface within a short period of time, virtually no treatment is being provided to the sewage discharged into that particular system.

X

Pathogens, or disease-causing agents, are found in the fecal material of mammals. Microbiological testing for the presence of the following organisms is performed to investigate the presence of inadequately treated sewage: total coliform, fecal coliform, and fecal streptococcus organisms. These organisms are not themselves pathogens but are indicators of the presence of fecal matter which may contain pathogens.

1. Coliform organisms are bacteria widely distributed in nature, always found in the feces of mammals; therefore they are a reliable indicator of the presence of some contaminant which may or may not be a fecal source.

2. Fecal coliform organisms, if present, show that the

contamination is definitely from a fecal source, and the danger of transmission of disease is therefore immediate and serious.

3. The presence of fecal streptococcus organisms indicates the presence of a contaminant which may or may not be from a fecal source. The relatively short lifespan of these organisms indicates that the contamination of the water supply is quite recent.

XI

A statistical method used to report test results for these micro-organisms is the MPN method, which stands for the MOST PROBABLE NUMBER, which is a statistical count of what would be the most probable number of colonies of these individual organisms per 100 milliliters of water.

XII

The following conditions existed on the properties within the area proposed for annexation and, without evidence to the contrary, are presented to continue to exist:

1. On November 2, 1982 the owner of the property known as Tax Lot 300 of Tax Map 7 5 34A, also known as 301 S.E. Fir Villa, stated that the plumbing fixtures on the property drain slowly during winter months, which necessitates pumping the septic tank. The soils on said property are clayey, with a seasonally high water table which sometimes reaches the ground surface.

2. The property described by Tax Lot 301 of Tax Map 7 5 34A is also known as the Motor Vue Drive-In Theatre. Complaints have frequently been made to the Polk County Environmental Health

Department regarding toilets which operate improperly and result in sewage on the floors of the restrooms. The septic tank of this system must be pumped out frequently. The drain field of the system on this property is located under the parking and driving areas which have become compacted, resulting in reduced evaporation and oxygen movement throughout the soil, severely limiting bacteriological treatment of effluent. This property is also drained by field tiles which discharge ground water into the roadside ditch along Fir Villa Road. Bacteriological samples taken at the outfall of the field tiles into the ditch on April 3, 1979 indicated the presence of fecal coliform (MPN 11,000) and total coliform (MPN greater than 11,000) organisms. The roadside ditch along Fir Villa Road eventually drains into Rickreall Creek.

3. On April 4, 1979 a strip of lush green vegetation and totally saturated soil was observed over the drain field area of the property known as Tax Lot 400 of Tax Lot 7 5 34A, also known as 395 S.E. Fir Villa. A pool of water at the end of the drain field had the characteristic odor and appearance of sewage. A bacteriological sample taken from the pool on April 4, 1979 indicated the presence of fecal coliform (MPN 46,000) and total coliform (MPN 110,000) organisms. Field tiles running less than 25 feet from the drain line of the drainage field discharge into the ditch along Fir Villa Road.

4. On November 2, 1982 green tracing dye was placed into the toilet on Tax Lot 500 of Tax Map 7 5 34A, also known as 405 S.E. Fir Villa. Green dye was observed in a roadside ditch

southeast of the house within one hour. A bacteriological sample taken on that date indicated the presence of fecal coliform (MPN greater than 11,000), total coliform (MPN greater than 11,000), and fecal streptococcus (MPN 430) organisms.

5. On November 2, 1982 a 4-inch pipe was observed to discharge into the roadside ditch southeast of the house on Tax Lot 803 of Tax Map 7 5 34A, also known as 435 S.E. Fir Villa. Green tracing dye was placed into the toilet of the house on that date. The dye was observed outside the house 24 hours later. A bacteriological sample taken on November 2, 1982 or November 3, 1982 indicated the presence of fecal coliform, total coliform and streptococcus organisms, all with MPN greater than 11,000.

6. The owner of the house of Tax Lot 800 of Tax Map 7 5 34A, also known as 505 S.E. Fir Villa, indicates that during winter months the plumbing drains slowly. The system which serves this house is old and undersized. On older, undersized systems saturation of the trench results in the build-up of an organic mat on the sidewalls of the disposal trench, which inhibits absorption of the effluent into the soil. During periods of heavy or extended rainfall, a shallow perched water table often develops in this area.

7. On January 19, 1982 standing water was observed over the entire drain field area of the septic system on Tax Lot 1200 of Tax Map 7 5 34A, also known as 705 S.E. Fir Villa. The standing water had the characteristic odor and appearance of sewage. Green tracing dye placed in the toilet of the system on that date

was observed in the pool of water over the drain field less than 48 hours later.

8. On January 8, 1980 a liquid with the characteristic color and odor of sewage was observed seeping through the asphalt driveway near the end of the drain field located on Tax Lot 1201 of Tax Map 7 5 34A, also known as 745 S.E. Fir Villa. A bacteriological sample taken on that date of the liquid seep indicated the presence of fecal coliform (MPN greater than 110,000) organisms. On November 2, 1982 liquid was seeping from the driveway in the same area.

9. On January 19, 1982 a pool of water with the characteristic odor and appearance of sewage was observed on the ground surface southwest of the house located on Tax Lot 1900 of Tax Map 7 5 34A, also known as 790 S.E. Fir Villa. On that date the water table was 12 inches below the ground surface, forcing sewage effluent to the ground surface. A green tracing dye was placed into the toilet of the house on January 19, 1982 and was observed in the pooled water and in the roadside ditch in front of the house less than 24 hours later.

10. On January 19, 1982 a pool of standing water with the characteristic odor and appearance of sewage was observed over the drain field of the septic system located on Tax Lot 2202 of Tax Map 7 5 34A, also known as 650 S.E. Fir Villa. A green tracing dye placed into the toilet of the system on that date was observed on the ground surface of the property less than 24 hours later.

11. The septic system on Tax Lot 2300 of Tax Map 7 5 34A, also known as 510 S.E. Fir Villa, drains slowly during the winter months. The septic system serving the house is old and under-sized. An organic mat on the sidewalls of the disposal trench of the system results in the slow infiltration of effluent into the soil. A shallow perched water table develops on this property during periods of heavy or extended rainfall.

12. On April 4, 1979 a pool of water with the characteristic odor and appearance of sewage was observed on the ground surface of Tax Lot 2400 of Tax Map 7 5 34A, also known as 430 S.E. Fir Villa. Dye placed in the toilet of the house on that date was observed in the pooled water 35 minutes later. A bacteriological sample indicated the presence of fecal coliform (MPN greater than 110,000) organisms.

XIII

In the area proposed for annexation, the possibility of contracting disease through direct or indirect contact with raw or inadequately treated sewage occurs due to:

1. Normal daily activities carried on in and around the residential living units in the area.
2. Children playing in the area are exposed to contaminated surface water.
3. Domestic animals found in the subject area are possible vectors of pathogens to residents within and without the area.
4. Other vectors such as insects, rodents or other pests could transmit pathogens to persons within and outside the area.

XIV

Persons living within the territory proposed for annexation who contract diseases discussed above could, in turn, carry diseases so contracted to persons living outside the subject territory either by direct personal contact or by contaminating food to be consumed by persons outside the territory. In addition, persons from outside the territory are exposed to the conditions discussed above by virtue of the presence of Rickreall Creek, which runs adjacent to the area proposed for annexation and which is used by the public in general for fishing, swimming, and other recreation. Surface water carrying raw or inadequately treated sewage from the area proposed for annexation runs into Rickreall Creek.

XV

The area proposed for annexation is contiguous to and entirely within the urban growth boundary of the City of Dallas, Oregon.

ULTIMATE FINDING OF FACT

1. The improper and inadequate installations for the disposal or treatment of sewage or other contaminated or putrifying wastes, as described in paragraph XII, constitute conditions in the area legally described in the attached Exhibit A, made a part hereof, which are conducive to the propagation of communicable or contagious disease-producing organisms and which present a reasonably clear possibility that the public generally is being exposed to disease-caused physical suffering or illness.

2. The area described in said Exhibit A is contiguous to

and entirely within the urban growth boundary of the City of Dallas, Oregon.

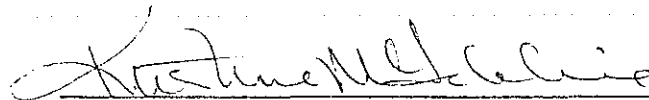
CONCLUSION OF LAW

A "danger to public health" as defined in ORS 222.850(4) has been found to exist within the territory described in Exhibit A, made a part hereof, said area being the area proposed to be annexed and described in the aforementioned resolution of the Board of Health of Polk County, Oregon, filed with the county clerk October 13, 1982. Such area is otherwise eligible for annexation to the City of Polk County pursuant to ORS 222.111 and is within the urban growth boundary of the City of Klamath Falls.

ORDER

IT IS ORDERED that a certified copy of these findings and conclusions be filed with the City of Dallas, Oregon, and with the Environmental Quality Commission; and that upon their receipt of such findings and conclusions the City of Dallas and the Commission proceed in accordance with ORS 222.897 to 222.900.

DATED this 24 day of April, 1983.



KRISTINE M. GEBBIE, Assistant
Director, Human Resources
Administrator, Health Division

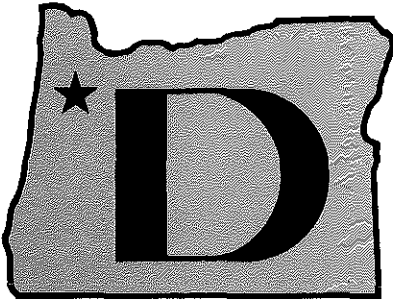
NOTICE

Any person adversely affected or aggrieved by this order or any party is entitled to judicial review. Judicial review of the order may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review is pursuant to the provisions of ORS 183.482.

11 - ASSISTANT DIRECTOR'S FINDINGS OF FACT, ULTIMATE FINDINGS
OF FACT, CONCLUSIONS OF LAW AND ORDER
4/19/83-gs

Beginning at a point in the center of the LaCreole Creek 289.54 feet South 89°58'30" West and 145.00 feet north from the re-entrance corner on the south line of the Thomas J. Lovelady Donation Land Claim No. 63 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; said point also being the southeast corner of that tract of land conveyed to Loren Cooley by deed recorded in Book 43, Page 630, Book of Records for Polk County; thence running northerly along the east line of said tract of land 607.04 feet more or less to the south line of that tract of land conveyed to Jackie and Rose Baird by deed recorded in Book 54, Page 692, Book of Records for Polk County; thence easterly along the south line of said land 559.00 feet more or less to the southeast corner of said tract; thence northerly 1667.54 feet more or less to the northeast corner of that tract of land conveyed to Ubaldo and Alma Badillo by deed recorded in Book 38, Page 25, Book of Records for Polk County; thence westerly 2017.29 feet more or less to the southwest corner of that tract of land conveyed to Robert Barker and Darlene Barker King by deed recorded in Book 154, Page 2245 and 2248, Book of Records for Polk County; thence northerly 195.00 feet more or less to the most northerly northeast corner of that tract of land conveyed to General American Theaters, Inc., by deed recorded in Book 139, Page 1740, Book of Records for Polk County; thence westerly along the north line of said tract 577.17 feet more or less to the northwest corner of said tract; thence southerly 2852.00 feet more or less to a point in the center of LaCreole Creek, said point also being the southwest corner of that tract of land conveyed to Joyce Newkirk by deed recorded in Book 119, Page 1265, Book of Records for Polk County; thence easterly along the center of said creek to the point of beginning.

EXHIBIT A


City of Dallas - - Office of the City Manager

July 29, 1983

AUG 01 1983

Ronald A. Hall, Manager
 Health Hazard Studies Program
 Office of Environmental and Health Systems
 State of Oregon Health Division
 1400 S.W. 5th Avenue
 Portland, OR 97201

Dear Ron:

RE: IN THE MATTER OF ANNEXATION OF A CERTAIN TERRITORY COMMONLY KNOWN AS THE FIR VILLA AREA TO THE CITY OF DALLAS, POLK COUNTY, OREGON PURSUANT TO THE PROVISIONS OF ORS 222.850 TO 222.915 DUE TO CONDITIONS CAUSING A DANGER TO PUBLIC HEALTH.

This letter is to serve as the formal response from the City to the Findings of Facts and final Order which we received concerning the Fir Villa Health Hazard Annexation Area.

As required by the Oregon Revised Statute, we have been developing a proposed solution to the health hazard problem in the south Fir Villa area as identified in the final Order. Attached is a copy of an engineering plan for a proposed sewer line which could be installed to solve the health hazard. As you will note, the plans for the proposed sewer line would extend from the existing sewer trunk line which crosses south Fir Villa, northerly approximately 2,110 feet. This proposed sewer line could serve all of the existing structures within the health hazard. In addition, the proposed sewer line could accommodate additional hookups from abutting vacant property. The City Council has considered this engineering plan and adopted it as the City's proposal for solving the health hazard in the area. I would like to remind you that the City Council has taken a neutral position in this annexation issue and only wishes to annex the property if the state mandates it through the Health Hazard Annexation Laws.

The Council is proposing that the sewer line will not be constructed until next summer. The position of the City is that since the City did not create the problem, but is responsible for solving the health problem that exists, that the state should bear some responsibility for assistance in financing the sewer project. Therefore, we formally request that the Department of Environmental Quality and Health Division assist the City in locating grant funds which would be available

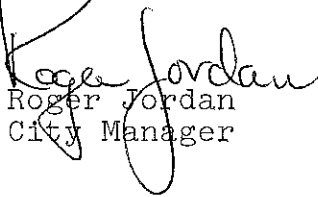
July 29, 1983

to the City to assist in the installation of the sewer system.

If the City is unable to obtain federal or state assistance, it leaves us at the City no other alternative than to initiate a local improvement district for the installation of the sewer system and bill the abutting property owners the entire cost which will be substantial.

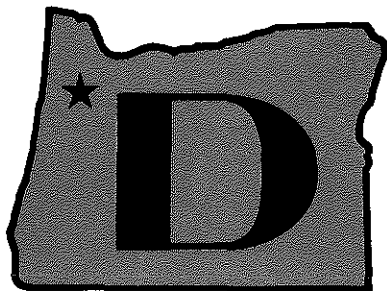
If any additional information is necessary for yourself or anyone concerning the City's proposal, please contact either me or Dave Shea, our Public Works Director.

Very truly yours,


Roger Jordan
City Manager

RJ:meh
Attachment

cc: Joe Richards, Environmental Quality Commission
John Borden, DEQ, 895 Summer St. NE, Salem, OR 97310
Mary Halliburton, DEQ
Gene Clemens, Polk County Health Department



City of Dallas - Office of the City Manager

August 29, 1983

Jim Van Domelen
P.O. Box 1760
Portland, OR 97202

#2 RECEIVED

SEP 6 1983

Water Quality Division
Dept. of Environmental Quality

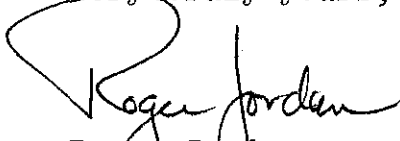
Dear Mr. Van Domelen:

As you requested in your phone conversation with our Public Works Director and City Engineer, Dave Shea, we are forwarding a copy of the proposed time frame for the Fir Villa sanitary sewer construction. As you will note, the City, hopefully, will have the project completed by next summer. Also attached, as you requested, is a copy of the construction specifications for the sanitary sewer project.

The City Council has directed the staff to use the winter to pursue federal and state financing to assist in the installation of this sewer project to resolve the health hazard problems in the Fir Villa area. As you will recall from our earlier letter, the City is requesting your Department to assist in the financing of this proposed sewer line to correct the health hazard problem. We will appreciate it if you will notify us of the process to file for a grant for the funds to assist in the project.

If we can be of further assistance or provide any additional information, please feel free to contact either me or Dave Shea.

Very truly yours,


Roger Jordan
City Manager

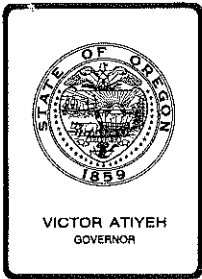
RJ:meh

Enclosures - 2

cc: Dave Shea, Director of Public Works

Time Frame for Fir Villa
Sanitary Sewer Construction

<u>October 1982</u>	County Resolution proposing boundary for Health Hazard Annexation.
<u>November 1982</u>	State of Oregon Health Division declared a health problem and ordered a public hearing.
<u>December 1982</u>	City of Dallas Council notified by staff of State hearings.
<u>February 1983</u>	State of Oregon Notice of Issuance of Findings that Health Hazard does exist.
<u>March 1983</u>	State of Oregon Notice of Intent to Issue Findings.
<u>April 1983</u>	State of Oregon Health Division Assistant Director's Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order.
<u>April 29, 1983</u>	State of Oregon certified letter to City Manager of Findings and final order of the Health Hazard Annexation.
<u>May 18, 1983</u>	Job file opened for engineering plans, blueback submittal to City Council.
<u>July 14, 1983</u>	Plans and blueback submitted to City Council for recommendation of submittal to State Health Division.
<u>July 29, 1983</u>	Plans submitted to State Health Division for Health Hazard corrections.
<u>July 29, 1983</u>	Request for State grant aid to install sanitary sewer line.
<u>July 29, 1983</u> to <u>September 29, 1983</u>	State Health Division's 60 days to respond to City of Dallas' proposed solution for correcting health problem.
<u>July 29, 1983</u> to <u>February 1984</u>	City of Dallas to pursue State and/or Federal Aid Grants.
<u>March 1984</u>	Public hearing to form a Local Improvement District to install sanitary sewer line.
<u>April 1984</u>	City Council to adopt or deny resolution to proceed with Improvement Project.
<u>May 1984</u>	Final engineering and design.
<u>May 1984</u>	Advertise bid proposals for construction.
<u>June-July 1984</u>	Award contract and begin construction.
<u>October 1984</u>	Construction completed.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. L, October 7, 1983, EQC Meeting

Request for Approval of Proposed Fee Schedules for
Services Related to the On-Site Sewage Disposal Program
in Josephine County

Background and Problem Statement

ORS 454.745(4) provides that any agreement county may adopt fee schedules for services related to the On-Site Sewage Disposal program which are not specifically listed in ORS 454.745(1), with approval of the Environmental Quality Commission.

After discussion with staff, Josephine County (an agreement county) is now requesting Commission consideration and approval to adopt fee schedules for three (3) services related to the program but not specifically listed in ORS 454.745(1). The services and proposed fees are as follows:

1. Test Hole Placement Assistance \$25.00
2. Record Searches \$15.00
3. Field Review of Potentially Invalidated Site Evaluations . . \$25.00

An explanation of the services is contained in Attachment "B".

Without Commission approval, Josephine County will not be able to collect fees for the program related services they would like to provide.

Alternatives and Evaluation

The alternatives are:

1. Approve Josephine County's request for one (1) or more of the proposed fee schedules.
2. Do not approve Josephine County's request.

Test hole placement assistance is a service the county would like to make available to people that ask for help in determining where to locate the test pits to be examined during the site evaluation process. The applicant and the county may both realize a savings of time and expense. If approved, Josephine County will be able to recover part of their costs in providing the service. If not approved, the county must determine if this assistance will be provided without receiving a fee.

In years past Josephine County has evaluated individual sites for on-site sewage disposal suitability and prepared separate reports on their findings. In some instances the property owners have decided to subdivide the land where individual sites are located, and have requested the county provide them with a single comprehensive evaluation report for methods of on-site sewage disposal for their proposed subdivision. Such a report is required prior to the approval of a subdivision plat. Because of the additional work involved in searching the files, reviewing the previous field work, and finally preparing the comprehensive report, the county would like to be able to collect a fee for this service. If the Commission does not approve this fee schedule, Josephine County must determine if the service will be provided without cost to the applicant.

Between the time a site evaluation report is issued and a permit application is submitted, some property owners begin to develop and improve their property in ways that impact the area found suitable for placement of an on-site system. Occasionally these people will ask the county to revisit the property to determine if the evaluation report is still valid. If the Commission does not approve this fee schedule, Josephine County must decide if this will be provided without collecting a fee.

Summation

1. The Environmental Quality Commission must approve fee schedules for services related to the On-Site Sewage Disposal program which are not specifically listed in ORS 454.745(1) before an agreement county may adopt the fee schedules.
2. Josephine County has requested Commission approval so that fee schedules for three (3) services related to the program but not specifically listed in ORS 454.745(1) may be adopted.

EQC Agenda Item No. L
October 7, 1983
Page 3

Director's Recommendation

Based upon the Summation, it is recommended the Commission approve Josephine County's proposed fee schedules for test hole placement assistance, record searches, and field review of potentially invalidated site evaluations.

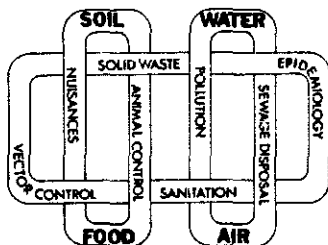


William H. Young

Attachments: 3

- "A" Josephine County letter of June 23, 1983
- "B" Josephine County letter of August 17, 1983
- "C" Josephine county letter of September 7, 1983

Sherman O. Olson, Jr:l
XL2783
229-7443
September 16, 1983



JOSEPHINE COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES

Mailing *Josephine County Court House*
 Address: *Grants Pass, Oregon 97526*

Telephone: **474-5431**

5325

Location: *Corner of 4th & C Streets*

June 23, 1983

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

Dear Jack,

Please process the following Josephine County fees through the Environmental Quality Commission:

.....Subdivision file review fee: ----- \$15

(Considerable amount of time can be involved in preparing DEQ form-DEQ-WQ-XT 320, 6/81).

.....Test Hole Placement & Alternative System soil test pit review fee: ----- \$25 for 1st lot and \$25 per hour for subsequent lots.

(Sanitarian makes field visit to assist lot owner in locating test pits in most likely to be approved area; evaluates denied soil test pits for alternative system (over 90 days).

Please call/write if additional information would be required for this submission.

Sincerely,

Bill

C. WILLIAM OLSON, M.P.H., DIRECTOR
 Environmental Health Services

CWO:ms

RECEIVED

JUN 30 1983

Water Quality Division
 Dept. of Environmental Quality

Sherm Olson
Department of Environmental Quality
August 17, 1983
Page 2

- 3) Sites are reviewed where an owner/contractor may have invalidated an approved site, i.e., well location, road encroachment, excavation over subsurface sewage system etc.
- 4) Sanitarian will re-evaluate old/same test pits (no new test holes) previously denied for a standard system (Current alternatives were not available when denied. If approved, no new site evaluation fee is charged. Pay only for the required permit).

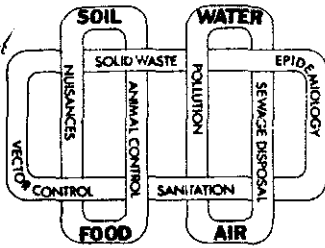
Please call if you have any questions.

Sincerely,



C. WILLIAM OLSON, M.P.H., Manager
Environmental Health Services

CWO:ms



JOSEPHINE COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES

Mailing: Josephine County Court House

Address: Grants Pass, Oregon 97526

Telephone: 474-5431

Location: Corner of 4th & C Streets

August 17, 1983

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

Dear Sherm,

This is the information I promised you regarding our fee proposals for Environmental Quality Commission:

Josephine County Fee Schedule:

- 1) Test Hole Placement Assistance ----- \$25.00
- 2) Record Searches ----- \$15.00
- 3) Field Review of potentially invalidated Site Evaluations. ----- \$25.00
- 4) Field Review of previously denied soil test pits. ----- \$40.00

***** Description of above *****

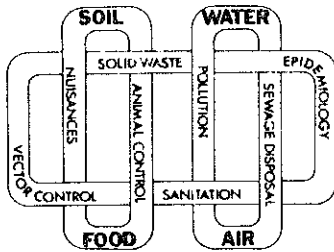
- 1) Sanitarian consults with the owner at the property and gives his best technical advice as to which specific area would most likely be approved.
- 2) Applicants who need a statement of method of on site sewage disposal for subdivisions apply at this office. Secretary searches files for pertinent site evaluation and/or permits. Sanitarian reviews paper work and makes list of approval type, site and/or permit number, and any special conditions. Applicant receives copy of the list. (Used when the current site evaluation fee has not been paid.)

continued....

RECEIVED

AUG 22 1983

Water Quality Division
 Dept. of Environmental Quality



JOSEPHINE COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES

Mailing *Josephine County Court House*
 Address: *Grants Pass, Oregon 97526*

Telephone: 474-5431

Location: *Corner of 4th & C Streets*

September 7, 1983

Sherm Olson
 Department Of Environmental Quality
 P.O. Box 1670
 Portland, OR 97207

Dear Sherm,

Thanks for your time in preparing our fee request changes. It has been useful in gaining a greater perspective into fee schedules -- at least it has given me a greater perspective.

We desire to withdraw the "Field Review if previously denied soil test pit" fee. It has proven to be too cumbersome.

I would also appreciate your going over our fees and making any suggestions about their validity and ways to improve them.

Thanks for your assistance.

Sincerely,

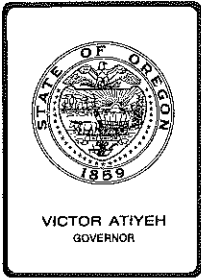
Bill

C. WILLIAM OLSON, M.P.H., Manager
 Environmental Health Services

CWO:ms

RECEIVED
 SEP 16 1983

Water Quality Division
 Dept. of Environmental Quality



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. M, October 7, 1983, EQC Meeting

Request for a Class Variance from OAR 340-22-020(4) to Allow for Extension of Time to January 1, 1984 to Apply for an Exemption from the Residential Coal Use and Sale Restriction.

Background and Problem Statement

In January, 1982 the EQC adopted rules to regulate residential coal burning for direct space heating in the Portland, Eugene, Salem, Medford airsheds (Attachment 1). The rules regulate the sale and use of coal based on a limitation of 0.3% sulfur and 5.0% volatile content. Coal that meets this specification is possible to manufacture but is not currently available in Oregon. The rules allowed an exemption for existing coal users in the affected airsheds if they applied in writing to the Department by July 1, 1983 and certified that they used more than one half (1/2) ton of coal in 1980. Individuals granted an exemption would be allowed to continue to purchase and use coal for direct residential space heating that meets the statewide 1% sulfur limit.

As of July 1, 1983, 266 individuals had applied in writing to the Department and stated that they met the specific requirements of previous usage and have received a written exemption letter from the Department.

To date, the Department has received 21 additional requests for an exemption to the coal rule after the specified July 1, 1983 deadline for exemption application. While the coal rule was well publicized in the media as to the effective date of implementation, it is apparent that not all affected individuals were aware of the rule or the deadline. Almost all of the late exemption requests stated they were unaware of the rule and of the deadline for exemption application. Most heard of the rule only when they attempted to purchase coal for the coming heating season and were informed by the local coal distributors that they must have an exemption letter from the DEQ before the retailer could sell coal to them.

Alternatives and Evaluation

Among the 21 individuals who have applied for an exemption beyond the application deadline are some individuals who also use coal to heat their domestic water supply. They have stated that it would be an economic hardship to have to replace their existing plumbing as well as install a new conventional fuel heating system. An example of this situation is shown in Attachment 2. Other applicants are senior citizens who have expressed that conversion to oil or other fuel replacement systems would place a prohibitive financial burden on them as their budget is restricted by a fixed income. (See Attachment 3.)

Other late coal rule exemption applicants claimed they had previously not heard of the rule or had mistakenly assumed their household was located outside the affected airshed boundary. (Refer to Attachments 4 and 5.)

It is very likely that a few other individuals will hear of the residential coal rule for the first time as they attempt to purchase their fuel supply for the upcoming heating season. It appears reasonable to assume that all potentially affected parties will be informed of the residential coal rule restrictions by the end of 1983. Hence, a six month extension from the original deadline appears warranted to allow sufficient extra time to encompass receipt of all potential requests for exemption to this rule. Two options for consideration are: 1) grant a class variance to extend the original deadline for exemption application, and 2) not provided for extension of the original exemption application deadline. No extension of the original exemption application deadline would likely result in curtailment of coal heating for some households who have to switch to more expensive alternatives and it may even present insurmountable obstacles to some households such that they would not be able to heat their home.

Summation

1. The EQC adopted a rule in 1982 which limits the sale and use of coal used in residences in the Portland, Salem, Eugene, and Medford airsheds to 0.3% sulfur and 5.0% volatile content.
2. Coal meeting the sulfur and volatile content specifications is not currently marketed in Oregon but the rule did allow existing users of coal to apply for an exemption from the limitation by writing to the Department by July 1, 1983.
3. Two hundred sixty-six (266) individuals wrote for the exemption by the July 1, 1983 deadline and subsequently received letters of exemptions from the Department; but to date twenty-one (21) others have written in since July 1, 1983.

4. The individuals submitting late exemption requests indicated they did not hear of the DEQ coal rule requirement until they attempted to purchase their winter's coal supply.
5. Strict compliance with the existing coal rule would result in several households not being able to purchase coal to heat their homes because they were late in applying for an exemption but otherwise qualify for the exemption on the basis of being existing coal users.
6. Strict compliance with the existing coal rule would be unreasonable, burdensome and impractical due to special physical conditions as it would place substantial cost burden on some individuals to change their heating systems from coal to a more expensive form of energy or even result in some individuals who may not be able to heat their home.
7. An extension of six months from the original exemption request date should allow sufficient time to encompass all existing and potential subsequent requests without compromising the intent of the rule.

Director's Recommendation

Based on the findings outlined in the Summation, it is recommended that the Commission grant a class variance from the original exemption application deadline of July 1, 1983 (OAR 340-22-020(4)) and allow an extension of time to January 1, 1984 to affected parties to apply for an exemption from the residential coal rule restriction.

Bill

William H. Young

Attachments:

1. OAR 340-22-020(4)
2. Sample of Economic Hardship
3. Sample of Fixed Income/Restricted Budget
4. Sample of Not Being Aware of Rule
5. Sample of Presuming Outside Airshed

B. Tomblason:ahe
229-5177
September 15, 1983
AZ368

RULES TO LIMIT THE SULFUR AND VOLATILE MATTER
OF COAL SOLD FOR DIRECT SPACE HEATING

340-22-020 (1) After July 1, 1972, no person shall sell, distribute, use, or make available for use, any coal containing greater than 1.0 percent sulfur by weight.

(2) Except as provided for in subsections (4) & (5) below, no person shall sell, distribute, use or make available for use, after July 1, 1983, any coal or coal containing fuel with greater than 0.3% sulfur and 5% volatile matter as defined in ASTM Method D3175 for direct space heating within the Portland, Salem, Eugene-Springfield, and Medford-Ashland Air Quality Maintenance Areas. For coals subjected to a devolatilization process, compliance with the sulfur limit may be demonstrated on the sulfur content of coal prior to the devolatilization process.

(3) Distributors of coal or coal containing fuel destined for direct residential space heating use shall keep records for a five year period which shall be available for DEQ inspection and which: (a) specify quantities of coal or coal containing fuels sold, (b) contain name and address of customers who are sold coal or coal containing fuels, (c) specify the sulfur and volatile content of coal or the coal containing fuel sold to residences in the Portland, Salem, Eugene-Springfield, and Medford-Ashland Air Quality Maintenance Areas.

(4) Users of coal for direct residential space heating in 1980 who apply in writing by July 1, 1983 and receive written approval from the Department shall be exempted from the requirement of (2) above provided they certify that they used more than one-half (1/2) ton of coal in 1980.

(5) Distributors may sell coal not meeting specification in (2) above to those users who have applied for and received the exemption provided for in (4) above.

July 21, 1983
Ruth Metz
16030 S.E. Norma Rd.
Milwaukie, Ore 97222
State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JUL 28 1983

AIR QUALITY CONTROL

Barbara Tombleson
DEQ
Air Quality Control
P.O. Box 1760
Portland, Ore. 97207

Mrs. Tombleson,

Regarding our telephone conversation on July 19, 1983, we are applying for an exemption from the new coal burning law. We did not know that it was necessary to apply for this exemption before July 1, 1983. We were aware of the Bill before the Legislature, but not of the requirement that the exemption be filed before July 1, 1983.

We have been heating with coal since 1979 when we installed a coal burning stove. This stove heats hot water which is pumped through the house to heat registers. The extra plumbing and heat registers were very expensive to install. This stove is also connected to our hot water tank which produces all the hot water we need during the winter months. This stove cost a great deal to install and would not be effective with wood. I have small children in my home so it is necessary to keep my home warm.

My husband has not been working steadily and it would be a burden on our budget to have to replace the stove or to go back to using electricity for our heat.

I sincerely hope that this request will be granted so that we may continue to heat with coal.

Thank You Very Much,

Ruth Metz

Ruth Metz

AVE USE - 3 TONS/YR
BURNED MORE THAN 1000 lbs IN 1980
VERIFIED 7/28/83
BY PHONE OP

July 20, 1983

Department of Environmental Quality
Air Quality Division - Coal Permit
P. O. Box 1760
Portland, Oregon 97207

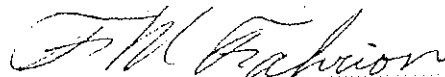
Since I retired I have been dependent on the use of coal for fuel for the last three years. On a state pension and Social Security the use of oil would be a prohibitive cost in heating my home. Also the cutting and handling of wood is not practical for me.

The amount of coal that I have used is a little over two and a half ton per year.

My residence is located well outside any densely populated area and I do not believe my use of the coal is creating a hazard to the environment.

I would very much appreciate your consideration for a permit to continue to use coal.

Sincerely,



F. M. Fahrion
9229 S. W. Capitol Hwy.
Portland, Oregon 97219

VERIFIED BY PHONE 7/27/83
OF USE OF MORE THAN 1000 LBS OF COAL IN 1980
STATED THAT HE WAS NOT AWARE OF JULY 1 DEADLINE

July 30-83

ATTACHMENT 4

TO: Barbara Thombleson
DEQ
P.O. Box 1750
Portland, Ore. 97207

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
AUG 21 1983

FROM: ROBERT NEIL OMAN
7203 N Knowles Ave
Portland, Ore. 97217
AIR QUALITY CONTROL

RE: Permit to Burn Coal in existing coal
burning stove.

Dear Barbara.

I just found out today that
I need a permit to burn coal in my
preexisting stove.

I certify that I burned
over a thousand pounds of coal in
1980.

I have a considerable amount
of money invested in my stove and would
greatly appreciate your help in giving
me a permit.

Sincerely yours,

Robert N Oman

ATTACHMENT 5
7/15/83 JUL 18 1983

Dear Ms. Tombleson:

AIR QUALITY CONTROL

Thank you for the information on coal burning regulations received 7/14/83 pertaining to our phone conversation on 7/12/83.

I did not realize we may be eligible to burn coal after seeing an Oregonian news article 6/22/83 that stated the ban on coal burning included the M.S.D., in which our residence is included.

A visiting neighbor stated we did not need to observe the ban as we are in an outlying district. I was then prompted to investigate to be sure & consequently called M.S.D. and told yes, we were in the banned area and to call D.E.D. for more information and ultimately was able to contact you and to find out, although past the deadline July 1, I could submit a letter to you stating my reasons for delay.

We have been burning coal in our fireplace since 1976, purchased from Albina Fuel Co. We have ordered a ton every fall including the year of 1980 and last fall 1982 ordered 1 1/2 tons, which we have used.

Thank you for any help you may be able to certify that we may possibly be exempt from the coal burning ban rule.

Sincerely

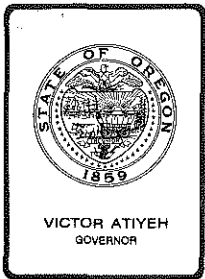
Mrs. J. A. Jacobs

2519 S.E. Vernigold Way

Milwaukie

Oregon

97222



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. N, October 7, 1983, EQC Meeting

Request For A Variance From OAR 340-25-315(1)(b), Veneer Dryer Emission Limits, For Brand-S Corporation, Leading Plywood Division, Corvallis.

Background and Problem Statement

Brand-S Corporation, Leading Plywood Division, owns and operates a plywood mill at Corvallis, Oregon. Two wood-fired veneer dryers dry purchased Douglas fir veneer used in the production of sheathing grade plywood. Emissions generated by each dryer are controlled by "home-built" gravel bed scrubber systems installed in July and October 1979.

The mill was certified in compliance with the Department's 10% average, 20% maximum opacity rule for veneer dryers in July and October 1979 and again in October of 1980. No opacity readings were taken in 1981. Subsequent evaluations in 1982 and 1983 have shown emissions from both scrubbers to be in excess of opacity limits by a significant margin.

A Notice of Violation (Attachment 1) was issued in September 1982 to Brand-S for opacity violations and they were asked to submit a proposal for correcting the problem. Brand-S responded by proposing increased maintenance activities which included replacement of the gravel in the scrubbers. No significant improvement in opacity was realized.

Because of continuing violations, Brand-S was issued a Notice of Violation and Intent to Assess Civil Penalty (Attachment 2) in April 1983. The Notice set a schedule for completing modifications to the existing system to achieve compliance. These modifications included sealing the ends of the dryers to reduce exhaust air flows, increased water usage in the scrubber spray system, and a general increase in maintenance activities. Follow-up evaluations of the mill after completion of these modifications showed no significant reduction in opacity.

Brand-S has claimed since the first Notice of Violation that the current slump in the plywood market prevents expenditures for emission control beyond that budgeted for operation and maintenance. The Corporation has submitted their banker's testimony (Attachment 3) supporting their claim that "given the working capital position of Brand-S Corporation as a whole, and the fact that these expenditures would not have a direct bearing on productivity and thus income for the corporation, we would find such expenditures to be unacceptable...".

Brand-S has proposed more modifications to the existing scrubbers within the constraints of their financial capabilities in an effort to try to regain compliance. These modifications involve the installation of a fabric/sand filter within the existing scrubber system. A "pilot" installation is to be completed by October 10, 1983. In addition, the Corporation has committed to investigate available "off-the-shelf" emission control equipment, select a control strategy by March 1984 and demonstrate compliance by October 1, 1984.

Brand-S has requested a temporary variance from the Department's 10% average, 20% maximum opacity rule until October 1984 (Attachment 4). The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that strict compliance would result in substantial curtailment or closing down of a business, plant or operation.

Evaluation and Alternatives

The nature of pollutant emissions from the mill includes the characteristic visible blue haze associated with veneer dryer emissions. Recent opacity readings at the mill have shown average opacities up to 36% and maximum opacities up to 45%. A photograph of mill emissions taken during recent observations is attached for reference (Attachment 5).

The Corvallis area is in compliance with all ambient air quality standards. The mill is situated within the urban fringe just west of Corvallis and is bounded on the south, west and north by hills creating a "pocket" in which air tends to stagnate. A subdivision, mobile home park, and the Benton County Fairgrounds are located east of the mill about 1/4 to 1/2 mile. The OSU campus is further east at about 1-1/2 miles. Two formal complaints on visible emissions were received by the Department in August 1981 during the renewal of Brand-S's Air Contaminant Discharge Permit. No other complaints have been received, although the characteristic blue haze occasionally extends to adjoining residential properties.

Several factors have been identified as potentially causing or contributing to the apparent increase in emissions since scrubber installation:

1. The gravel bed scrubbers were originally equipped with fog nozzles in the inlets and stainless steel demister sections on the outlets. Both the nozzles and the demisters plugged and were removed (not reported to DEQ).

2. The gravel has been changed several times. Currently, coarse gravel is in the units. Fine gravel, tried during initial operations, resulted in plugging and a high-pressure drop.
3. The Douglas fir veneer quality has become worse. The mill is now running on white spec, which is very low-grade veneer.
4. Dryer production has increased slightly.
5. Fuel size to the wood-fired burners is difficult to control because of hammermill screen failures resulting in larger material. Larger fuel causes smoke from the dryers.
6. The resin, as received, may contain some salts. Salts would increase opacity as the "ply trim" is used for fuel in the burners.

The proposed fabric/sand filter addition to the existing scrubber system shows some potential for reducing emissions but appears to be quite maintenance-intensive and is unproven technology. The pilot project to be completed by October 10, 1983, will be evaluated in all these respects to assess whether it is an acceptable final control strategy for maintaining compliance with opacity limits. The Corporation contends that expenditures beyond the fabric modification will be limited to their financial capabilities at the time.

A number of "off-the-shelf" scrubber systems have been installed in recent years on wood-fired dryers, including the Ceilcote ionizing set scrubber, Rader "Sandair" filter, and the Coe (Georgia-Pacific) scrubber with demister section. The cost of installing one of these units at Brand-S probably would range between \$500,000 and \$750,000. Better cost estimates will be available after Brand-S contacts equipment vendors.

Staff estimates have shown that at the mill's current production, a capital outlay of \$500,000, plus operation and maintenance, would cost the corporation approximately \$0.80 per 1,000 square feet of plywood sold, or about 1/2% of the current wholesale prices. Any market advantage attributable to cost savings by not installing adequate veneer dryer control is unknown to the Department. The mill has been operating three shifts per day, five days per week throughout the year.

The Leading Plywood mill is the only mill in Oregon owned by the principals of Brand-S Corporation. The Corporation also owns Cascade Resins, a plywood resin manufacturing plant, in Eugene. Brand-S has reportedly been losing money at the Leading Plywood Division and in November, 1982, the entire corporation staff took a 15% salary cut. Capital outlays have been limited to that available from bank loans.

Brand-S and other Oregon plywood corporations have questioned the ability of installed "off-the-shelf" control devices to continually meet the Department's opacity rule. The Air Quality Division is currently

conducting a statewide assessment of installed emission controls. Results of this review are expected later this fall, well before Brand-S is to select a final control strategy in March of 1984.

The Corporation claims to have spent in excess of \$350,000 on their two existing scrubbers. The original estimated cost for each unit was about \$35,000. The "as-built" costs were over double this amount and frequent maintenance and changes to the systems escalated costs dramatically.

The Department staff has identified three alternatives:

1. Grant the variance with increments of progress and a final compliance date of October 1, 1984. There is risk that the Corporation will not be in a significantly better cash flow position by March 1 when the control strategy is to be selected; however, the Company and staff feel this is a reasonable time schedule.
2. Grant the portion of the variance request through the March 1, 1984, control strategy deadline. A staff report would then be made to request Commission action on extending the request through the period of equipment purchase and installation.
3. Deny the variance request and require strict compliance with the opacity limits. Because of the magnitude of the opacity violations, it is expected that severe production curtailment, even to the degree of plant closure, would be necessary to achieve compliance.

Although the staff does not look forward to another year of violation of the opacity rule, the schedule as proposed, along with the commitment to review available "off-the-shelf" control systems and achieve compliance by October 1, 1984, presents an acceptable solution. Therefore, the Department staff concurs with the variance request as submitted.

Summation

1. Brand-S Corporation, Leading Plywood Division, operates a sheathing grade Douglas fir plywood mill just west of Corvallis.
2. In 1979, the Corporation installed "home-built" gravel bed scrubbers to control blue haze emissions from two wood-fired veneer dryers. The scrubbers were certified in compliance with the Department's 10% average, 20% maximum opacity limits.
3. Staff inspections in 1982 and 1983 revealed non-compliance with the opacity limits and a Notice of Violation was issued. Maintenance activities were increased, however, the violations remained and the Company was placed on a Notice of Violation and Intent to Assess Civil Penalties in April, 1983.

4. Further work to improve the scrubbers failed to result in compliance. The Corporation has proposed an experimental modification consisting of adding a fabric/sand filter to one of the scrubbers by October 10, 1983. The modification is unproven technology and will be closely evaluated by Department staff.
5. In addition to the above modifications, the Corporation has committed to reviewing "off-the-shelf" control systems and selecting a final control strategy by March 1, 1984, with a final compliance deadline of October 1, 1984.
6. The Corporation has requested a variance under ORS 468.345 for a period of about one year. The variance would allow continued operation in violation of the opacity rule until a control system can be selected and installed. The Corporation has based their request on financial hardship and has submitted documentation from the United States National Bank of Oregon in Eugene.
7. The Department staff, after reviewing alternatives with the Corporation and discussing their financial condition, concurs that the variance is necessary and the time frame reasonable. Although the plant has been operating continually, it has operated at a loss. Any curtailment of production or dryer throughput to reduce opacity would result in further financial loss.
8. Although blue haze emissions from the veneer dryer scrubbers occasionally reach a nearby subdivision, only two complaints have been received on the plant in the past three years.
9. The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that strict compliance would result in substantial curtailment or closing down of a business, plant or operation.
10. The Commission should find that strict compliance would result in substantial curtailment or closing down of Brand-S, Leading Plywood Division, at Corvallis.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission grant a variance to Brand-S Corporation, Leading Plywood Division, Corvallis, from OAR 340-25-315(1)(b), Veneer Dryer Emission Limits, with final compliance and increments of progress as follows:

1. Complete the experimental modifications presently underway on a fabric/sand filter for one scrubber by no later than October 10, 1983.
2. Review available "off-the-shelf" emission control systems from at least three vendors and submit documentation from the vendors on

the suitability, expected performance and costs to the Department. Select the most suitable control device by no later than March 1, 1984.

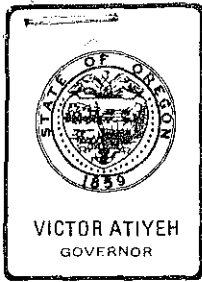
3. Purchase and install the emission control system and demonstrate compliance with opacity limits by no later than October 1, 1984.
4. Submit monthly progress reports to the Department, beginning April 1, 1984, on the status of purchase and installation of the control device.

Bill

William H. Young

- Attachments:
1. Regional Notice of Violation, September 1, 1982
 2. Notice of Violation and Intent to Assess Civil Penalties, April 20, 1983
 3. Letter From United States National Bank, Eugene
 4. Variance Request and Expense Detail for Existing Scrubbers
 5. Photograph of Plant Taken During Opacity Observation

D. ST. LOUIS:a
(503) 378-8240
September 16, 1983
AA3822



Department of Environmental Quality

ATTACHMENT 1

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

September 1, 1982

Mr. Harvey Crawford, Manager
Leading Plywood Division
Brand S Corporation
P.O. Box L
Corvallis, OR 97330

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: NOTICE OF VIOLATION
AQ-WVRS-82-99
AQ-Leading Plywood
ACDP 02-2479, Benton County

Dear Mr. Crawford:

The opacity observations conducted August 26, 1982, showed that the veneer dryer emissions from Leading Plywood are in violation of Condition 5 of the Air Contaminant Discharge Permit. Specifically, opacities exceeded the 10% average, 20% maximum limit.

These readings, plus the results of an earlier observation, are summarized below. I've attached the opacity reports for your records.

<u>Date</u>	<u>Average Opacity</u>	<u>Maximum Opacity</u>
8/26/82	25.5% (Moore)	35% (Moore)
	18.6% (Prentice)	40% (Prentice)
5/21/82	10.6% (Moore)	15% (Moore)
	23.7% (Prentice)	30% (Prentice)

Our files show that in 1979 and 1980 Department personnel took formal opacity readings and found the plant to be in compliance. We have no record of opacity observations in 1981. The file also contains numerous photographs depicting plumes of much less density than are currently emitted.

The Department requests that, by September 15, 1982, you submit a letter addressing the violations and include discussion of the following:

Mr. Harvey Crawford
Page 2
September 1, 1982

1. Any modifications that have been made since the initial certification.
2. Whether or not the rock and gravel currently in the scrubbers is the same as the original.
3. How fuel sizing problems could be eliminated when hammermill screen failure occurs.
4. What impact, if any, the decreasing veneer quality has had on opacity, and whether or not production has increased.
5. Any corrective action that may be identified and the time schedule for implementation.

If scrubber performance cannot be restored, another control device may be in order. The Department is aware of the problems with wood-fired systems throughout the State. That fact, combined with the current economic conditions, may preclude selection and installation of another control device in the foreseeable future.

Should your review of the current system show that no improvements can be made, and if the Company's financial status prevents purchasing another device, the Department would be willing to support a variance. The variance must be obtained from the Environmental Quality Commission and full documentation of the Company's financial status would have to be disclosed. Attached for your information is a copy of the Statute addressing variances.

Thank you for your cooperation. If we can be of any help, please call either Stan Sturges or me.

Sincerely,

David St. Louis, P.E.
Assistant Regional Manager

DSL/wz

Attachments:

1. Inspection report of 5/21/82.
2. Inspection Report of 8/26/82 and memo of 8/30/82.
3. Statutes pertaining to EQC Variances.

cc: Air Quality Division w/att att 1, 2

cc: Van Kollias, Enforcement Section w/o att



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

CERTIFIED MAIL NO. P 297 307 220

Brand-S Corporation
Leading Plywood Division
Sydney B. Lewis Jr., Registered Agent
344 N.W. Sixth Street
Corvallis, OR 97330

Re: Notice of Violation and Intent to Assess Civil Penalty, AQ-WVR-83-46,
Benton County

This Department is very concerned with the lack of effective control of veneer dryer emissions from your plywood plant at Corvallis. Department staff has on several occasions in the last year observed and documented veneer dryer emissions from your plant significantly in excess of the 10% average and 20% maximum opacities allowed by your Air Contaminant Discharge Permit. The resulting emissions have been observed to create a very visible haze in the airshed "pocket" bordered by the hills to the south, west, and north of your plant which is visible from quite a distance away. We have received complaints. Continued operation in violation of your permit as such is not acceptable.

Oregon Revised Statutes (ORS) 468.315(2) states that: "no person shall increase in volume or strength discharges . . . in excess of the permissible discharges specified in the existing permit." The violations of your permit are violations of state law, must be corrected, and not allowed to recur. Comparable Oregon industries have successfully controlled veneer dryer emissions to within applicable air quality standards. The technology is available. It is essential that you achieve compliance in a timely manner.

Pursuant to correspondence between Mr. Owen Bently, Jr., of your company and Mr. David St. Louis of our Willamette Valley Regional office, the following compliance schedule has been agreed upon to assure compliance is reestablished in the most timely manner practicable:

1. By May 1, 1983, you should have completed those system modifications outlined in Mr. Bently's February 28, 1983 letter.
2. Soon after May 1, 1983, Department's staff will review your compliance after the modifications have been made.
3. The Department will notify you in writing if compliance is not achieved with those modifications. Within 60 days of receipt of that notification, you shall submit a proposal containing additional steps for the Department's review and approval. In

that proposal, you must adequately demonstrate that the proposed steps will be sufficient to provide the required emission control. Such steps may require major system modifications and/or additional control. The steps will be incorporated into your permit as a compliance schedule by permit addendum.

We recognize that you are currently making an attempt to restore the efficiency of the scrubbers. Nevertheless, the plant has been out of compliance with opacity limits for almost a year. Because of the length of the noncompliance period, we now find it is necessary to address the violations in a more formal manner.

The enclosed legal notice warns you of our intent to assess civil penalties if the above schedule is not carried out and violations continue. The air quality schedule of civil penalties provides for penalties of a minimum of \$50 to a maximum of \$10,000 per day. If measurable progress continues, it is not our intent to assess civil penalties at this time.

Questions regarding this action should be directed to Mr. David St. Louis or Mr. Stanley Sturges of our Willamette Valley Regional office at 378-8240.

Sincerely,

Jan A. Kollias for:

Fred M. Bolton
Administrator
Regional Operations Division

VAK:b
GB2091.L
Enclosure(s)
cc: Willamette Valley Region, DEQ
Air Quality Division, DEQ
Department of Justice
Environmental Protection Agency
Harvey Crawford, Brand-S Corporation

RECEIVED
APR 22 1983

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALEM, OFFICE

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY,) NOTICE OF VIOLATION AND
OF THE STATE OF OREGON,) INTENT TO ASSESS CIVIL PENALTY
Department,) No. AQ-WVR-83-46
BENTON COUNTY
v.)
BRAND-S CORPORATION,)
an Oregon corporation,)
Respondent.)

I

This notice is being sent to Respondent, Brand-S Corporation, an Oregon corporation, pursuant to Oregon Revised Statutes ("ORS") 468.125(1) and Oregon Administrative Rules ("OAR") Section 340-12-040(1) and (2).

II

On or about September 28, 1981, the Department of Environmental Quality ("Department") issued Air Contaminant Discharge Permit No. 02-2479 ("Permit") to Respondent. The Permit authorized Respondent to discharge exhaust gases containing air contaminants including emissions from those processes directly related or associated thereto at Respondent's Leading Plywood Division plant located at 6300 Reservoir Road, Corvallis, Oregon, in accordance with the requirements, limitations and conditions set forth in the Permit. The Permit expires on June 1, 1986. At all material times cited herein, the Permit was and is now in effect.

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///

///

III

On or about August 26, 1982, between the hours of 10:52 a.m. and 11:17 a.m., Respondent operated Respondent's Moore veneer dryer and Respondent's Prentice veneer dryer such that the visible emissions emitted from the Moore dryer stack and the Prentice dryer stack exceeded an average operating opacity of 10% and a maximum opacity of 20%, in violation of Condition 4 of the Permit, OAR 340-25-315(1)(b)(B) and (C), and ORS 468.315(2).

IV

If five (5) or more days after Respondent receives this notice, the one or more violations cited in Paragraph III of this notice continue, or any similar violation occurs, the Department will impose upon Respondent a civil penalty pursuant to Oregon statutes and OAR, Chapter 340, Divisions 11 and 12. In the event that a civil penalty is imposed upon Respondent, it will be assessed by a subsequent written notice, pursuant to ORS 468.135(1) and (2), ORS 183.415(1) and (2), and OAR 340-11-100 and 340-12-070. Respondent will be given an opportunity for a contested case hearing to contest the allegations and penalty assessed in that notice, pursuant to ORS 468.135(2) and (3), ORS 183, and OAR Chapter 340, Division 11. Respondent is not entitled to a contested case hearing at this time.

April 20, 1983
Date

Van A. Kollias for:
Fred M. Bolton, Administrator
Regional Operations, DEQ

Certified Mail P 297 307 220

Revised 9/13/83



ATTACHMENT 3

UNITED STATES NATIONAL BANK OF OREGON
A Subsidiary of U.S. Bancorp

EUGENE MAIN BRANCH
811 WILLAMETTE STREET
P. O. BOX 10308, EUGENE, OREGON 97440
HEAD OFFICE—PORTLAND

September 9, 1983

Brand-S Corporation
P.O. Box 1087
Corvallis, OR 97330

ATTN: John S. Brandis, Jr.
President
Richard D. Procarione
Executive Vice President

Gentlemen:

We understand that you have been asked to consider making capital improvements in your Leading Plywood facility of approximately \$500,000. We understand that these expenditures would be for the purpose of installing pollution control equipment.

As you are aware, expenditures in this amount would violate the Loan Agreement currently in existence between Brand-S Corporation and ourselves. In addition, given the working capital position of Brand-S Corporation as a whole, and the fact that these expenditures would not have a direct bearing on productivity and thus income for the corporation, we would find such expenditures to be unacceptable and would be unwilling to grant our approval, through a deviation in our Loan Agreement, for these expenditures to be made.

Please direct any questions or comments concerning this matter to myself.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Joseph McKeown', followed by a horizontal line.

Joseph McKeown
Branch Officer, Commercial Loans

cc: Stanley G. Sturges
Sr. Environmental Consultant

RECEIVED

SEP 13 1983

BRAND-S CORPORATIONState of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITYRECEIVED
SALEM, OFFICE

503/757-7777

SEP 19 1983

P. O. BOX 1087

CORVALLIS, OREGON 97339

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALEM, OFFICE

September 9, 1983

REQUEST FOR AIR QUALITY CONTROL VARIANCE

Brand-S Corporation is requesting an Air Quality Control variance that would allow us, by October 1984, to meet the current state standards. We are in the process of modifying our present system to simplify the maintenance to give us more consistent performance.

During the period of November 1973 through March 1976, Brand-S tried a Moore of Oregon - Low Em emission control system that was not at all successful. Brand-S then designed and built our own water scrubber system. We installed one scrubber on our Moore dryer in July 1979 and a second scrubber on our Prentice dryer in October 1979. It took almost two years of research and modification to complete the installation and bring the dryers into compliance. The cost of this installation was in excess of \$375,000 (see enclosed cost break down). This installation was certified by the D.E.Q. to be in compliance on September 22, 1981. Brand-S has continued to work on this system to make it more efficient. Cost of maintenance and electrical power approaches \$100,000 annually.

Brand-S makes sheathing grade plywood using Douglas Fir veneer. A high proportion of the veneer is white spec. The fuel for the dryers is ground waste wood, burned in suspension burners. This combination causes a unique emission control situation. Although our present system has successfully contained emissions under the conditions described above, there have been maintenance problems which we are working to eliminate through a combination fabric and sand filter (see enclosed drawing). The modification to install the fabric/sand filter is done, but to get the desired pressure drop to efficiently use the fabric/sand filter we have to install another fan. To run this fan we are going to have to run additional power to our emission control unit. Consumer Power has been called to make the needed changes in the transformer bank so we can install the additional transmission lines. We don't have a firm time commitment from Consumer Power to make this change, but expect to have the power necessary to run the fans shortly after October 1, 1983. We should be able to evaluate the results of the fabric/sand installation in early October. As you will note in the enclosed letter from U.S. National Bank, our present loan agreement limits the amount of money we can get for capital expenditures. But we have arranged to meet with representatives of both Ceil-Cote and Rader to discuss their solutions to our emission problem and get estimates from them on the cost of their equipment.

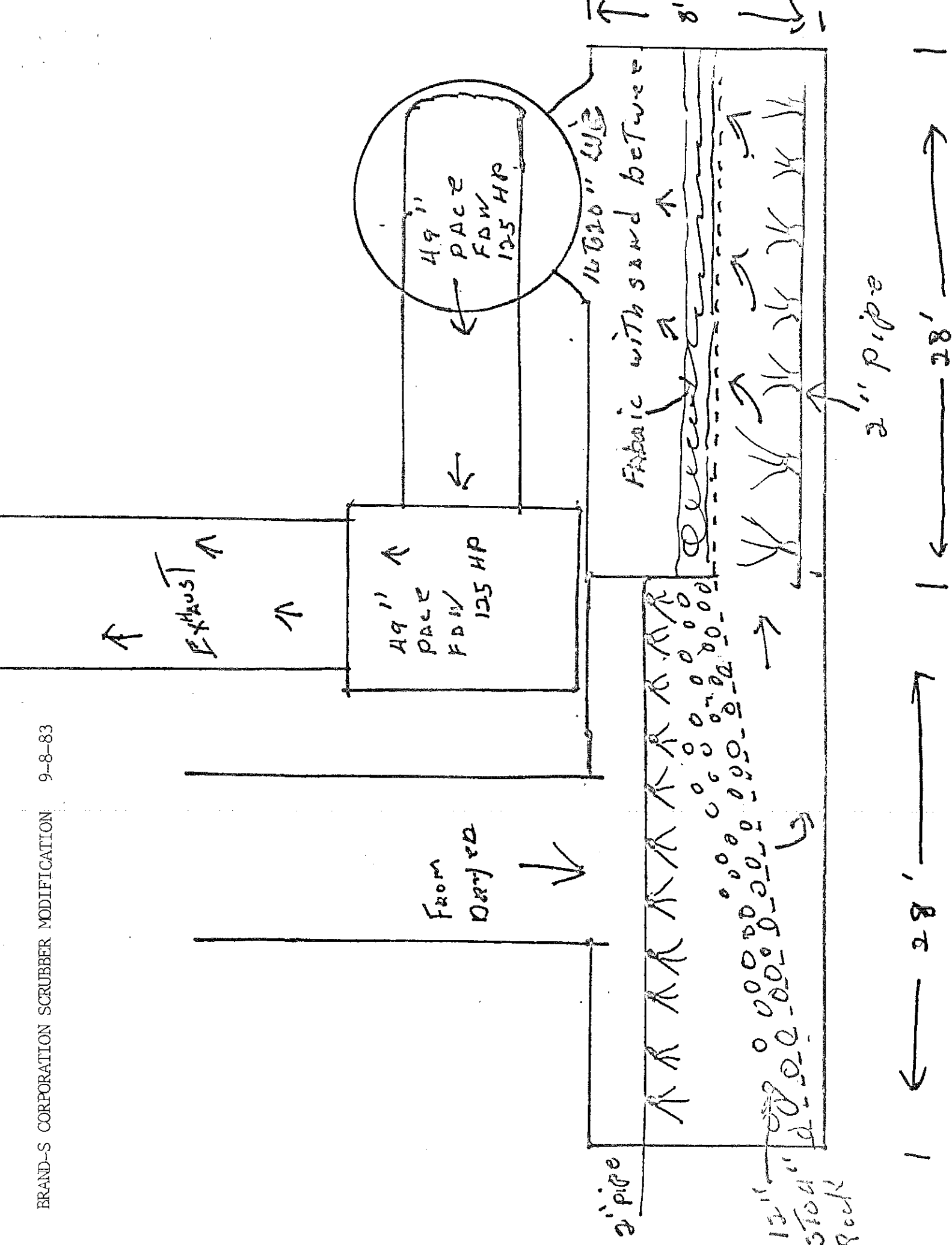
Harvey Crawford, manager of Brand-S Plywood plant has a great deal of experience with veneer dryers and emission control systems, having engineered and built both the fuel conversion and emission control systems presently in use, which like most commercial equipment now in use throughout the industry was capable of controlling emissions when first installed, and was certified by state inspection. Harvey has designed the fabric/sand modification we are now installing and we feel confident that the modifications we are installing will effectively control our emissions. We can make this limited kind of expenditure under our present loan agreement.

Although we feel we can demonstrate the effectiveness of the fabric/sand modification to our system by October of this year, we would like to have until March 1984 to fine tune the fabric/sand modification. This would give us time to also evaluate the proposals we receive from Ceil-Cote and Radar. If by March we need to further modify our system, we would present a plan to have those modifications completed by October 1984.

Enclosures:

1. Cost figures for No. 1 and No. 2 Scrubbers.
2. Drawing of fabric/sand scrubber modification.
3. Letter from U.S. National Bank.

A handwritten signature in cursive script, appearing to read "H. Crawford", is written over the list of enclosures.



100-1090
 Construction Program
 #1

38636	605725	1373633 *	264520	44522	521601	30502	24124	10224	14700	10405	8000	1306315-	900000	210000	524000	6485	10507	63963	19185	15902	193835	100591	290883	131625	92111	2144	5474	20358	20150	25154	4336	5454	46269	109933	2844	5731	193	14164	356	152	21443	19215	2000	16400	5711	54980
38636	605725	1373633 *	264520	44522	521601	30502	24124	10224	14700	10405	8000	1306315-	900000	210000	524000	6485	10507	63963	19185	15902	193835	100591	290883	131625	92111	2144	5474	20150	25154	4336	5454	46269	109933	2844	5731	193	14164	356	152	21443	19215	2000	16400	5711	54980	
38636	605725	1373633 *	264520	44522	521601	30502	24124	10224	14700	10405	8000	1306315-	900000	210000	524000	6485	10507	63963	19185	15902	193835	100591	290883	131625	92111	2144	5474	20150	25154	4336	5454	46269	109933	2844	5731	193	14164	356	152	21443	19215	2000	16400	5711	54980	

27-1

1940-1951 *Ward Co. Dept. Extension #1* *Moore*

Acc. 10490

Construction Progress

1940		Y.T.O.		
See	see back			
	Dr's Fee	8500		
	Check Expense	22500		
	Concrete Septic Tank	7500	9752157	12192541
Jan	Wagon Rental (New York)	119500		
	Drill Wall	21000		
	Hand Driven Eff. etc.	10000		
	Hand Driven	7204		
	Expenses	1200		
	A.P.T.	11000		
	Tray Buffer	1500		
	W.A. Crane	34000		
	Home Construction	32475		
	Pipeing Inc.	1200		
	Home Contractors	1500		
	Tray Bearings Inc.	23130		
	Lock Cranes etc.	2200		
	Wreck Corp. Contractor	125500		
	A.P.T.	23000		
	Drill Drills	224950		
	Coal Storage Equip.	215250		
	Concrete Foundations	4500		
	Exp. Station	3191		
	Expenses Drills	12700		
	Contract Steel Metal	11000		
	Steel - White Rock	36803		
	Structural Welding	35194		
	Steel Supply	68415		
	Exp. Expenses	12000		
	Expenses Supply	132113		
	Expenses Insurance	9100		
	Wattson Electric	13154		
	Kabnitz Home	2471		
	Expenses Electric	3681		
	Steel Box Rental	9000		
	Expenses Supply	8426		
	Expenses Power etc.	13234		
	Wattson Electric	38450		
	Expenses Case Contractor	269000		
	Y.R.	2966197	6244209	19136757

1980-1981 Scribble Sizer Extension #1 Mine

A. 000-1090

Construction in Progress

PROJECT NO. _____
DATE _____

		1	2	3		
18						\$ 191,367.57
19	2 1/2" Sizer	587400*				
20	1/2" Sizer	18400				
21	2000 White Rock	70800				
22	Dick Crane	22500				
23	Waller Crane Service	7200				
24	2000 White Rock	131137				
25	H. H. Crane Service	15800				
26	Raymond Electric	20444				
27	Standard Steel	36250				
28	Fideler and Mackin Wood	24430				
29	Raymond Elec	36311				
30	Sawthern Welding	40225				
31	Ray Electric	26208				
32		1003927			\$ 201,406.84	
33						
34						
35						
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56						
57						
58						

Dryer "Scrubber"
1

Dec 1978

		De	CR	YTD.
1978		\$		
Dec 31	Labor	913300	*	
	CRS. Hauling Ripr Hood	12500		
	C.H.M. Pollution Test	139000		
	Carothers Co	92229		
	O. J. Neuman Excavation	29500		
	Standard Steel	54970		
	Farwest Steel	30858		
	Finsted Sheet Metal	497265		
	Neville Crane Service	17600		
	Paramount Supply	4478		
	Power Inv. Products	13309		
	Timber Supply Co	5152		
	Vitus Electric	217398		
		2027559		* 2027559
1979				
Jan 31	Cutter Mfg.	475200		
	Esque Fretner	4942		
	Farwest Steel	130304		
	C.H.M. Test	8100		
	W.W. Franique	56400		
	Vitus Electric	7703		
	Labor	256828	*	
		939477		2967036
Feb 28	Labor	434790	*	
	De Zureluk Mfg	40000		
	Standard Steel	21374		
		120443		
	Coast Crane Equip.	10225		
	Consolidated Electric	20733		
	Farwest Steel	60537		
	Finsted Sheet Metal	44160		
	H & H Crane Service	12600		
	Lab City Concrete	16360		
	Morse Bros	24688		
	O. Geo Neuman Exc.	119841		
	Paramount Sply	3523		
	Vitus Electric	112273		
	Metro Steel	24360		
		1065907		4632943

013-097-02

Oregon "Scrubber"
1

1979

1979		DE	CR	YTD
				\$
Feb 28	Bal. fwd.			40,329.43
Mar 31	Labour	459,192	*	
	Bearings Inc	14,507		
	Mr. Master - Cars	1,989		
		76,899	(-)	
	Standard Steel (Tube Sply)	42,709		
	Oregon Transfer	6,300		
	Albates Sheet Metal	87,700		
	Finsted Sheet Metal	71,785		
	WW Granger	9,181		
	Moraw Bros.	4,333		
	Paramount Supply	12,331		
	Inell Tool Rental	11,250		
	Vitus Electric	19,449		171,767
		171,767		57,506.15
April 30	Labour	417,068	*	
	New Felt Sales Service	3,205		
	Bannon Hdw	23,286		
	Bearings Inc	23,235		
	Better Bldg Sply	21,000		
	Coast Crank Equip	24,500		
	Apella Linc	14,500		
	Granger	9,054		
	Mr. Master - Cars	16,072		
	North Coast Supply	21,600		
	PMT	2,184		
	Legisl Electric Co.	69,972	(-)	
	Roberts Hdw	11,188		
	Johnson Electric	37,170		
	Inell Tool Rental	18,100		
	Vitus Electric	12,367		
		974,461		672,507.6
May 31	Bearings Inc	11,637		
	No. Coast Supply	< 21,600 >		< 99,63 >
		< 9,963 >		671,511.3

Dryer Service #2 Prentice #4

	2	3	
1981			
Standard Steel	116471		
Logan			122344
Form	2122	*	
Weld systems	7322		
Standard Steel	4336		
Apex Weld Metals	10225		
Weld systems	2118		
Apex Weld Metals	30212		
H & H Crane Service	21222		
Form	1222		
Form	1222		
Form	1222		
		195225	207407
Logan	122222	*	
Weld systems	21122		
Form	422		
H & C	80		43122
May			
p/r.	745661	*	
Weld systems	768700		
H & H Crane	21913		
Standard Steel	106834	1643108	6031183
June			
Weld systems	728900		
F.W. Crane Assoc.	109970	838870	6870053

Dryer "Scrubber" # 2

1979 013-097-03

1979		DR	CR	YTD
Nov 31	Farmest Steel	1,2555		1,2555
April 30	Corvallis Auto Parts	3103		1,5658
May 31	Standard Steel	2970.1		
	Corvallis Auto Parts	3489		
	United Heating & Sheet Metal	79663		
	Bearing Inc	60565		
	Farmest Steel	33850		
	Farmest Steel	141507		
	United Heating & Sheet Metal	79663		
	Drainage	8470		
	Industrial Welding	20087		
	Small Tool Rental	2175		
	Standard Steel	51142		
	Paramount Supply	32677		
	Vitus Electric	132151		
	Larry Younger	37926		
	Delta Line	2143		
	Labor - System Supplies	472249 *		
		1092306		
June 30	Clark Sheet Metal	354750		
	Rideway Ink Line	6550		
	Bearing Inc	11992		
	Del Shimmers Inc	307195		
	Delta Line	1477		
	Bradex/ma Cracks	7254		
	Bearing Inc	14443		
	Consolidated Electric	5449		
	Clark's Sheet Metal	110500		
	Detroit Steels	581600		
	Ernest Fastner	15834		
	United Sheet Metal	11250		
	W W Drainage	84970		
	Paramount Supply	11867		
	Kobnetts Hdr	270		
	Small Tool Rental	2000		
	Standard Steel	2420		
	Vitus Electric	33449		
	Delta Line	1316		
	Labor - System Supplies	50000 *		
		2084586		3292550

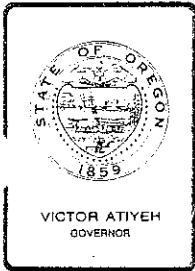
"Ryer" Scrubbers" # 2

1979 - 013-097-03

1979		DR	CR	YTD.
June 30	Bal Fwd			3292550
July 31	A.M. Lamin Machine who.	356500		
	Cast Iron Pipe	240000		
	Bisco	8856		
	Coast Crane & Equip	185000		
	Farmwest Steel	29126		
	Fenstad Sheet Metal	2810		
	Mill Supply Corp	1427		
		573719		3876269
Aug 31	Trades	4719		
	Bisco	26095		
	Clarks Sheet Metal	127630		
	Truwest Steel	28070		
	Bv S Bentow - Labor. ("Check")	9197 *		
		165711		4071980
Sept 30	Recoil Electric	44970		
	Consolidated Int	4669		
	Inell Tool Rental	9890		
		109529		4181509
	Transfer to LHI Oct '79			



July 13, 1983 Photograph of Brand-S Corporation, Leading Plywood Division, Corvallis. View is toward the west. Opacity is approximately 35--40%.



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. 0, October 7, 1983, EQC Meeting

Requests for Continuance of Open Burning Variances from
OAR 340-61-040(2) -- Seaside and Cannon Beach, Oregon

Background

On October 15, 1982, the EQC granted an extension of variances to allow continued open burning at three Clatsop County disposal sites (Elsie, Cannon Beach and Seaside). During the spring of 1983, the Elsie Disposal Site was converted to a landfill. As in the past, the remaining sites cannot be operated in compliance with the Department's rules and there is still no alternative disposal site established and available. Accordingly, the operators have requested another extension of the variances (copies attached). The Commission may grant variances in accordance with ORS 459.225(3).

Alternatives and Evaluation

The two open burning sites do not have sufficient suitable area to allow continued operation without open burning. Continued operation without burning would also create leachate problems with possible groundwater and surface water contamination.

The County has identified a potential regional landfill site (Perkins Road). A feasibility study has been completed and the Department has granted Preliminary Approval of the site in accordance with OAR 340-61-031. The project was interrupted because it was discovered that the County had made procedural errors during the land use approval process. The County withdrew its application in July 1982 and since that time has made no effort to reapply. In part, this failure to reapply is based on the opposition of the Cities of Warrenton and Hammond.

The County submitted a status report to the Department in January 1983. This report indicated that a consulting firm headed by Cary Jackson was exploring the feasibility of an energy recovery project. A report was to be submitted in January and, if a project was feasible, a funding election would be held in May. Cary Jackson reported in January that he could find no definite user for energy and the project was dropped.

During the January 14, 1983, EQC meeting, the Commission directed staff to work directly with the cities and private site operators to develop a solution. In February 1983, private operators in Seaside and Astoria contacted the Department regarding an incineration project. They had taken an option on four used incinerators in Guthrie, Oklahoma. Air Quality and Solid Waste staff met to determine feasibility of these incinerators. While working with the private operators, it was determined that these incinerators would not handle the present volume and probably would not meet emission standards. The option was dropped and the private operators have shifted their attention to an Olivine burner. There appears to be no operating plant of the Olivine design being considered and adequate engineering data for such a unit has not yet been provided. In a related but separate action, Air Quality is proposing alternatives rules for coastal incinerators.

In June 1983, the Department staff met with representatives of the four Clatsop County cities having landfills. At that meeting, the cities were reminded that all sites were essentially operating in violation of Department rules. Seaside and Cannon Beach open burn, Warrenton is a significant contributor to groundwater pollution and Astoria has significant leachate production entering surface water. The cities were also informed that, if there was no significant progress toward solving the solid waste problems, the staff would probably recommend termination of the open burning variances.

Since that meeting, the Warrenton permit has been amended to require closure by December 31, 1983, and closure plans by October 1, 1983. The Department has received a request for a contested case hearing on the addendum. Department staff has also met with the City of Astoria and evaluated their disposal site for upgrading and either operation or closure. It appears at least physically possible to upgrade and operate for an interim period of time.

As a result of the Department's meeting with the cities, they have taken action to request the County Solid Waste Service District to hire a full-time employee for at least one year to coordinate the effort to locate an option. Each of the four cities and the County have provided funds to hire that person.

Initial options available to the area are:

1. Construction of an incinerator adequately designed to handle the volume and meet air quality standards.
2. Proceed with an attempt to site "Perkins Road" as a landfill (re-initiate the land use proceedings) or identify and site an alternate landfill.
3. Upgrade and use the Astoria disposal site for an interim period of time while a permanent solution is identified and established.

The cities have also formed a technical working group to coordinate with the Solid Waste District's staff person. This group has submitted a letter (attached) with support for continuation of the variances until fall of 1984, and a listing of items to be considered for implementation of a viable alternative (implementation to occur during the 1984 construction season). Representatives of the group should be available at the EQC meeting.

Summation

1. Operators of Seaside and Cannon Beach disposal sites have requested an extension of the existing variances which would allow for continued open burning at the disposal sites for one year.
2. The lack of suitable area at each site prevents their conversion to landfills. Denial of the variance extension would result in closure of the sites and there is currently no alternative site available.
3. Private operators have been actively pursuing an alternative method of disposal (incineration). However, a firm proposal has not been submitted.
4. Four cities and the County have provided funding to the County Solid Waste Service District to hire a full-time solid waste coordinator and have established a technical task force to assist the coordinator.
5. The Department finds that the applicants' request meets the requirements of ORS 459.225(3), by which the Commission may grant a variance, as follows:
 - a. Conditions exist that are beyond the control of the applicants.
 - b. Special conditions exist that render strict compliance unreasonable, burdensome or impractical.
 - c. Strict compliance would result in substantial curtailment or closing of the disposal sites and no alternative facility or alternative method of solid waste management is available at this time.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant an extension of variances from OAR 340-61-040(2), until November 1, 1984, for Cannon Beach Sanitary Service and Seaside Sanitary Service, subject to the following conditions:

1. Progress toward establishment of a regional solid waste disposal program continues so that a viable alternative is in place by November 1, 1984.

2. Quarterly progress reports beginning January 1, 1984, be submitted to the Department. The first progress report shall contain a schedule of events leading to project completion.



William H. Young

- Attachments
- (1) Letter from Richard Walsborn dated September 8, 1983.
 - (2) Letter from the City of Seaside dated September 12, 1983.
 - (3) Letter from Pete Anderson dated September 13, 1983.
 - (4) Letter from John Crockett dated September 15, 1983.

Robert L. Brown:c
SC1201
229-5157
September 16, 1983

SEPTEMBER 8, 1983

MR. BOB BROWN
P.O. BOX 1760
PORTLAND, ORE. 97207

RE: CANNON BEACH DISPOSAL SITE
SW PERMIT NO. 23
CLATSOP COUNTY

DEAR MR. BROWN:

I AM WRITING FOR AN EXTENSION ON MY PRESENT PERMIT TO OPERATE AN OPEN BURNING DUMP AT ITS PRESENT LOCATION SEC 20, T 5N, R 10W, W.M. IN CLATSOP COUNTY.

I KNOW YOU ARE AWARE WE ARE PRESENTLY IN THE PROCESS OF CONSTRUCTING A INCENERATION PLANT ONCE WE GET APPROVAL OF YOUR OFFICE AND THE CLATSOP COUNTY COMMISSENERS. WE HOPE TO HAVE THIS PLANT IN OPERATION IN THE VERY NEAR FUTURE. UNTIL THIS PROJECT IS COMPLETED I ASK FOR YOUR CONSIDERATION IN GRANTING A RENEWAL ON MY PRESENT PERMIT.

IF YOU REQUIRE ANY ADDITIONAL INFORMATION PLEASE LET ME KNOW AND I WILL SEE THAT YOU HAVE IT AS SOON AS POSSIBLE.

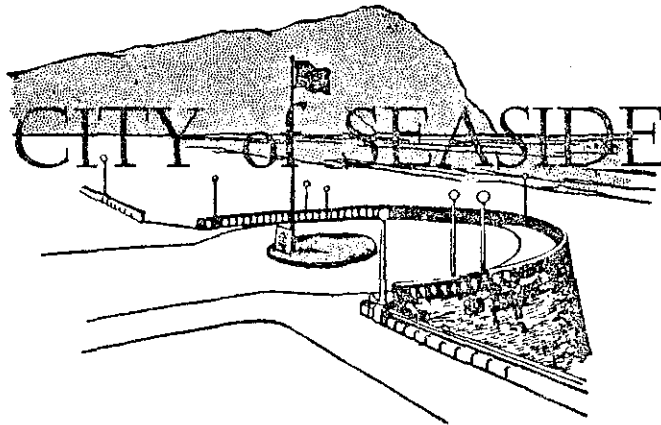
THANKING YOU FOR YOUR CONSIDERATION CONCERNING THIS MATTER I REMAIN,

SINCERELY,



RICHARD A. WALSBORN
CANNON BEACH SANITARY SERVICE

Solid Waste Division
Dept. of Environmental Quality
RECEIVED
SEP 13 1983



OREGON'S
FAMOUS
ALL-YEAR
RESORT

851 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

September 12, 1983

Mr. Bob Brown
DEPARTMENT OF ENVIRONMENTAL QUALITY
P.O. Box 1760
Portland OR 97207

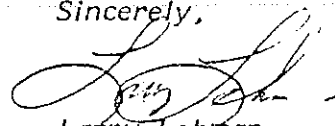
Dear Mr. Brown:

The City of Seaside encourages your Department and the Board to support the application of Mr. Pete Anderson for an extension of the variance for the Seaside/Gearhart solid waste site.

The City of Seaside and other cities in Clatsop County, in conjunction with the County, are working toward a solution to our solid waste disposal problem. It is felt that the progress made in the past three months will continue, and that a permanent solution is near.

The City understands that the Department of Environmental Quality has been very patient with Clatsop County concerning the problem of solid waste disposal. It is our sincere hope that your Department will continue to work with us.

Sincerely,



Larry Lehman
City Manager

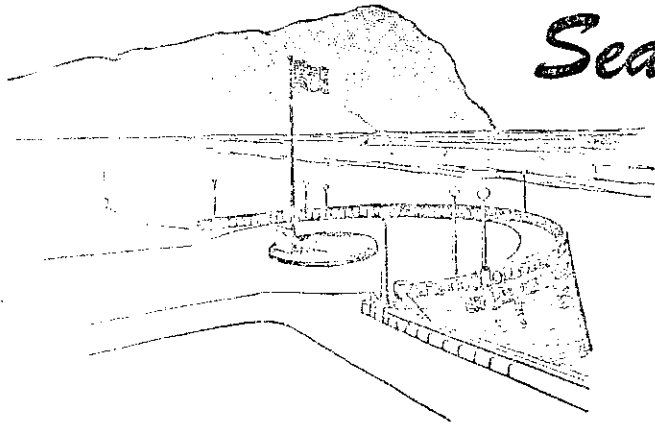
LL:dt

Plan & Site Division
Dept. of Environmental Quality

RECEIVED
SEP 16 1983

Seaside SANITARY SERVICE

Telephone 738-5717
734 Oceanway
SEASIDE, OREGON 97138



September 13, 1983

Waste Division
Dept. of Environmental Quality
RECEIVED
SEP 16 1983

Mr. Bob Brown
Dept. of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Dear Mr. Brown:

Seaside Sanitary Service requests that our burning variance be extended at our present disposal site. We have limited our usage to as small an area as practical, and in fact have closed over one half our existing site and re-planted it with vegetation. We have been inspected by D.E.Q. personnel on a regular basis and have received favorable reports on our site.

We as contract haulers in the area, realizing the solid waste disposal problem was not being solved by government, decided to take it upon ourselves to find an alternative solution. I would like to outline our progress, although I realize you are very much aware of our goals through our various meetings and discussions.

Let me begin by stating, as I am sure you agree, that a landfill in our area is not the most satisfactory solution to the solid waste problem on the Oregon coast due to our tremendous rainfall. In checking with Tillamook County and other coastal landfills, I have found most to be very unsatisfactory both from an environmental standpoint as well as not being cost effective.

After evaluating the landfill situation we felt that incineration might be a possible way to solve the problem. Several of us traveled to Coos Bay and Brookings, Oregon to see the Consumat type burners in operation. In both cases we found that these installations were not meeting standards due to the tremendous cost of injecting diesel fuel to maintain required temperatures, and in fact in a great deal of time no fuel whatsoever was added and the burners were operating under temperature requirements. However, we understand they are operating under permit from D.E.Q.

At the same time we were looking at these installations we became aware of several 12½ ton Consumat units being available in Guthrie, Oklahoma that the city could no longer afford to operate and were prepared to sell at a bargain price.

Mr. Bob Brown
Dept. of Environmental Quality
September 13, 1983
Page two

So off to Oklahoma goes Chuck Collins, owner of X-L Services in Astoria, with a Consumat expert to look at the units. They were found to be in reasonably good condition and we took an option to purchase them. We paid \$1,000 per month for Gutherie to hold the units while we continued our evaluation.

The further we looked and the more we talked with owners and operators the more convinced we became that the Consumat units, to be in compliance with air and D.E.Q. standards, would be so expensive to operate we questioned what the public response was going to be to paying garbage rates that could possibly be two or three times existing rates.

Continuing our investigation we became aware of a company in Bellingham, Washington that was manufacturing large wood waste burners and had built and installed a solid waste incinerator in Frenchville, Maine that we had received good reports about. So off to Frenchville, Maine goes Chuck Collins and Jim Bartling, manager of Seaside Sanitary Service, to investigate the Olivine solid waste burner, and to meet with incinerator sub-contractors and the board of governors. The general response was excellent. The plant in Maine does not require auxiliary fuel, and it also heats the airport terminal. As you are aware, the Olivine system uses air injection and circulation to function.

Admittedly, there are some technical problems meeting the requirements as set forth by your department and air quality. We sincerely believe if the department, the manufacturer and we can work together to compromise and reach environmental quality and cost effectiveness, the citizens of this area will have a realistic solution to our solid waste situation.

We are very hopeful that this system will have the support of D.E.Q. and that although it is new it will receive an equitable evaluation from your department.

The manufacturer and I spoke this date and he believes that with some modification we are close to meeting requirements, particularly if D.E.Q. will be willing to give us time and technical support we can accomplish our goal of an environmentally safe and cost effective way of disposing of solid waste, something that is not being done on a very consistent basis in Oregon now.

Once we have agreed on standards of operation we can have the plant operating in one year or less.

I hope with this letter and the sincerity we have committed to this project that we will have not only a variance to operate our existing sites, but until D.E.Q. and Clatsop County work together to accomplish a reasonable, expedient answer to our situation.

Respectfully submitted,



Pete Anderson
Owner

PA/dp

cc: Chuck Collins
Dale Curry, City Mgr., Astoria
Gil Gramson, City Mgr., Warrenton
Joan Dukes, County Commissioner

Lucille Houston, Mayor, Cannon Beach
Larry Lehman, City Mgr., Seaside
Bruce Maltman, City Mgr., Gearhart
Mike Morgan, CTIC

Solid Waste Division
Dept. of Environmental Quality

RECEIVED
SEP 16 1983

September 15, 1983

TO: THE DEPARTMENT OF ENVIRONMENTAL QUALITY - SOLID WASTE DIVISION

FOR: PRESENTATION AT DEQ COMMISSION MEETING OF OCTOBER 7, 1983

For the past several years, Clatsop County residents have been disposing of their garbage in three sites operating under open burning dump variances, and two sites with modified landfill permits. One site operating under a variance, the Jewell site, has been closed as of this writing. The other two sites operating under variance, the Cannon Beach and Seaside sites, have been notified that it is unlikely that any additional extensions will be available to their operation variances, unless some indication is given of real extensive movements being made towards solving the long-time operating problems in this area.

One modified landfill permittee (City of Warrenton) has been notified that its operation will be closed due to groundwater contamination problems. This particular permit is now under appeal, so final disposition has not been determined until the appeal process has been completed. The fifth site, the Astoria modified landfill, is operating under permit until March of 1985. There are indications of specific needs at the Astoria landfill in order to qualify for extending the permit for operation beyond that 1985 time.

On July 7, 1983, representatives from the four cities directly involved with operation of these facilities, met with members of the Department of Environmental Quality staff in Seaside in order to discuss the future possibilities and procedures for alleviating the existing problems. At this meeting, it was decided that all cities involved would pass a resolution requesting Clatsop County to:

- (1) Reactivate the County-formed Solid Waste Service District;
- (2) Formulate and appoint a new advisory committee for the Service District with one element of the advisory committee being a technical subcommittee made up of city managers from each of the cities, or the manager's designee;
- (3) To act as the District's agent to contract for services through the Clatsop-Tillamook Intergovernmental Council of a professional coordinator on behalf of the Service District; and
- (4) Through this effort, to get funding participation on an equitable basis from each of the cities to pay the wages and expenses for the coordinator.

Such a resolution was enacted by each of the four cities referred to above, and a copy is enclosed.

DEPARTMENT OF ENVIRONMENTAL QUALITY
PAGE 2

One of the first major activities of the coordinator in conjunction with the technical subcommittee, will be to work toward the completion of efforts instituted by the principal garbage haulers, Chuck Collins and Pete Anderson, to obtain a permit and installation of incineration equipment to work in disposing of Clatsop County refuse.

The advisory committee organizational meeting was held with Commissioner Joan Dukes acting as chairman and representing Clatsop County. The technical subcommittee was formed with the writer as chairman. Two additional meetings of the technical subcommittee have been held. One on Friday, September 2, 1983 and a second one on Friday, September 9, 1983. At the September 9, 1983 meeting, representatives from the Department of Environmental Quality as well as representatives of the garbage hauling operators, were invited to attend. The primary purpose of the September 9, 1983 meeting was to obtain information necessary, and determine direction for proceeding to solution of the problem, and give a specific indication of good faith proceedings.

A letter has been submitted to your staff requesting a determination be made relative to an equivalency for gas destruction at 1800° for one (1) second versus a longer destruction time at 1600° temperature.

This report is presented in support of the requested extensions for operation variances for the two sites now operating under soon-to-expire variances. In order to avoid repeated variance requests, we would support consideration of a one-year's variance extension. As an indication of our good faith and the intent of this subcommittee, we would ask that your department staff continually work with our coordinator and subcommittee, and to monitor our progress. If at any time we do not appear to be pursuing our objectives aggressively, we would ask that the variances be brought up for interim review at the department's next meeting.

In support of this request, the subcommittee will be diligently pursuing on behalf of the operators and the District, a permit for the Olivene incinerators proposed. This will include the determination of and arrangements for ash disposal, as well as a stand-by landfill operation for garbage disposal in the event of incineration interruption in excess of one or two days' time. The referred to disposal processes include any requirement that might be necessary to and including the upgrading of the Astoria landfill to accommodate the ash disposal and "alternate disposal" or the removal of both items from the area to an acceptable site. The program will also provide the necessary process and funds for closing all of the existing sites.

There are other alternatives which the subcommittee will be investigating; however, until such time as a final determination is made on the present proposal, the subcommittee feels it would be inappropriate to express in any detail the other alternatives.

I present this proposal in support of the requested variance extensions on behalf of the technical subcommittee of the Solid Waste Service District, Clatsop County. I stand ready to answer any questions that I might, and I believe there will be several other members of the subcommittee, operators, as well as the coordinator who has been hired and put into service at or about the time of this memorandum's writing.

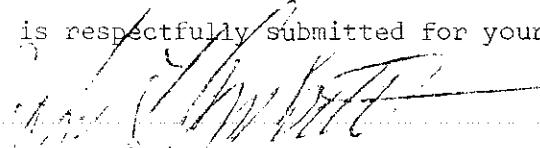
Summary:

The technical subcommittee, through the Solid Waste Service District, will be aggressively pursuing the following activities:

- (1) Pursue to determination a request for permit to operate Olivene incineration units for garbage disposal;
- (2) Enactment of County-wide mandatory garbage service;
- (3) Alternate landfill facilities to use in conjunction with an incineration program;
- (4) Obtain facilities for ash disposal from incineration program;
- (5) Develop a program and funding for closing all unused landfill or dump sites;
- (6) Formulate a complete set of alternatives to be pursued in the event of some insurmountable problem in present plan;
- (7) Develop equitable rates for County-wide garbage collection and disposal service; and,
- (8) Develop a uniform disposal process for building materials.

I sincerely believe that we are making a significant contribution to the overall solution of solid waste disposal for all of Clatsop County.

This is respectfully submitted for your consideration.


John F. Crockett
Chairman
Technical subcommittee

WFC:gj

RESOLUTION NO. 83-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASTORIA, OREGON urging the Board of County Commissioners of Clatsop County to take immediate actions pertaining to the collection and disposal of solid waste in the County, in cooperation with the cities of Astoria, Cannon Beach, Seaside and Warrenton and the Clatsop-Tillamook Intergovernmental Council.

BE IT RESOLVED by the Common Council of the City of Astoria, Oregon as follows:

WHEREAS, the City's landfill is under permit issued by the Oregon Department of Environmental Quality, which is due to expire in the near future, and

WHEREAS, the Oregon Department of Environmental Quality and Environmental Quality Commission do not plan to renew the permits on three of the four solid waste disposal sites, and that the sites will be closed by November 1, 1983, and

WHEREAS, it is the collective responsibility of the cities and the County to provide an environmentally sound solution to the disposal of solid waste, in conjunction with private industry.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASTORIA AS FOLLOWS:

1. That the County Commissioners prior to August 15, 1983, convene a Solid Waste Advisory Committee to the Solid Waste District Board of the County, consisting of the city managers of each city, or the city manager's designee, and one County Commissioner;
2. That the solid waste district hire a staff person, designated as the Solid Waste Administrator, to work toward a solution to the disposal of solid wastes throughout the County, and that such Solid Waste Administrator shall be an employee of the Clatsop-Tillamook Intergovernmental Council;
3. That the Administrator and the Solid Waste District Advisory Committee apply for available planning loan funds from the Department of Environmental Quality, or obtain other funds, in order to provide funds to Clatsop-Tillamook Intergovernmental Council to hire said Administrator and necessary support staff, and the cities shall be responsible, on a proportionate basis, for the repayment of such loan funds.
4. That the Solid Waste Advisory Committee and Administrator assist the public and private haulers, and the Solid Waste District, in developing a plan which provides for the long-range disposal of solid wastes in the most economically and environmentally

sound manner, and that such plan be adopted by all affected jurisdictions in the County by January 1, 1984.

ADOPTED BY THE COMMON COUNCIL THIS 18th DAY OF July, 1983.

APPROVED BY THE MAYOR THIS 18th DAY OF July, 1983.

Edwin Henningsgaard
Mayor

ATTEST:

Ronald D. Kalon
Finance Director

ROLL CALL ON ADOPTION: YEA NAY ABSENT

COMMISSIONER:	Hauer	X
	Merriman	X
	Hauke	X
	Law	X
Mayor	Henningsgaard	X

Item 0

606 945

1 IN THE BOARD OF COUNTY COMMISSIONERS
2 FOR CLATSOP COUNTY, OREGON

3 IN THE MATTER OF SUPPORTING THE)
4 REQUEST FOR VARIANCE EXTENSION) RESOLUTION
5 FOR THE SEASIDE AND CANNON BEACH)
6 DISPOSAL SITES BEFORE THE EQC) 83-10-11

OCT 5 1983

7 NOW, BEFORE THE BOARD OF COUNTY COMMISSIONERS, sitting for the
8 transaction of County business on the 5th day of October, 1983, is the above-entitled matter; and

9 IT APPEARING to the Board that on October 15, 1982, the EQC granted an
10 extension of variances to allow continued open burning at the Seaside and Cannon Beach
11 disposal sites; and

12 IT FURTHER APPEARING to the Board that since that time, the Perkins Road
13 Landfill site proposal was withdrawn because of procedural errors and opposition; and

14 IT FURTHER APPEARING to the Board that also since that time, Clatsop County
15 and the Cities within Clatsop County have joined with the private sanitary service operators
16 to study the alternatives available for solid waste disposal within Clatsop County; and

17 IT FURTHER APPEARING to the Board that the Clatsop County Solid Waste
18 Disposal Service District has contracted with Roy H. Ruel to provide administrative services
19 for the district to resolve the matter of solid waste disposal in Clatsop County; and

20 IT FURTHER APPEARING to the Board that the two sites named herein do
21 not have sufficient area to allow continued operation without open burning and to continue
22 operation without open burning would possibly contaminate groundwater; and

23 IT FURTHER APPEARING to the Board that based upon the reasons set forth
24 hereinabove, it would be in the best interest of the health, safety and well being of the citizens
25 of Clatsop County for the EQC to extend the variances to allow continued open burning at
26 the Cannon Beach and Seaside disposal sites;

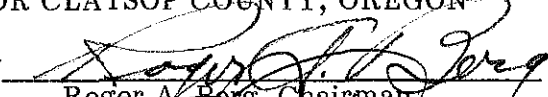
27 NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of County Commis-
28 RESOLUTION


CLATSOP COUNTY COUNSEL
COURTHOUSE, ASTORIA, OREGON 97103
TELEPHONE 325-8615

1 sioners support the requests by the City of Cannon Beach and the City of Seaside for an
2 extension of variances, and that a copy of this resolution be forwarded to the EQC for in-
3 clusion in the record of their proceedings of this matter.

4 DATED this 5TH day of October, 1983.

5 BOARD OF COUNTY COMMISSIONERS
6 FOR CLATSOP COUNTY, OREGON

7 By 
8 Roger A. Berg, Chairman

9 By 
10 Don R. Church, Commissioner

11 By 
12 Joan M. Dukes, Commissioner

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CLATSOP COUNTY COUNSEL
COURTHOUSE, ASTORIA, OREGON 97103
TELEPHONE 325-8615

Agenda OCT Meeting
DRAFT

RESOLUTION NO. 83-22

A RESOLUTION OF THE CITY OF CANNON BEACH, OREGON, URGING THE STATE OF OREGON ENVIRONMENTAL QUALITY COMMISSION TO EXTEND THE VARIANCE ON THE CANNON BEACH SOLID WASTE DISPOSAL SITE, AND TO RECOGNIZE THE EFFORTS OF THE JURISDICTIONS IN THE COUNTY TO DEVELOP A SOLUTION TO THE PROBLEM OF SOLID WASTE DISPOSAL.

BE IT RESOLVED by the Common Council of the City of Cannon Beach, Oregon as follows:

WHEREAS, the City of Cannon Beach landfill is under permit from the Department of Environmental Quality, which is due to expire shortly, and

WHEREAS, the Cities in Clatsop County and the County government have joined together to form a Technical Advisory Committee to seek a solution to the disposal of solid wastes, and have agreed to fund a full time solid waste coordinator to assist in finding a method of disposal.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF CANNON BEACH AS FOLLOWS:

1. The City urges the Oregon Environmental Quality Commission to extend the variance on the Cannon Beach Sanitary Service Disposal Site for a period of at least one year, in light of the efforts of jurisdictions in the County to find a long term solution to the disposal of solid wastes.
2. The City shall continue to provide support to the County-wide Solid Waste Committee and solid waste coordinator to develop a plan of action for environmentally acceptable solid waste disposal ^{PLAN} within a one year period.

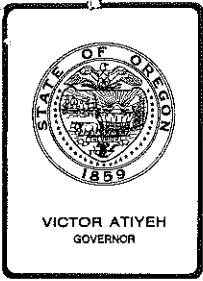
ADOPTED BY THE COMMON COUNCIL THIS ^{4th} ~~13th~~ day of ^{October} ~~September~~, 1983.

APPROVED BY THE MAYOR THIS ^{4th} ~~13th~~ day of ^{October} ~~September~~, 1983.

Lucille Houston
Lucille M. Houston, Mayor

ATTEST:

Rosalie Dimmick
City Recorder



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 (Unscheduled), October 7, 1983, EQC Meeting

Enforcement Action -- David McInnis and Polly McInnis dba Clearwater Industries, Inc., Schulz Sanitation, McInnis Enterprises, McInnis & Son, and L & M Enterprises

At the request of the Director, the Environmental Quality Commission conducted a special meeting on September 23, 1983. The purpose of the meeting was to review the illegal sewage disposal practices of the subject firms/individuals (hereinafter referred to as McInnis) and to consider the Department's recommendation for further enforcement action. Department staff, the Multnomah County Health Officer and Multnomah County Sheriff's Department presented information concerning the subjects' enforcement history and evidence related to the recent dumping of a large quantity of sewage sludge in the Columbia Slough. Earlier (September 2, 1983), the Department imposed civil penalties amounting to \$14,500 for the dumping and requested cleanup by September 12, 1983. These penalties have been contested.

Because the sludge was not removed by the suggested date, the Department recommended that the Commission authorize Department counsel to seek cleanup through injunctive relief. Following an executive session, the Commission took the following actions:

1. Authorization to seek cleanup through injunctive relief was granted. Staff was instructed to not enter negotiations related to license revocation/suspension or penalty mitigation.
2. Staff was instructed to prepare a status report of the cleanup action and provide information concerning further enforcement action (license revocation/suspension, civil penalties) for Commission review on October 7, 1983.

On September 27, 1983, Department counsel began final preparations for filing of the complaint for an injunction. Prior to filing, Department counsel contacted McInnis's attorney and learned that they were interested in cleaning up the slough and could begin the morning of September 28, 1983. The cleanup proceeded with the following understandings: that they were doing so voluntarily, that they were not admitting guilt, and that the

Department would not file the complaint as long as the cleanup and disposal proceeded in a competent and expeditious manner. The Department made no concessions regarding license revocation/suspension or civil penalties.

On September 28, 1983, at approximately 12:15 p.m., the cleanup began. Using their own equipment (two 3,000-gallon pumper trucks), McInnis began suctioning the sewage sludge from the slough. The sludge was taken to the City of Portland sewage treatment plant. The cleanup was completed on September 30, 1983, after approximately 50,000 gallons of material was removed. The Department and the Multnomah County Health Officer concurred that the cleanup was sufficient to eliminate the potential threat to public health and further damage to water quality.

We are pleased that the pollution was cleaned up. However, in light of other violations (see Attachment 5) and the following, the Department believes that further enforcement action is warranted:

1. Staff had to make extraordinary efforts to attain voluntary compliance by McInnis.
2. The dumping of sewage sludge into the Columbia Slough was a serious offense which threatened public health.
3. McInnis failed to promptly clean up the slough.

Enforcement alternatives available are as follows:

1. The Department could impose further civil penalties for each of the 54 days the Columbia Slough remained contaminated after August 5, 1983. Civil penalties for the continued unlicensed operation of Clearwater Industries were imposed by the Director this week.
2. Pursuant to ORS 454.605 to .745 and OAR 340-71-600 (Attachments 3 and 4), the Department could initiate proceedings (contested case hearings) to revoke or suspend the sewage disposal service license for the statutory and regulatory violations set forth above and in Attachments 1 and 2.

Revocation is the lifting of a license and non-renewal for one year from the date of revocation. Suspension can be for a shorter period and would not go beyond the next license renewal date which in this case is June 1984.

Because McInnis operates one of the largest chemical toilet services in the area, a concern has been raised as to what impact license revocation or suspension would have on the community using the company's services. At this time, McInnis has approximately 700-1,000 chemical toilets. During the winter, it is estimated that 35-50% of the toilets in the area are not in use. The Portland metro area has three other licensed chemical toilet services and one which is in the process of being

licensed. If the latter company is licensed, as we expect, the combined inventory of the four companies would equal or exceed that of McInnis Enterprises. Due to the available inventory of toilets and the current season of the year, we would expect the other operators to be able to fill the void created by a license suspension or revocation.

Recommendation

This is an informational item which does not require action on the part of the Commission.

In consideration of the repeated and continuing violations of McInnis, it is the Department's intention to seek revocation of the McInnis sewage disposal license. Due to the seriousness of the violations committed, the Department intends to request the Hearing Officer to schedule any required hearings on an expedited basis.

Bill

William H. Young

- Attachments
1. Civil penalty document, 5/19/83
 2. Civil penalty documents, 9/2/83
 3. ORS - Regulation of Subsurface Sewage Disposal
 4. OAR - Sewage Disposal Service
 5. Enforcement Summary

Thomas R. Bispham:c

RC324

229-5292

October 3, 1983



Department of Environmental Quality

Dept. of Environmental Quality

R E C E I V E D

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

MAY 20 1983

NORTHWEST REGION

CERTIFIED MAIL NO. P 297 307 215

McInnis Enterprises, Ltd.
dba/Schulz Sanitation
c/o William B. Crow
Registered Agent
900 S.W. Fifth Avenue
Portland, OR 97204

MAY 19 1983

Re: Notice of Assessment
of Civil Penalty
SS/SW-NWR-83-47
Multnomah County

Notice of Violation and Intent
to Assess Civil Penalty
SS-NWR-83-48
Multnomah/Clackamas Counties

On March 30, 1983, you disposed of a load of solid waste composed of sewage/industrial sludge pumpings at the Merit Oil & Refining, Inc. facility on N. Suttle Road in Portland. You pumped at least part of that waste from the Rub-A-Dub Car Wash, Inc. facility located at 14373 S.E. McLoughlin Boulevard in Milwaukie.

Samples of the liquid portion of the waste were analyzed by our laboratory and were found to contain extremely high levels of fecal coliform and fecal streptococci bacteria; in excess of 1.5 million organisms per 100 milliliters.

ORS 164.785(2) prohibits the placement of any polluting substance onto the surface of the ground. In addition, OAR 340-71-600(12)(a) and (b) prohibit the disposal of pumpings anywhere other than at a Department approved disposal site.

Because you unlawfully disposed of pumpings (solid waste), I am sending you the enclosed Notice of Assessment of Civil Penalty (SS/SW-NWR-83-47) in which I have assess a \$500 civil penalty against you. In determining the amount of your penalty, I have considered OAR 340-12-045.

The penalty is due and payable. Payment should be mailed to the address on this letterhead. Appeal procedures are outlined in Paragraph VII of the enclosed Notice of Assessment of Civil Penalty (SS/SW-NWR-83-47). If you fail to either pay the penalty or appeal the action within twenty (20) days, a Default Order and Judgment will be entered against you.

I am also sending you the enclosed Notice of Violation and Intent to Assess Civil Penalty (SS-NWR-83-48) in which you are cited for two additional violations: (1) use of a sewage pumper truck to pump industrial waste sludge without written permission from this Department; and (2) use of a pumper vehicle which did not have required identification displayed. That latter violation was observed by a Clackamas County investigator on April 14, 1983. The investigator noted that the truck had been recently painted.

However, you should not have returned the truck to service until it was properly marked. You are warned that another civil penalty will be assessed if either of the two violations are repeated.

I strongly suggest that you review those regulations that restrict certain uses of your sewage pumping equipment.

Pumping equipment that is used to pump sewage may not be used to pump other materials such as industrial sludges, waste oil, etc. unless you first obtain written authorization from the Department on a load-by-load basis.

To obtain such authorization, you need to submit the following information to the Department:

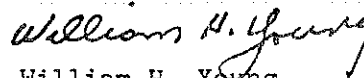
1. Composition and quantity of material to be pumped,
2. Source of the material,
3. Where the material will be off-loaded, and a
4. Description of the procedures you will use to de-contaminate your equipment before and after transporting a material to assure that no cross-contamination of materials occur between loads.

Non-septage pumpings must be taken to the off-loading location specified on the written authorization issued by the Department for the particular material.

You may dispose of septage pumpings only at a waste treatment/disposal facility operating under a valid permit issued by this Department, which authorizes the facility to accept septage for disposal.

Copies of some referenced regulations are enclosed. If you have questions, please contact Larry M. Schurr of the Department's Enforcement Section in Portland at 229-6932.

Sincerely,



William H. Young
Director

LMS:b

GX3047.L

Enclosure(s)

cc: Northwest Regional Office, DEQ

On-Site Sewage Disposal Systems, Licensing Section, DEQ

Solid Waste Division, DEQ

Multnomah County Environmental Health Services

Clackamas County Department of Environmental Services

Multnomah County Sheriff's Office, Deputy Brian Reynolds

Oregon Department of Justice, Robert L. Haskins

1 IV

2 The above cited violations involve aggravating factors which support
3 the assessment of a civil penalty larger than the minimum established in
4 the civil penalty schedule.

5 V

6 The violations described in Paragraph II above, consist of disposing
7 of sewage and/or solid waste at an unauthorized disposal site.

8 VI

9 This penalty is due and payable immediately upon receipt of this
10 notice. Respondent's check in the amount of \$500 should be made payable
11 to "State Treasurer, State of Oregon" and should be sent to the Director
12 of the Department of Environmental Quality.

13 VII

14 Respondent has the right, if Respondent so requests, to have a formal
15 contested case hearing before the Environmental Quality Commission or its
16 hearing officer regarding the matters set out above pursuant to ORS Chapter
17 183, ORS 468.135(2) and (3), ORS 459.995 and OAR Chapter 340, Division 11
18 at which time Respondent may be represented by an attorney and subpoena and
19 cross-examine witnesses. That request must be made in writing to the
20 Director, must be received by the Director within twenty (20) days from the
21 date of mailing of this notice (or if not mailed, the date of personal
22 service), and must be accompanied by a written "Answer" to the charges
23 contained in this notice. In the written "Answer," Respondent shall admit
24 or deny each allegation of fact contained in this notice and Respondent
25 shall affirmatively allege any and all affirmative claims or defenses to

26 ///

1 the assessment of this civil penalty that Respondent may have and the
2 reasoning in support thereof. Except for good cause shown:

3 A. Factual matters not controverted shall be presumed admitted;

4 B. Failure to raise a claim or defense shall be presumed to be a
5 waiver of such claim or defense;

6 C. Evidence shall not be taken on any issue not raised in the notice
7 and the "Answer."

8 If Respondent fails to file a timely "Answer" or request for hearing
9 or fails to appear at a scheduled hearing, the Director on behalf of the
10 Environmental Quality Commission may issue a default order and judgment,
11 based upon a prima facie case made on the record, for the relief sought
12 in this notice. Following receipt of a request for hearing and an
13 "Answer," Respondent will be notified of the date, time and place of the
14 hearing.

15 VIII

16 If the one or more violations set forth in Paragraph II continue,
17 or if any similar violation occurs, the Director will impose an additional
18 civil penalty upon the Respondent.

19
20 MAY 19 1983

21 Date

William H. Young
22 WILLIAM H. YOUNG, Director
23 Department of Environmental Quality
24

25 Certified Mail P 297 307 215
26

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
2 OF THE STATE OF OREGON

3 DEPARTMENT OF ENVIRONMENTAL QUALITY,) NOTICE OF VIOLATION AND
4 OF THE STATE OF OREGON,) INTENT TO ASSESS CIVIL PENALTY
5 Department,) No. SS-NWR-83-48
6 v.) MULTNOMAH/CLACKAMAS COUNTIES
7)
8 MCINNIS ENTERPRISES, LTD.,)
9 an Oregon corporation,)
DBA/SCHULZ SANITATION,)
Respondent.)

10
11 I

12 This notice is being sent to Respondent, McInnis Enterprises, Ltd.,
13 an Oregon corporation, doing business as Schulz Sanitation, pursuant to
14 Oregon Revised Statutes (ORS) 468.125(1) and Oregon Administrative Rules
15 (OAR) Section 340-12-040(1) and (2).

16 II

17 A. On or about March 30, 1983, Respondent violated OAR
18 340-71-600(9)(g) in that Respondent used his sewage pumping equipment to
19 pump industrial waste sludge from the Rub-A-Dub Car Wash, Inc. facility
20 located at 14373 S.E. McLoughlin Boulevard, in Milwaukie, Oregon, without
21 first obtaining written authorization from the Department.

22 B. On or about April 14, 1983, Respondent violated OAR
23 340-71-600(11)(a) and (b) in that Respondent placed a sewage pumper vehicle
24 into service that did not display Respondent's name or assumed business
25 name and/or the capacity of the pumper tank, in the manner required by OAR
26 340-71-600(11)(a) and (b).

1 III

2 If five (5) or more days after Respondent receives this notice, the
3 one or more violations cited in Paragraph II of this notice continue, or
4 any similar violation occurs, the Department will impose upon Respondent a
5 civil penalty pursuant to Oregon statutes and OAR, Chapter 340, Divisions
6 11 and 12. In the event that a civil penalty is imposed upon Respondent,
7 it will be assessed by a subsequent written notice, pursuant to ORS
8 468.135(1) and (2), ORS 183.415(1) and (2), and OAR, 340-11-100 and
9 340-12-070. Respondent will be given an opportunity for a contested case
10 hearing to contest the allegations and penalty assessed in that notice,
11 pursuant to ORS 468.135(2) and (3), ORS Chapter 183, and OAR Chapter 340,
12 Division 11. Respondent is not entitled to a contested case hearing at
13 this time.

14
15 MAY 19 1983

16 _____
Date

17 *William H. Young*

William H. Young, Director
Department of Environmental Quality

18
19
20 Certified Mail P 297 307 215



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

HAND DELIVERY

McInnis Enterprises, Ltd.
 dba/Schulz Sanitation
 c/o David A. McInnis, President
 1832 N.E. 201st Avenue
 Troutdale, OR 97060

-or-

c/o William B. Crow, Registered Agent
 900 S.W. Fifth Avenue
 Portland, OR 97204

SEP 2 1983

Re: Notice of Assessment
 of Civil Penalty
 WQ-NWR-83-79
 Multnomah County

Early in the morning of August 5, 1983, sewage/septage waste was intentionally discharged from one of your Sewage Disposal Service pumping vehicles into a storm sewer via a manhole located near 5000 N.E. 122nd Avenue in Portland. The waste flowed through the storm sewer and discharged into the Columbia Slough where the waste created a public health hazard.

Deposits of sewage sludge, up to 3 feet deep, extended more than 500 feet downstream from the point of discharge into the Columbia Slough. A bacteriological sample taken at the site was found to contain more than 100,000 fecal coliform organisms per 100 milliliters of sample.

Your illegal discharge of sewage/septage pumpings to the Columbia Slough occurred less than 3 months after the Department cited you for another illegal waste disposal incident that occurred at Merit Oil & Refining, Inc., and only a little over one month after you assured the Department that you were not disposing of your pumpings illegally.

Your latest violations were flagrant, intentional, and inexcusable.

Therefore, I am sending you the enclosed notice in which I have assessed a total of \$10,500 in civil penalties against you. In determining the amount of your penalties, I have considered OAR 340-12-045.

The total penalty is now due and payable. Payment should be mailed to the address on this letterhead. Appeal procedures are outlined within Paragraph X of the enclosed notice. If you fail to either pay the penalty or appeal the action within twenty (20) days, a Default Order and Judgment will be entered against you.

McInnis Enterprises, Ltd.

Page 2

The enclosed notice also cites you for your failure to immediately clean up and disinfect the affected site, as is required by OAR 340-71-600(7)(b). Your continued failure to do so may result in the assessment of an additional civil penalty for violation of that rule. In addition, daily civil penalties of up to \$10,000 may be assessed against you for the continued pollution of the Columbia Slough caused by the presence of the sewage sludge deposits.

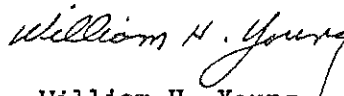
You may choose to clean up the site yourself or hire a cleanup contractor to do the work for you. Any clean up effort you choose to make should be coordinated with Mr. Gregory Baesler of the Department's Northwest Regional office, telephone 229-5209.

If you fail to begin clean up operations by September 12, 1983, one or more public agencies may clean up the site or hire a contractor to do so. In that event, the cost to clean up and restore the resource will be recovered from you.

At this time I am considering action to suspend or revoke your Sewage Disposal Service License. One factor that I will consider in making that decision will be the effort, if any, you make to clean up the site in order to minimize the impact of your violation on the Columbia Slough. If I decide to suspend or revoke your Sewage Disposal Service License, you will be notified by a separate notice.

If you have questions about the enclosed notice, please contact the Department's Enforcement Section at 229-5372.

Sincerely,



William H. Young
Director

LMS:b

GW3079.L

Enclosure(s)

cc: Northwest Regional Office, DEQ
Water Quality Division, DEQ
On-Site Sewage Disposal Systems Section, DEQ
Oregon Department of Justice, Robert L. Haskins
Environmental Protection Agency, OOO
Multnomah County Sheriff's Office
Multnomah County Health Department
Oregon Department of Fish and Wildlife



Department of Environmental Quality

622 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

HAND DELIVERY

Stephen James McInnis
205 S.E. 105th
Portland, OR 97216

SEP 2 1983

Re: Notice of Assessment
of Civil Penalty
WQ-NWR-83-79
Multnomah County

On August 5, 1983, you were observed intentionally dumping a truckload of sewage/septage pumpings into a manhole located near 5000 N.E. 122nd Avenue in Portland. That waste discharged into the Columbia Slough where it created a public health hazard and an unsightly mess. Sewage sludge deposits, up to 3 feet deep, extended more than 500 feet downstream from the point of discharge. Your action was outrageous and disgusting, and a violation of Oregon law.

Therefore, I am sending you the enclosed notice in which I have assessed a \$2,000 civil penalty against you. In determining the amount of your penalty, I have considered OAR 340-12-045.

The penalty is due and payable. Payment should be mailed to the address on this letterhead. Appeal procedures are outlined within Paragraph X of the enclosed notice. If you fail to either pay the penalty or appeal the action within twenty (20) days, a Default Order and Judgment will be entered against you.

If you have any questions about the notice, please contact the Department's Enforcement Section at 229-5372.

Sincerely,

William H. Young
Director

LMS:b

GW3079.L1

Enclosure(s)

cc: Northwest Regional Office, DEQ
Water Quality Division, DEQ
On-Site Sewage Disposal Systems Section, DEQ
Oregon Department of Justice, Robert L. Haskins
Environmental Protection Agency, 000
Multnomah County Sheriff's Office
Multnomah County Health Department
Oregon Dept. of Fish & Wildlife



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

HAND DELIVERY

Robert Leo Churnside
110A N.E. 133rd Avenue
Portland, OR 97230

SEP 2 1983

Re: Notice of Assessment
of Civil Penalty
WQ-NWR-83-79
Multnomah County

On August 5, 1983, you were observed intentionally dumping a truckload of sewage/septage pumpings into a manhole located near 5000 N.E. 122nd Avenue in Portland. That waste discharged into the Columbia Slough where it created a public health hazard and an unsightly mess. Sewage sludge deposits, up to 3 feet deep, extended more than 500 feet downstream from the point of discharge. Your action was outrageous and disgusting, and a violation of Oregon law.

Therefore, I am sending you the enclosed notice in which I have assessed a \$2,000 civil penalty against you. In determining the amount of your penalty, I have considered OAR 340-12-045.

The penalty is due and payable. Payment should be mailed to the address on this letterhead. Appeal procedures are outlined within Paragraph X of the enclosed notice. If you fail to either pay the penalty or appeal the action within twenty (20) days, a Default Order and Judgment will be entered against you.

If you have any questions about the notice, please contact the Department's Enforcement Section at 229-5372.

Sincerely,

William H. Young
Director

LMS:b

GW3079.L2

Enclosure(s)

cc: Northwest Regional Office, DEQ
Water Quality Division, DEQ
On-Site Sewage Disposal Systems Section, DEQ
Oregon Department of Justice, Robert L. Haskins
Environmental Protection Agency, OOO
Multnomah County Sheriff's Office
Multnomah County Health Department
Oregon Dept. of Fish & Wildlife

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3	DEPARTMENT OF ENVIRONMENTAL QUALITY,	)	NOTICE OF ASSESSMENT
	OF THE STATE OF OREGON,	)	OF CIVIL PENALTY
4		)	No. WQ-NWR-83-79
	Department,	)	MULTNOMAH COUNTY
5	v.)	
)	
6	MCINNIS ENTERPRISES, LTD.,)	
	an Oregon corporation,)	
7	DBA/SCHULZ SANITATION;)	
	STEPHEN JAMES MCINNIS;)	
8	AND ROBERT LEO CHURNSIDE,)	
)	
9	Respondents.)	

10 I

11 This notice is given to Respondents, McInnis Enterprises, Ltd., an
12 Oregon corporation doing business as Schulz Sanitation; Stephen James
13 McInnis; and Robert Leo Churnside, pursuant to Oregon Revised Statutes
14 (ORS) 468.125 through 468.140, ORS Chapter 183 and Oregon Administrative
15 Rules (OAR) Chapter 340, Divisions 11 and 12.

16 II

17 At all times cited herein, Respondent McInnis Enterprises, Ltd. was,
18 and is now a Sewage Disposal Service Licensee, licensed by the Department
19 pursuant to ORS 454.695 and OAR 340-71-600.

20 III

21 A Notice of Assessment of Civil Penalty (SS/SW-NWR-83-47) dated
22 May 19, 1983, from William H. Young to Respondent McInnis Enterprises,
23 Ltd. is on file with the Environmental Quality Commission in this case and
24 is incorporated herein by this reference. That notice was received by
25 Respondent McInnis Enterprises, Ltd. on May 20, 1983. In that notice, the
26 Department alleged that Respondent McInnis Enterprises, Ltd. had committed

1 one or more violations, and that the Department notified and warned
2 Respondent McInnis Enterprises, Ltd. that a civil penalty would be assessed
3 if any of those violations continued, or if any similar violation occurred
4 in the future.

5 IV

6 A. On or about August 5, 1983, Respondents violated ORS 164.785(1),
7 468.720(1)(a), and OAR 340-71-130(3) in that Respondents spilled, dumped,
8 discharged, or otherwise placed excrement, untreated or partially treated
9 sewage and septage waste, into waters of the state, thereby causing
10 pollution of those waters. Specifically, Respondents spilled, dumped, or
11 discharged sewage and septage pumpings from Respondent McInnis Enterprises,
12 Ltd's. Sewage Disposal Service pumping vehicle into a storm sewer via a
13 manhole located near 5000 N.E. 122nd Avenue, Portland, Multnomah County,
14 Oregon. The waste flowed through the storm sewer and discharged into the
15 Columbia Slough, waters of the state.

16 B. On or about August 5, 1983, Respondents violated OAR
17 340-71-130(15) and 340-71-600(13)(b) in that Respondents disposed of sewage
18 and/or septage pumpings at the location described in Paragraph IVA, a
19 location not authorized or approved by the Department for such disposal.

20 C. From August 5, 1983, through at least August 31, 1983, Respondents
21 have violated OAR 340-71-600(8)(b) in that Respondents have failed to clean
22 up the sewage and/or septage waste which Respondents unlawfully spilled,
23 dumped, or discharged as described in Paragraphs IVA and B.

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26 ///

1 V

2 The violations described in Paragraphs IVA and B were intentional
3 acts of the Respondents and consisted of disposing of solid waste or sewage
4 at an unauthorized disposal site.

5 VI

6 The Director hereby imposes upon Respondent McInnis Enterprises, Ltd.
7 a civil penalty of \$10,000 for the violations cited in Paragraph IVA
8 pursuant to the schedule of civil penalties contained in OAR 340-12-
9 055(1)(c); plus a civil penalty of \$500 for the violations cited in
10 Paragraph IVB, pursuant to the schedule of civil penalties contained in OAR
11 340-12-060(2)(d), for a total civil penalty of \$10,500 plus interest until
12 paid in full.

13 VII

14 The Director hereby imposes a civil penalty of \$2,000 plus interest
15 until paid in full individually on Respondent Stephen James McInnis, and a
16 civil penalty of \$2,000 plus interest until paid in full individually on
17 Respondent Robert Leo Churnside, for the violations cited in Paragraph IVA
18 pursuant to the schedule of civil penalties contained in OAR
19 340-12-055(1)(c).

20 VIII

21 The violations cited in Paragraphs IVA and B involve aggravating
22 factors which support the assessment of civil penalties larger than the
23 minimums established in the schedules of civil penalties referred to in
24 Paragraphs VI and VII.

25 ///

26 ///

1 IX

2 The penalties are due and payable immediately upon receipt of this
3 notice. Respondents' checks should be made payable to "State Treasurer,
4 State of Oregon" and should be sent to the Director of the Department of
5 Environmental Quality.

6 X

7 Each Respondent has the right, if the Respondent so requests, to have
8 a formal contested case hearing before the Environmental Quality Commission
9 or its hearing officer regarding the matters set out above pursuant to ORS
10 Chapter 183, ORS 468.135(2) and (3), and OAR Chapter 340, Division 11 at
11 which time the Respondent may be represented by an attorney and subpoena
12 and cross-examine witnesses. That request must be made in writing to the
13 Director, must be received by the Director within twenty (20) days from the
14 date of mailing of this notice (or if not mailed, the date of personal
15 service), and must be accompanied by a written "Answer" to the charges
16 contained in this notice. In the written "Answer," the Respondent shall
17 admit or deny each allegation of fact contained in this notice and the
18 Respondent shall affirmatively allege any and all affirmative claims or
19 defenses to the assessment of this civil penalty that the Respondent may
20 have and the reasoning in support thereof. Except for good cause shown:

21 A. Factual matters not controverted shall be presumed admitted;

22 B. Failure to raise a claim or defense shall be presumed to be a
23 waiver of such claim or defense;

24 C. Evidence shall not be taken on any issue not raised in the notice
25 and the "Answer."

26 ///

However, a project shall not be placed on the list of priority projects if the total cost to the Sewage Treatment Works Construction Account established by ORS 454.535 of all such projects on the list of priority projects would exceed the funds available in the Sewage Treatment Works Construction Account. [Formerly 449.465]

454.525 Contracts with municipalities. (1) The Environmental Quality Commission and any municipality may enter into contracts with each other concerning eligible projects. Any such contract may include such provisions as may be agreed upon by the parties thereto, and shall include the following provisions:

(a) An estimate of the reasonable cost of the eligible project as determined by the commission.

(b) An agreement by the municipality:

(A) To proceed expeditiously with, and complete, the project in accordance with plans approved by the department;

(B) To commence operation of the sewage treatment works on completion of the project, and not to discontinue operation or dispose of the sewage treatment works without the approval of the commission;

(C) To operate and maintain the sewage treatment works in accordance with applicable provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and ORS chapter 468 and with the rules of the commission;

(D) To secure approval of the commission before applying for federal assistance for pollution abatement, in order to maximize the amounts of such assistance received or to be received for all projects in Oregon; and

(E) To provide for the payment of the municipality's share of the cost of the project.

(2) The commission may adopt rules necessary for making and enforcing contracts hereunder and establishing procedures to be followed in applying for state grants authorized by ORS 454.515 as shall be necessary for the effective administration of ORS 454.505 to 454.535.

(3) All contracts entered into pursuant to this section shall be subject to approval by the Attorney General as to form. All payments by the state pursuant to such contracts shall be made after audit and upon warrant on vouch-

ers approved by the commission. [Formerly 449.475]

454.535 Sewage Treatment Works Construction Account. There is established in the General Fund of the State Treasury a Sewage Treatment Works Construction Account. All moneys in the Sewage Treatment Works Construction Account are appropriated continuously for and shall be used by the Environmental Quality Commission in carrying out the purposes of ORS 454.505 to 454.535. [Formerly 449.485]

REGULATION OF SUBSURFACE SEWAGE DISPOSAL

454.605 Definitions for ORS 454.605 to 454.745. As used in ORS 454.605 to 454.745, unless the context requires otherwise:

(1) "Absorption facility" means a system of open-jointed or perforated piping, alternate distribution units or other seepage systems for receiving the flow from septic tanks or other treatment units and designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration.

(2) "Alternative sewage disposal system" means a system incorporating all of the following:

(a) Septic tank or other sewage treatment or storage unit; and

(b) Disposal facility or method consisting of other than an absorption facility but not including discharge to public waters of the State of Oregon.

(3) "Building sewer" means that part of the system of drainage piping which conveys sewage into a septic tank, cesspool or other treatment unit that begins five feet outside the building or structure within which the sewage originates.

(4) "Cesspool" means a receptacle which receives the discharge of sewage from a sanitary drainage system and which is so designed and constructed as to separate solids from liquids, digest organic matter during a period of detention and allow the liquids to flow into the soil within the zone of aeration through perforations in the side wall of the receptacle.

(5) "Construction" includes installation, alteration, repair or extension.

(6) "Effluent sewer" means that part of the system of drainage piping that conveys

treated sewage from a septic tank or other treatment facility into an absorption facility.

(7) "Governmental unit" means the state or any county, municipality or other political subdivision, or any agency thereof.

(8) "Nonwater-carried sewage disposal facility" includes, but is not limited to, pit privies, vault privies and chemical toilets.

(9) "Public health hazard" means a condition whereby there are sufficient types and amounts of biological, chemical or physical, including radiological, agents relating to water or sewage which are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.

(10) "Seepage pit" is a type of absorption facility which is a covered pit with open-jointed lining through which septic tank effluent may seep or leach into surrounding ground.

(11) "Septic tank" means a watertight receptacle which receives the discharge of sewage from a sanitary drainage system and which is so designed and constructed as to separate solids from liquids, digest organic matter during a period of detention and allow the liquids to discharge into the soil outside of the tank through an absorption facility.

(12) "Sewage" means water-carried human and animal wastes, including kitchen, bath and laundry wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration, surface waters or industrial waste as may be present.

(13) "Sewage disposal service" means:

(a) The construction of subsurface sewage disposal systems, alternative sewage disposal systems or any part thereof.

(b) The pumping out or cleaning of subsurface sewage disposal systems, alternative sewage disposal systems or nonwater-carried sewage disposal facilities.

(c) The disposal of materials derived from the pumping out or cleaning of subsurface sewage disposal systems, alternative sewage disposal systems or nonwater-carried sewage disposal facilities.

(d) Grading, excavating and earth-moving work connected with the operations described in paragraph (a) of this subsection, 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.

(e) The construction of drain and sewage lines from five 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.

(14) "Subsurface sewage disposal system" means a cesspool or the combination of a septic tank or other treatment unit and effluent sewer and absorption facility.

(15) "Zone of aeration" means the unsaturated zone that occurs below the ground surface and the point at which the upper limit of the water table exists. [1973 c.835 §208; 1975 c.167 §1; 1977 c.828 §1]

454.610 Regulation of grey water discharge. (1) As used in this section "grey water" means any household sewage other than toilet and garbage wastes, including shower and bath waste water, kitchen waste water and laundry wastes.

(2) Nothing in ORS 454.605 to 454.745 except ORS 454.645 shall prohibit the discharge of grey water if:

(a) Soil and site conditions for such grey water conform to the rules of the Department of Environmental Quality regarding standard subsurface sewage disposal systems except that such system may use two-thirds the normal size surface area for a drainfield and shall be preceded by a pretreatment facility such as, but not limited to, a septic tank; or

(b) Such grey water is discharged into an existing subsurface sewage system which is functioning satisfactorily or a public sewage system which serves the dwelling from which such grey water is derived. [1977 c.523 §6]

454.615 Standards for sewage disposal systems and disposal facilities. The Environmental Quality Commission shall by September 1, 1975, adopt by rule standards which:

(1) Prescribe minimum requirements for the design and construction of subsurface sewage disposal systems, alternative sewage disposal systems and nonwater-carried sewage disposal facilities or parts thereof including grading, excavating and earth-moving work connected therewith, and allow for use of alternative systems and component materials consistent with the minimum requirements.

Requirements prescribed under this section may vary in different areas or regions of the state.

(2) Prescribe minimum requirements for the operation and maintenance of subsurface sewage disposal systems, alternative sewage disposal systems and nonwater-carried sewage disposal facilities or parts thereof.

(3) Prescribe requirements for the pumping out or cleaning of subsurface sewage disposal systems, alternative sewage disposal systems and nonwater-carried sewage disposal facilities or parts thereof, for the disposal of material derived from such pumping out or cleaning, for sewage pumping equipment, for sewage tank trucks and for the identification of sewage tank trucks and workmen.

(4) Prescribe requirements for handling kitchen, bath and laundry wastes as opposed to human and animal wastes which recognize the possibility for separate treatment of different types of waste. [1973 c.835 §209; 1975 c.167 §2]

454.625 Rules. In accordance with the applicable provisions of ORS 183.310 to 183.550, the Environmental Quality Commission shall adopt such rules as it considers necessary for the purpose of carrying out ORS 454.605 to 454.745. [1973 c.835 §210]

454.635 Notice of violation; service; request for hearing; conduct of hearing; order. (1) Whenever the Department of Environmental Quality has reasonable grounds for believing that any subsurface sewage disposal system, alternative sewage disposal system or nonwater-carried sewage disposal facility or part thereof is being operated or maintained in violation of any rule adopted pursuant to ORS 454.625, it shall give written notice to the person or persons in control of such system or facility.

(2) The notice required under subsection (1) of this section shall include the following:

(a) Citation of the rule allegedly violated;

(b) The manner and extent of the alleged violation; and

(c) A statement of the party's right to request a hearing.

(3) The notice shall be served personally or by registered or certified mail and shall be accompanied by an order of the department requiring remedial action which, if taken within the time specified in the order, will effect compliance with the rule allegedly

violated. The order shall become final unless a request for hearing is made by the party receiving the notice within 10 days from the date of personal service or the date of mailing of the notice.

(4) The form of petition for hearing and the procedures employed in the hearing shall be consistent with the requirements of ORS 183.310 to 183.550 and shall be in accordance with rules adopted by the Environmental Quality Commission.

(5) The order shall be affirmed or reversed by the commission after hearing. A copy of the commission's decision setting forth findings of fact and conclusions shall be sent by registered or certified mail to the petitioner or served personally upon him. An appeal from such decision may be made as provided in ORS 183.480 relating to a contested case. [1973 c.835 §211; 1975 c.167 §3]

454.640 County enforcement of standards. (1) In order to protect the health, safety and welfare of its citizens, a county may enforce, consistent with state enforcement, standards for subsurface sewage disposal systems, alternative sewage disposal systems and nonwater-carried sewage disposal facilities established in ORS 454.605 to 454.745 or in rules of the Environmental Quality Commission.

(2) Nothing in this section is intended to prohibit contractual arrangements between a county and the Department of Environmental Quality under ORS 454.725. [1981 c.147 §2]

454.645 Enforcement when health hazard exists. (1) Whenever a subsurface sewage disposal system, alternative sewage disposal system or a nonwater-carried sewage disposal facility or part thereof presents or threatens to present a public health hazard creating an emergency requiring immediate action to protect the public health, safety and welfare, the Department of Environmental Quality may institute an action. The action may be commenced without the necessity of prior administrative procedures, or at any time during such administrative proceedings, if such proceedings have been commenced. The action shall be in the name of the State of Oregon and may petition for a mandatory injunction compelling the person or governmental unit in control of the system or facility to cease and desist operation or to make such improvements or corrections as are necessary to remove the public health hazard or threat thereof.

which a permit has been issued under ORS 454.655, the permit holder shall notify the Department of Environmental Quality. The department may at its own election inspect the construction to determine if it complies with the rules of the Environmental Quality Commission. For that construction inspected by the department, the department shall issue a certificate of satisfactory completion to the permit holder unless the construction does not comply with such rules. If the construction does not comply with such rules, the department shall notify the permit holder and shall require satisfactory completion before issuing the certificate. Failure to meet the requirements for satisfactory completion within a reasonable time constitutes a violation of ORS 454.605 to 454.745.

(2) If the inspection authorized under subsection (1) of this section is not made within seven days after notification by the permit holder, a certificate of satisfactory completion shall be considered to have been issued. When feasible the department shall notify the party whose work is to be inspected, whether the department will be able to make such inspection within the seven-day requirement of this subsection.

(3) No person shall operate or use any subsurface sewage disposal system, alternative sewage disposal system or part thereof unless a certificate of satisfactory completion has been issued for the construction for which a permit was issued under ORS 454.655.

(4) Whenever the department refuses to issue a certificate of satisfactory completion pursuant to this section, the permit holder may appeal the decision in accordance with the provisions of ORS 183.310 to 183.550. [1973 c.835 §214; 1975 c.167 §6; 1979 c.169 §1]

454.675 Exemptions; application to alteration, repairs or extensions. Subsurface sewage disposal systems, alternative sewage disposal systems or nonwater-carried sewage disposal facilities or parts thereof which were constructed prior to January 1, 1974, but which are not creating a public health hazard or causing water pollution shall not be required to conform to the rules adopted subsequent to their initial construction. However, all alterations, repairs or extensions of such systems or facilities or parts thereof shall be made in accordance with the rules of the Environmental Quality Commission. [1973 c.835 §215; 1975 c.167 §7]

454.685 Order limiting or prohibiting construction; factors to be considered. (1) Whenever the Environmental Quality Commission finds that the construction of subsurface sewage disposal systems, alternative sewage disposal systems or nonwater-carried sewage disposal facilities should be limited or prohibited in an area, it shall issue an order limiting or prohibiting such construction. The order shall be issued only after public hearing for which more than 30 days' notice is given. Notice must be in form reasonably calculated to notify interested persons in the affected area.

(2) In issuing an order authorized by subsection (1) of this section, the commission shall consider the following factors for the proposed affected area:

- (a) Present and projected density of population.
- (b) Size of building lots.
- (c) Topography.
- (d) Porosity and absorbency of soil.
- (e) Any geological formations which may adversely affect the disposal of sewage effluent by subsurface means.
- (f) Ground and surface water conditions and variations therein from time to time.
- (g) Climatic conditions.
- (h) Present and projected availability of water from unpolluted sources.
- (i) Type of and proximity to existing domestic water supply sources.
- (j) Type of and proximity to existing surface waters.
- (k) Capacity of existing subsurface sewage disposal systems. [1973 c.835 §216; 1975 c.167 §8]

454.695 License required to perform sewage disposal services; application; permit required for certain services. (1) Except as provided in subsection (3) of this section, no person shall perform sewage disposal services or advertise or represent himself as being in the business of performing such services without first obtaining a license from the Department of Environmental Quality.

(2) Application for a license required by subsection (1) of this section shall be made in writing in a form prescribed by the department and shall include the following information:

(a) The name and address of the applicant and of the person responsible for supervising the services;

(b) The location of the business of the applicant and the name under which the business is conducted; and

(c) Such other information as the department considers necessary to determine the eligibility of the applicant for the license.

(3) Any person licensed under the provisions of this section or under ORS 447.010 to 447.160 may install building sewers after obtaining a permit for plumbing inspection under ORS 447.095.

(4) Application for a license required under subsection (1) of this section must be accompanied by the nonrefundable license fee prescribed in ORS 454.745 and by the bond described in ORS 454.705.

(5) Unless suspended or revoked at an earlier date, all licenses issued under this section expire on July 1 next following the date of issuance. [1973 c.835 §217; 1977 c.828 §2]

454.705 Bond; content; action on bond; limit on surety's liability; notice of bond. (1) An applicant for a license required by ORS 454.695 shall execute a bond in the penal sum of \$2,500 in favor of the State of Oregon. The bond shall be executed by the applicant as principal and by a surety company authorized to transact a surety business within the State of Oregon as surety.

(2) The bond shall be filed with the Department of Environmental Quality and shall provide that:

(a) In performing sewage disposal services, the applicant shall comply with the provisions of ORS 454.605 to 454.745 and with the rules of the Environmental Quality Commission regarding sewage disposal services; and

(b) Any person injured by a failure of the applicant to comply with ORS 454.605 to 454.745 and with the rules of the commission regarding sewage disposal services shall have a right of action on the bond in his own name, provided that written claim of such right of action shall be made to the principal or the surety company within two years after the services have been performed; and

(c) The maximum aggregate liability of the surety on the bond shall be \$2,500.

(3) Every person licensed pursuant to ORS 454.695 shall deliver to each person for whom he performs services requiring such license,

prior to the completion of such services, a written notice of the name and address of the surety company which has executed the bond required by this section and of the rights of the recipient of such services as provided by subsection (2) of this section. [1973 c.835 §218; 1975 c.171 §1]

454.710 Deposit in lieu of bond. In lieu of the surety bond required by ORS 454.705, an applicant for a license required by ORS 454.695 may deposit, under the same terms and conditions as when a bond is filed, the equivalent value in cash or negotiable securities of a character approved by the State Treasurer. The deposit is to be made in a bank or trust company for the benefit of the department. Interest on deposited funds or securities shall accrue to the depositor. [1981 c.148 §2]

454.715 Suspension or revocation of license. Subject to ORS 183.310 to 183.550, the Department of Environmental Quality at any time may suspend or revoke any license issued pursuant to ORS 454.695 if it finds:

(1) A material misrepresentation or false statement in the application for the license.

(2) Failure to comply with the applicable provisions of this chapter.

(3) Violation of any rule of the Environmental Quality Commission regarding sewage disposal services. [1973 c.835 §219]

454.725 Contracts with local governments; disbursement of fees to local governments. (1) The Department of Environmental Quality may enter into agreements with local units of government for the local units to perform the duties of the department under ORS 454.635, 454.655, 454.665 and 454.695.

(2) If a fee is collected by a local unit of government performing duties under subsection (1) of this section, the department may disburse all or part thereof to the local unit.

(3) The Department of Environmental Quality may enter into agreements with local units of government when the local units so request for the local units to perform the variance duties of the department under ORS 454.657 and 454.660 subject to variance criteria specified in the agreement by the department. Each county performing variance duties under an agreement may set and collect a nonrefundable variance application fee as provided in ORS 454.662. A fee collected by a county under this subsection shall not exceed

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alternative systems, the specific site conditions for that system contained in rules 340-71-260 through 340-71-355.

(6) Operation Responsibility:

(a) Responsibility for operation and maintenance of community systems shall be vested in a municipality as defined in ORS 454.010(3), or an Association of Unit Owners as defined in ORS 91.004 and ORS 91.146.

(b) Unless otherwise required by permit, community systems shall be inspected at least annually by the responsible entity.

Stat. Auth.: ORS Ch. 454

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82

Large Systems

340-71-520 (1) For the purpose of these rules "large system" means any system with a projected daily sewage flow greater than two thousand five hundred (2,500) gallons.

(2) **Special Design Requirements:** Unless otherwise authorized by the Department, large systems shall comply with the following requirements:

(a) Large system absorption facilities shall be designed with pressure distribution.

(b) The disposal area shall be divided into relatively equal units. Each unit shall receive no more than thirteen hundred (1300) gallons of effluent per day.

(c) The replacement (repair) disposal area shall be divided into relatively equal units, with a replacement disposal area unit located adjacent to an initial disposal area unit.

(d) Effluent distribution shall alternate between the disposal area units.

(e) Each 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.

(3) Plans and specifications for large systems shall be prepared by any competent professional with education or experience in the specific technical field involved. The professional may accept an assignment requiring education or experience outside of his/her own field of competence provided he/she retains competent and legally qualified services to perform that part of the assignment outside his/her own field of competence, his/her client or employer approves this procedure, and he/she retains responsibility to his/her client or employer for the competent performance of the whole assignment.

(4) Construction Requirements:

(a) Construction shall be in substantial conformance with approved plans and specifications and any terms of the permit issued by the Agent.

(b) After completion of the system the professional shall certify that the system was installed in accordance with approved plans and specifications.

Stat. Auth.: ORS Ch. 454

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 8-1983, f. & ef. 5-25-83

Sewage Disposal Service

340-71-600 (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. 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.

(3) Those persons making application for a sewage disposal service license shall:

(a) Submit a complete license application form to 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) Submit the appropriate fee as set forth in subsection 340-71-140(1)(i) 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 rule 340-71-140(1)(i);

(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;

(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.

(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 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;

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(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.

(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, employe, or representative of such licensee in violation of any statute, rule, or order pertaining to his license privileges.

(c) Deliver to each person for whom he performs services requiring such license, prior to completion of services, a written notice which contains:

(A) 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.

(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 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.

(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.

(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 licensee shall remove the license from display and remove all Department identifying labels from equipment. The licensee shall surrender the suspended or revoked license, and certify in writing to the Department within fourteen (14) days after suspension or revocation that all Department identification labels have been removed from all equipment.

(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 rule 340-71-140-1(i);

(B) The grounds for suspension have been corrected; and

(C) The original license would not have otherwise expired.

(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;

EXCEPTION: Tanks for equipment used exclusively for pumping chemical toilets not exceeding fifty (50) gallons capacity, shall have a liquid capacity of at least one hundred fifty (150) gallons.

(B) Be of watertight metal construction;

(C) Be fully enclosed;

(D) Have suitable covers to prevent spillage.

(b) The vehicle shall be equipped with either a vacuum or other type pump which will not allow seepage from the diaphragm or other packing glands and which is self priming.

(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.

(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.

(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

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(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.

(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.

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

Stat. Auth.: ORS Ch. 454

Hist: DEQ 10-1981, f. & ef. 3-20-81; DEQ 32-1981(Temp), f. & ef. 12-8-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Enforcement Summary

David McInnis and Polly McInnis dba Clearwater Industries, Inc., Schulz Sanitation, McInnis Enterprises, McInnis & Son, and L & M Enterprises

- January 1979 - Purchased business from Schulz Sanitation.
- June 1979 - Received sewage disposal service license.
- November 1982 - Department received complaints of conducting unsanitary practices at business site (SE 100th & Ankeny). Staff found evidence of septic tank pumpings and industrial waste on ground surface. Company was advised in writing to clean area and improve practices.
- November 1982 - Department became aware of McInnis's operating Clearwater Industries, Inc., an unlicensed septic tank pumping/chemical toilet service. A 5-day warning letter was issued.
- January 1983 - Department began receiving complaints of questionable and unsanitary practices being employed at the new operating site at NE 105th & Simpson. The Department responded to the complaints and met with the company to again re-emphasize the Department's requirements.
- March 1983 - Department received a complaint of Schulz Sanitation dumping sewage sludge at an industrial site in north Portland. Samples confirmed the presence of sewage and a \$500 civil penalty was imposed. It has been contested.
- April 1983 - Department received complaint of Clearwater Industries still operating without a license. This report was verified and a \$100 civil penalty was imposed. It has been paid.
- June 1983 - Regional Operations Administrator and staff met with Dave McInnis and his legal counsel to again clarify our rules and any misunderstandings. Mr. McInnis assured staff that his business was being conducted in a legal manner.
- June 30, 1983 - McInnis Enterprises Ltd. dba Schulz Sanitation renewed license.

- August 5, 1983 - Department received a report of an illegal dumping of sewage sludge in the Columbia Slough. In cooperation with the Multnomah County Sheriff's Office, the violation was confirmed and the violators identified. Civil penalties totalling \$14,500 were imposed and cleanup was requested by September 12, 1983. The penalties have been contested.
- September 1983 - Cleanup was voluntarily initiated on September 28, 1983, after the threat of the Department seeking injunctive relief in court.
- October 1983 - Clearwater remains unlicensed and in operation. The Director has imposed additional civil penalties.

RC324.A

LANE REGIONAL

AIR POLLUTION AUTHORITY

November 10, 1983

James E. Petersen, Chairman
Environmental Quality Commission
P. O. Box 1760
Portland, OR 97207

Re: Public Hearing on Proposed Coastal Incinerator Rule

Dear Mr. Peterson:

The LRAPA staff has concluded review of the Department's proposal to amend the emission standard for small municipal waste incinerators in coastal areas.

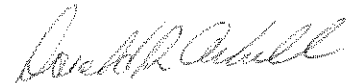
We appreciate the intent of this proposal as it applies to recently constructed municipal incinerators at Beaver Hill and Brookings, and potentially in Clatsop County and perhaps others along the coast; however, we question the assumption that the same circumstances leading to the proposed relaxation exist throughout the coastal area.

As you know, LRAPA maintains jurisdiction for air pollution control in Lane County and it is recognized that we are not obligated to relax LRAPA's NSPS rule. We reviewed the status of solid waste disposal in the coastal area of Lane County with the Lane County Solid Waste Division. The County's assessment is that the existing landfill at Florence, in Lane County, is well located, does not pose other environmental threats, and has an estimated useful life of at least twenty years. Under those conditions there is no apparent need to opt for municipal incineration in the Florence area in the foreseeable future unless it is made easier by a blanket relaxation of emission standards.

The present New Source Performance Standards for new incinerators are technically feasible and, in our coastal areas, would help prevent significant deterioration of air quality. In our view they ought not to be discarded, except in specific cases where there is an identified need to eliminate landfill and provide a more environmentally acceptable alternative for solid waste disposal.

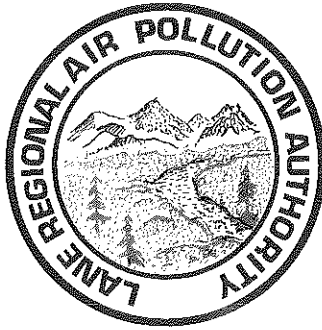
We recommend that this proposal address more precisely those areas where there are clearly defined issues now or in the near future. Your consideration of this recommendation is appreciated.

Sincerely,



Donald R. Arkell
Director

DRA/mjd



Item D

*EQC
Downs
AQ
SW*

(503) 686-7618
1244 Walnut Street, Eugene, Oregon 97403

Donald R. Arkell, Director

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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