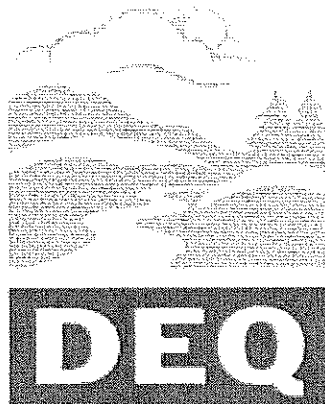


2/24/1984

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of
Environmental
Quality

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

February 24, 1984

Harris Hall
Lane County Courthouse
125 E. Eighth Street
Eugene, Oregon

REVISED TENTATIVE AGENDA

9:00 am CONSENT ITEMS

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

- A. Minutes of January 6, 1984, regular EQC meeting, and January 5, 1984, January 11, 1984, and January 12, 1984 special meetings.
- B. Monthly Activity Report for December 1983.
- C. Tax Credits.

9:05 am PUBLIC FORUM

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

HEARING AUTHORIZATIONS

- D. Request for authorization to conduct public hearings on proposed amendments to rules governing on-site sewage disposal, OAR 340-71-100 through 340-71-600 and 340-73-075.
- E. Request for authorization to conduct a public hearing on proposed amendments to the general groundwater Quality Protection Policy (OAR 340-41-029) to incorporate additional policies for control program implementation.
- F. Request for authorization to conduct public hearings on proposed rules for land application and disposal of sewage treatment plant sludge and sludge derived products including septage.
- G. Request for authorization to conduct public hearings to (1) accept testimony on specific proposed modifications to Water Quality Standards (OAR Chapter 340, Division 41), and (2) solicit public comment on the adequacy of rules contained in OAR Chapter 340, Division 41.

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.

- 10:00 am
- H. Public hearing and proposed adoption of open field burning rules, OAR 340-26-001 through 340-26-050.
 - *I. Proposed adoption of solid waste disposal permit fees, OAR 340-61-115.
 - *J. Proposed adoption of amendments to rules which require surety bonds for construction and operation of private sewerage systems, OAR 340-15-020.
 - K. Request for a variance from OAR 340-35-035 for log loader noise at Murphy Company, Myrtle Point, Coos County.
 - L. Request for a variance from noise control rules for industry and commerce (OAR 340-35-035) for the Salem YMCA.
 - M. Request for continuation of the class variance from OAR 340-22-020(4) to allow for extension of time to July 1, 1985 to apply for an exemption from the residential coal use and sale restriction.
 - N. Request from the City of Hubbard for a waiver of the effluent dilution requirements of OAR 340-41-455(l)f.
 - O. Review of status--City of Salem sewage treatment, collection, and sludge disposal facilities.
 - P. Significant Lane County activities.

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 lunch in Conference Room A off the Lane County Courthouse cafeteria, 125 E. Eighth Street, Eugene. The Commission will not hold a breakfast meeting.

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED FIFTY-FOURTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

February 24, 1984

On Friday, February 24, 1984, the one hundred fifty-fourth meeting of the Oregon Environmental Quality Commission convened in Harris Hall, Lane County Courthouse, Eugene, Oregon. Present were Commission Chairman James Petersen; and members Wallace B. Brill; Mary V. Bishop; and Arno H. Denecke. Vice-Chairman Fred J. Burgess was absent. Present on behalf of the Department were its Director, Fred Hansen, 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.

The Commission did not hold a breakfast meeting.

FORMAL MEETING

AGENDA ITEM A: Minutes of the January 6, 1984 regular EQC meeting, and January 5, 1984, January 11, 1984, and January 12, 1984 special meetings.

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

AGENDA ITEM B: Monthly Activity Report for December 1983.

It was MOVED by Commissioner Bishop, seconded by Commissioner Brill, and passed unanimously that the Monthly Activity Report be approved.

AGENDA ITEM C: Tax Credit Applications

It was MOVED by Commissioner Bishop, seconded by Commissioner Denecke, and passed unanimously that the Tax Credit Applications be approved.

PUBLIC FORUM:

Jim Williams, McKenzie Fly Fishers, told the Commission his group was concerned about water quality issues and they were not pleased there was no water quality specialist from the Department working out of Eugene.

Norma Grier, Northwest Coalition for Alternatives to Pesticides, said her group would like DEQ to be responsible for monitoring and enforcing the use of pesticides. Chairman Petersen told Ms. Grier that that responsibility would have to be delegated to DEQ by the Legislature.

Edgar B. Grimes, Keep Oregon Green & Clean, told the Commission about solid waste incinerators he had seen in Germany and said such incinerators installed outside Portland, Salem, and Eugene would eliminate the solid waste disposal problems in the Willamette Valley.

AGENDA ITEM D: Request for authorization to conduct public hearings on proposed amendments to rules governing on-site sewage disposal, OAR 340-71-100 through 340-71-600 and 340-73-075.

This item requested the Commission to authorize a public hearing to receive testimony on whether specific on-site sewage disposal rules should be amended.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission authorize public hearings to take testimony on the question of amending OAR 340-71-100 through 340-71-600 and 340-73-075.

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

AGENDA ITEM E: Request for authorization to conduct a public hearing on proposed amendments to the general groundwater quality protection policy (OAR 340-41-029) to incorporate additional policies for control program implementation.

This agenda item requested authorization to conduct a public hearing on a proposal to amend the existing State Groundwater Quality Protection Policy. The proposed amendment would provide the Department with additional policy guidance related to the development and adoption of rules requiring abatement of groundwater quality problems caused by on-site sewage disposal practices.

Director's Recommendation

Based on the summation in the staff report, it is recommended that the Commission authorize a public hearing to take testimony on whether to amend the existing General Groundwater Quality Protection Policy, OAR 340-41-029.

Commissioner Bishop presented revised language to OAR 340-41-029(1) (a) as follows:

It is the responsibility of the EQC to regulate and control waste sources so that impairment of the natural quality of groundwater is minimized to assure beneficial uses of these resources by future generations.

The Commission agreed to accept Commissioner Bishop's revised language.

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

AGENDA ITEM F: Request for authorization to conduct public hearings on proposed rules for land application and disposal of sewage treatment plant sludge and sludge derived products including septage.

House Bill 2240 enacted by the 1983 Legislature required the Environmental Quality Commission to adopt rules for use of sewage sludge on agricultural, horticultural or silvicultural lands. Informal guidelines developed and used by the Department over a period of several years have been enhanced and redrafted as proposed rules. This agenda item requested authorization to conduct a public hearing on the proposal.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission authorize public hearing(s) to take testimony on the proposed rules for land application and disposal of sewage treatment plant sludge and sludge derived products including septage.

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

AGENDA ITEM G: Request for authorization to conduct public hearings to (1) accept testimony on specific proposed modifications to water quality standards (OAR Chapter 340, Division 41), and (2) solicit public comment on the adequacy of rules contained in OAR Chapter 340, Division 41.

This agenda item requested authorization to conduct a public hearing on proposals to clarify language in the Tables on Beneficial Uses relating to public and private domestic water supplies in eleven basins, and the Beneficial Uses Tables for the Malheur River and Owyhee River Basins relating to present and highest future uses of water. During hearings, the public would also be invited to comment more generally on the adequacy of present standards and the need for further changes.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission authorize the Department to give notice and proceed to public hearing to: (1) take testimony on specific proposed modifications to the Water Quality Standards in Division 41, and (2) invite public comments on the rules contained in OAR Chapter 340, Division 41.

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

AGENDA ITEM L: Request for a variance from noise control rules for industry and commerce (OAR 340-35-035) for the Salem YMCA.

Commissioner Denecke declared a conflict of interest in this matter and was excused during the discussion of this agenda item.

The Salem YMCA, located in downtown Salem, has been found in violation of the noise control standards due to the operation of a heating and cooling system and several ventilation fans. This equipment is impacting an adjacent apartment building owned by the YMCA by noise levels substantially above the standards.

Although this issue was identified in August, very little effort to control the noise has been accomplished. The Department has recommended that a noise study be conducted to identify all noise sources and develop control options for each. The YMCA claims that no funds are available to comply with these standards and that further noise controls would be impossible.

The Department does not believe sufficient evidence has been provided to grant a variance and therefore recommends denial.

John Mistkawi, Executive Director of the Salem Family Young Men's Christian Association (YMCA), testified that granting of this variance would not cause health harm to anyone. Mr. Mistkawi referenced data taken by the City of Salem on sound levels in and around the apartment building in question. He stated that the noise levels inside the buildings are all below state standards.

John Hector, DEQ Noise Control Program, told the Commission he believed the City of Salem results were basically in line with the state standard. Mr. Hector also said that the state standard was designed to be taken outside of buildings and the the noise outside the apartment exceeded the state standard.

Director's Recommendation

Based upon the findings in the summation in the staff report, it is recommended that the Salem Family Young Men's Christian Association's request for a variance from strict compliance with the noise control rules for industry and commerce be denied.

After some discussion, Commissioner Brill recommended the Commission postpone taking action on this item until more information could be developed.

It was MOVED by Commissioner Bishop and seconded by Chairman Petersen that the Director's Recommendation be approved. Commissioner Brill voted no and therefore the motion died for lack of approval by the majority of the members of the Commission.

It was MOVED by Commissioner Brill, seconded by Chairman Petersen and unanimously defeated that the variance request be approved.

Chairman Petersen said the effect of this action was that the variance request was denied as it was not approved.

AGENDA ITEM H: Public hearing and proposed adoption of open field burning rules, OAR 340-26-001 through 340-26-050.

This agenda item is a public hearing and proposed adoption of revisions to the rules governing open field burning in the Willamette Valley. The proposed revisions would reorganize and simplify the rules and modify certain other provisions including, but not limited to, civil penalties, priority areas, experimental burning, permit procedures, and the various criteria considered in the daily authorization of field burning.

Dave Nelson, Oregon Seed Council, testified that they generally supported the proposed rules. He said they were much more understandable and implementable and would add a degree of needed flexibility for the smoke managers. Mr. Nelson outlined some proposed minor changes to the rules.

Terry M. Smith, City of Eugene, said the City was generally pleased with the current field burning program and supported the proposed rules. He said it was important for the Commission to look at the rules on priority areas and the need to prevent traffic accidents in those areas.

Marty Douglass, Lane Regional Air Pollution Authority, testified in support of the proposed rules and also asked the Commission to review priority areas because of traffic accidents.

Jack Riches, grass seed grower near Cascade Highway, suggested that instead of priority areas, there be a limit of 50 to 100 acres burned at a time in the Silverton Hills. Mr. Riches felt the Cascade Highway area did not need to be designated as a priority area.

Representative Liz VanLeeuwen, Linn County District 37, and grass seed grower, presented a letter from the Lebanon Chamber of Commerce that asked for more flexibility in the rules to allow more burning under good conditions. Representative VanLeeuwen wanted to be assured that the inclusion of Class 4 agricultural areas in the backyard burning rules would not result in more restrictive rules for agricultural burners.

John Flanagan, Junction City grass seed grower, was disturbed by the elimination of 340-26-010 giving perennial crops first priority.

Sean O'Connell, DEQ Field Burning Office, responded to testimony. He agreed that DEQ needed to review priority areas and said the Department would have such a review ready by the Fall.

Chairman Petersen read into the record the following written testimony.

Margo and Anthony Ashcraft, Cheshire, opposed the proposed rule change which would allow burning at night. They urged the Commission to reject night burning and not to lower fines for violations.

Candace and Michael Syman-Degler, Cheshire, also opposed the proposed rule allowing nighttime burning. They felt the grass seed growers already had sufficient flexibility in the rules without having to burn at night.

Director's Recommendation

Based upon the summation in the staff report, testimony submitted in the public hearing before the Commission, it is recommended that the Commission adopt as permanent rules the proposed rules, OAR 340-26-001 through 340-26-050, and instruct staff to submit adopted rules to the Environmental Protection Agency as a revision to the Oregon State Implementation Plan.

It was MOVED by Chairman Petersen, seconded by Commissioner Bishop and passed unanimously that the rule on priority burning areas be amended to delete the Cascade Highway area.

It was MOVED by Commissioner Denecke, seconded by Commissioner Brill and passed unanimously that the rules as amended be adopted according to the Director's Recommendation.

AGENDA ITEM K: Request for a variance from OAR 340-35-035 for log loader noise at Murphy Company, Myrtle Point, Coos County.

The Murphy Company was granted a variance to operate two diesel log loaders at its Myrtle Point facility in excess of noise standards on November 16, 1979. The variance was to provide time for studying the feasibility of either purchasing new quieter equipment or retrofitting the existing loaders with noise controls. During the variance period, administrative controls limited the impacts to the extent practicable. The Commission extended this variance on June 20, 1980.

The Murphy Company has again requested an extension of the variance. An updated feasibility study did not find that new quieter log loading equipment or retrofit noise control kits were available. The Department is proposing the Company be granted a variance extension until July 1, 1987, after which this matter would be re-evaluated to determine whether strict compliance could be achieved.

Mr. Kevin Murphy, The Murphy Company, was present at the meeting, but had nothing to add to the staff recommendation.

Director's Recommendation

Based upon the findings in the summation in the staff report, it is recommended that The Murphy Company, Myrtle Point mill, be granted an extension of the previous variance from strict compliance with OAR 340-35-035, due to operation of two diesel log loaders, until July 1, 1987. This variance shall only apply between 6 a.m. and 12:30 a.m. the following morning. This variance shall be subject to the following conditions:

1. Operation of the log loaders shall be limited by administrative controls from 6 a.m. to 8 a.m. and 8 p.m. to 12:30 a.m. to mitigate noise pollution impacts. During these hours, the log loaders shall be limited to operation on the middle and west side of Murphy property keeping loaders at least 150 feet from noise sensitive buildings facing Maple Avenue and at least 200 feet from noise sensitive buildings facing 4th Street on the north and east sides of Murphy property. From 8 a.m. to 8 p.m., the log loaders may operate on any part of the Murphy Company log yard.
2. The Murphy Company shall consult with the Department prior to the replacement or major overhaul of either of the existing log loaders.
3. The Murphy Company shall obtain Department approval of "noise emission" specifications prior to the placement of an order for replacement or major overhaul of either or both log loaders.

4. The Murphy Company shall maintain all noise reduction equipment including residential mufflers in good working order.

It was MOVED by Commissioner Bishop, seconded by Commissioner Brill that the Director's Recommendation be approved, with the provision that the Commission be promptly informed of any complaints from The Murphy Company's neighbors.

AGENDA ITEM N: Request from the City of Hubbard for a waiver of the effluent dilution requirements of OAR 340-41-455(1)(f).

The City of Hubbard is preparing to expand and upgrade their sewage treatment plant without the benefit of sewage works construction grants. They will have to build the facility in two phases. The first phase will be plant upgrading and expansion. The second phase will be an improved method of effluent disposal. Until they are able to fund the second phase, the sewage effluent must continue to discharge to a small stream which, at times, does not provide much dilution.

The Commission is being asked to waive the dilution requirement for the first phase of the facility.

This agenda item is related to Agenda Item No. H wherein the Commission is being asked to adopt a temporary rule to allow the Director to grant these waivers under special conditions.

Director's Recommendation

It is recommended that the Commission approve Hubbard's proposal for phased sewage treatment plant upgrading and expansion by waiving the dilution requirement. This should be done with the understanding that an alternative disposal system will be in place before the BOD loadings from the new plant reach 28 pounds per day and current recognized beneficial uses of Mill Creek will be maintained.

The conditions of the waiver will be put into the permit where they will be subject to periodic review. If conditions change which make continued discharge unacceptable, the waiver will be modified or cancelled.

Jerry Orton, City of Hubbard Public Works Director, testified in support of the Director's Recommendation.

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

AGENDA ITEM I: Proposed adoption of solid waste disposal permit fees, OAR 340-61-020.

At the January 6, 1984 EQC meeting and during a special telephone meeting on January 12, 1984, the EQC discussed Solid Waste Disposal Permit Fees. During the January 12, 1984 meeting the Commission approved the Director's recommended fee schedule. This schedule was accepted by the Emergency Board on February 3, 1984. We are therefore returning to the EQC for formal adoption of the rule containing the approved fee schedule. The rule and other appropriate filing documents are attached.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission adopt the proposed Solid Waste Disposal Permit fee schedule, OAR 340-61-115.

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

AGENDA ITEM J: Proposed adoption of amendments to rules which require surety bonds for construction and operation of private sewerage systems, OAR 340-15-020.

At the November Commission meeting a hearing was authorized for modified rules pertaining to the Surety Bond requirement for construction and operation of private sewerage systems. The hearing was held January 4, 1984. There was no written or oral testimony regarding the proposed rule modification. It is back before the Commission for formal adoption.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission adopt the modified rule as proposed.

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

AGENDA ITEM M: Request for continuation of the class variance from OAR 340-22-020(4) to allow for extension of time to July 1, 1985 to apply for an exemption from the residential coal use and sale restriction.

The variance granted by the Commission to allow more time for individuals to apply for the Residential Coal Rule exemption expired as of January 1, 1984. We are still getting some legitimate requests for exemptions after this deadline from people who did not know of the Rule's existence. In order to not impose a potential substantial hardship on some homeowners in the form of excessive costs to install

alternative heating systems, the Department recommends extending the variance to July 1, 1985 which should insure adequate opportunity for all those eligible for the exemption to apply.

Director's Recommendation

Based upon the findings outlined in the summation in the staff report, 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 a second extension of time to July 1, 1985 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.

AGENDA ITEM O: Review of status--City of Salem sewage treatment, collection and sludge disposal facilities.

The City of Salem entered into a Stipulation and Final Consent Order with the Department in mid-1981. Conditions leading to this agreement indicated that the City could not continually meet secondary waste water treatment standards from its two waste water treatment facilities. Further, overflow and bypass problems occur in the 600 miles of collection system during wet weather conditions, creating potential health hazards within the City.

In the two years since signing the Consent Agreement, Salem has achieved much progress in resolving many of its sewerage issues. The violation of effluent limits which necessitated the Consent Agreement has been satisfactorily remedied. Although significant progress has been made in many areas, work must continue on bypass elimination and planning for future capacity.

It is recommended that the Commission concur with the staff report findings, summary and recommendations.

Director's Recommendation

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

1. Negotiate modifications to the Willow Lake Permit to (a) reflect the addition of the West Salem loads and abandonment of the Wallace Road Plant, (b) reflect an acceptable program for I/I correction and bypass elimination, (c) reflect appropriate schedules for completion of planning for any necessary treatment plant improvements, and (d) recognize existence of I/I related bypasses during the duration of the permit.

2. Upon issuance and acceptance of the Modified Permit, cancel the Wallace Road Permit and negotiate cancellation of the Stipulated Consent Order.

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

AGENDA ITEM P: Significant Lane County Activities.

This item brought to the Commission's attention recent environmental activities by the Department in Lane County. The Commission thanked staff for the report. No action was required on this item.

There being no further business, the formal meeting was adjourned.

LUNCH MEETING

During lunch, the Commission received status reports from staff on proposed legislation for the 1985 Session, motor vehicle testing in Jackson County, and final federal authorization for the hazardous waste program. The Commission also agreed on the schedule for adoption of woodstove rules and the schedule for future EQC meetings.

Respectfully submitted,

Carol A. Splettstaszer
EQC Assistant

CAS:d
DOD566

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MINUTES OF A SPECIAL MEETING OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

January 5, 1984

At 3:00 pm on Thursday, January 5, 1984, the Environmental Quality Commission convened in Executive Session in room 257 of the State Capitol Building, Salem. All Commission members were present.

The Commission conducted further interviews of candidates for the position of Director of the Department of Environmental Quality.

The meeting adjourned at 5:00 pm.

Respectfully submitted,



James E. Petersen

Chairman

Environmental Quality Commission

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MINUTES OF A SPECIAL MEETING OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

January 12, 1984

On Thursday, January 12, 1984, the Environmental Quality Commission convened a special conference call meeting at 2:00 p.m. Connected by conference call telephone were Chairman James Petersen in Bend, Vice-Chairman Fred Burgess in Corvallis, Commissioner Mary Bishop in Portland, Commissioner Wallace Brill in Medford, and Commissioner Arno Denecke in Salem. Present on behalf of the Department were its Acting Director Michael J. Downs and several members of the Department staff.


As a result of the Commission's regular meeting on January 6, 1984, they called this special meeting to discuss submittal to the Emergency Board of the proposed schedule of fees for solid waste disposal sites.

Acting Director Michael Downs informed the Commission that he had decided against asking for general fund monies from the Emergency Board and recommended that the Commission approve the fee schedule presented to them at their January 6, 1984 meeting.

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

Acting Director Downs asked that a member of the Commission be present at the Emergency Board meeting. Commissioner Burgess agreed to attend.

Respectfully submitted,


Carol A. Spletstaszer
EQC Assistant

CAS:j
DOJ310

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MINUTES OF A SPECIAL MEETING OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

January 11, 1984

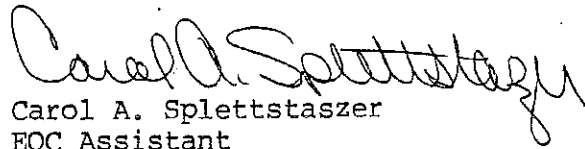
On Wednesday, January 11, 1984, the Environmental Quality Commission convened a special meeting at 10:00 a.m. in Room 1400 of the DEQ offices at 522 S.W. Fifth Avenue, Portland. Present in Portland were Chairman James Petersen and Commissioner Mary Bishop. Connected by conference call telephone were Commissioners Fred Burgess, Wallace Brill and Arno Denecke.

The Commission met for the purpose of selecting the Director for the Department of Environmental Quality.

It was MOVED by Commissioner Bishop, seconded by Commissioner Burgess and carried unanimously that Fred Hansen be appointed as Director of the Department of Environmental Quality.

Chairman Petersen thanked the Commission for their involvement in the selection process and adjourned the meeting.

Respectfully submitted,


Carol A. Spletstaszer
EOC Assistant

CAS:j
DOJ309

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED FIFTY-THIRD MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

January 6, 1984

On Friday, January 6, 1984, the one hundred fifty-third 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 Burgess; Wallace Brill; Mary Bishop; and Arno Denecke. Present on behalf of the Department were its Acting Director, Michael J. Downs, 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. Future EQC meeting places: The Commission was presented with a proposed schedule of dates for future meetings. They asked staff to report back at the next meeting on places other than Portland to hold meetings, and the items that might be discussed in other cities.
2. Briefing on Woodstove Advisory Committee: John Kowalczyk of the Department's Air Quality Division, reviewed his written status report. Chairman Petersen asked staff to propose a way the Commission could recognize the work of the Advisory Committee. The Commission also asked if it would be possible to put together a self-contained educational package for schools to use. The Department is working on this concept.
3. Disposal of storm debris: Tom Bispham of the Department's Northwest Region Office reviewed his written status report. The Department has decided not to allow a special burning period at this time. The Commission was informed that Multnomah County had opened up two free dump sites for storm debris and that the Department would be informing callers of their locations.
4. Results of Agency Goals and Objectives Planning Sessions: The Commission had received a written summary of the agency's goals and objectives planning sessions earlier. They did not have any questions at this time.

FORMAL MEETING

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

AGENDA ITEM A: Minutes of the November 18, 1983 EQC Meeting; and the December 6 and 7, 1983 Special Meetings.

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 October and November, 1983.

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

PUBLIC FORUM:

No one appeared.

AGENDA ITEM D: Request for Authorization to Conduct a Public Hearing to Amend Rules for Open Burning, OAR Chapter 340, Division 23, to Ban Burning of Yard Debris in the Portland Metropolitan Area, to Add Regulation of 4th Priority Burning in the Willamette Valley, and to Amend the State Implementation Plan.

These proposed amendments to the open burning rules would restrict open burning in the Portland area and would help clarify, modernize and simplify the regulations. A few other minor operational changes were proposed.

Acting Director's Recommendation

Based on the summation, the Acting Director recommends that the EQC authorize the Department to proceed to rulemaking hearing with revised open burning rules which would ban backyard burning in the Portland metro area beginning June 16, 1984 with provisions for a hardship burning permit for those households which do not have reasonable alternative disposal means available.

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

AGENDA ITEM E: Request for Authorization to Conduct a Public Hearing on Proposed Revisions to the Open Field Burning Rules, OAR 340-26-001 through 340-26-050.

The Department reviewed the field burning rules and drafted proposed revisions intended to clarify and modernize the regulations and make them easier to use. In addition, some minor substantive changes were proposed, characterized as "fine-tuning" adjustments to existing controls. No major substantive changes were proposed and the Department requested authorization to conduct a public hearing before the Commission at their next meeting on these proposed revisions.

Acting Director's Recommendation

Based on the summation, it is recommended that the Environmental Quality Commission authorize the Department to schedule a public hearing on the attached proposed rules at its February 17, 1984 meeting.

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

AGENDA ITEM F: Proposed Adoption of Amendments to OAR 340-21-035(2) to Establish Special Municipal Incinerator Standards for Coastal Areas and Amend the State Implementation Plan.

The Department's particulate emission limits for incinerators appear 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 for small to medium sized incinerators without creating an air quality problem.

The proposed rule change would contain adequate safeguards to ensure that visible emissions, odors, and toxic compounds will be adequately controlled. The proposed rule responds to hearing testimony over concern for incinerator operating temperatures.

Acting Director's Recommendation

Based on the summation, the Acting Director recommends that the EQC adopt the proposed special municipal waste incineration emissions rules for coastal counties and direct the staff to submit the rules as a revision to the State Clean Air Implementation Plan.

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

AGENDA ITEM G: Proposed Adoption of Amendments to Solid Waste Management Rules OAR 340-61-005 to 340-61-043, Relating to Closure, Post-Closure Maintenance and Financial Assurance of Solid Waste Disposal Sites.

The 1983 Oregon Legislative Assembly passed House Bill 2241, Chapter 766 Oregon Law 1983, which requires the Commission to adopt rules governing closure and post-closure maintenance of land disposal sites. On October 7, 1983, the Commission authorized a public hearing on the proposed rules. That hearing was held in Portland on November 17, 1983.

The Environmental Quality Commission is not obligated to allow additional public comment in taking final action on these proposed rules. However, because the sections dealing with (a) the criteria for exempting certain sites from financial assurance requirements, (b) the form of financial assurance and (c) landfill cover material have been substantially modified as a result of the input received at the public hearing and from the Solid Waste Advisory Task Force, the Department recommends that the Commission allow additional public input limited to those three areas.

Adoption of rules at this EQC meeting is necessary so that closure permit applicants can know what is required to meet the January 31, 1984 statutory deadline.

Acting Director's Recommendation

Based on the summation, it is recommended that the Commission adopt the proposed amendments to the Department's solid waste management rules, OAR 340-61-005 through 61-043.

Roger Emmons, OSSI, testified that his group was generally in support of the rules as amended. However, he asked that no further change be made in the two foot cover rule for landfills that are to be closed within five years.

Craig Starr, Lane County Solid Waste Program, testified they had not had enough time to determine if they could comply. He asked that local government have the same flexibility as private industry in financial assurance.

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

AGENDA ITEM H: Proposed New Rules on Solid Waste Disposal Permit Fees, OAR 340-61-115.

At its October 7, 1983 meeting, the EQC granted authority to conduct a public hearing on proposed Solid Waste Disposal Permit fees. Hearings were held and, as a result of testimony received, the proposed rules were modified. Since the E-Board must approve the fee schedule, it is recommended that the EQC approve but not adopt the rule. Staff is recommending that testimony, limited to the addition of categories, be taken at this meeting.

Acting Director's Recommendation

It is recommended that the Commission approve the Solid Waste Disposal Permit fee schedule proposed by the Department and concur with the Department's intent to seek Legislative Emergency Board review of the schedule prior to formal Commission adoption.

Roger Emmons, OSSI, testified that they generally support the revised fee schedule. He asked that the recycling fees be implemented only after the Department has a budget together, and also that some recognition be given to communities that already have operating recycling programs.

Fred Neal, League of Oregon Cities, commended the Department for the modification of the fee schedule to recognize the needs of small communities. He also expressed an overall concern about recycling fees and the funding for the recycling program.

David Riggs, Crook County Public Health Administrator, asked for more categories under the permit renewal fees. He asked to waive, defer or exempt recycling fees until it is determined that recycling can be done in small, rural communities.

Craig Starr, Lane County Solid Waste Program, testified about determining the landfill tonnage and made a suggested language change to 340-61-115(4).

Dan Smith, Association of Oregon Recyclers, said that SB 405 does not exempt any county. He said that at a minimum the recycling program needed one person, and they would prefer three. He commended the Solid Waste Division for their rulemaking effort.

Jerry Powell, testified in support of the recycling fees. He said SB 405 was a good piece of legislation and the Department needs the resources to implement it.

Dan Durig, METRO, submitted written testimony and strongly urged that the original fee schedule be adopted.

Ezra Koch, McMinnville hauler and landfill operator, said the initial licensing fee was appropriate. He said the rule should have more tonnage increments. He is opposed to the recycling fees. He doesn't get DEQ help to recycle now and doesn't need it in the future.

Steve Colton, Association of Oregon Recyclers, was concerned about the staff level for recycling. One FTE is not enough to implement SB 405.

Lorie Parker, OEC, encouraged raising revenue for at least two staff members in the recycling program now, and then dropping back later.

Tom Donaca, Associated Oregon Industries, suggested the Commission consider presenting alternative fee schedules to the E-Board, including one that requests \$50,000 to \$70,000 from the General Fund.

Commissioner Burgess expressed concern about equity in the rules. The Commission began making some language changes in the rule. Commissioner Burgess was opposed to a piece-meal revision to important administrative rules. The Commission instructed staff to consider amendments to their proposal, including the suggestion made by Tom Donaca. The Commission agreed to meet by conference call next week to decide this issue.

AGENDA ITEM I: Request for Approval of Preliminary Plan, Specifications, and Schedule for Sewerage System and Treatment Works to Serve the Health Hazard Area of Westport, Clatsop County.

Past surveys have shown failing septic tank systems in the Westport area of Clatsop County. Pursuant to ORS 431.715, the Board of Commissioners of Clatsop County submitted preliminary plans and specifications together with a time schedule for forming a County Service District and sewerage the area. ORS 431.720 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 Health Division and so inform the County.

The staff has reviewed the plans and timetable and considers them satisfactory.

Acting Director's Recommendation

Based upon our findings in the summation, it is recommended that the Commission approve the proposal of Clatsop County, certify said approval to the Health Division, and inform Clatsop County of said approval.

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

LUNCH MEETING

During lunch, the Commission decided to move its scheduled February 17, 1984 meeting to February 24, 1984 as Chairman Petersen would not be available February 17. The Commission then toured the Department's laboratory.

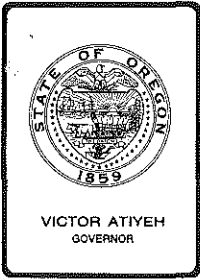
WORK SESSION

The Commission met in a work session to discuss the issues surrounding final authorization for Oregon's assumption of the federal hazardous waste program.

Respectfully submitted,


Carol Spletstaszer
EQC Assistant

CS: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 B, February 24, 1984, EQC Meeting
December, 1983 Program Activity Report

Discussion

Attached is the December, 1983 Program Activity Report.

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

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

The purposes of this report are:

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

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.

Fred Hansen

CASplettstaszer
229-5300
Attachments

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Reports

December, 1983

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions
(Reporting Unit)

December 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	9	112	8	110	0	1	21
Small Gasoline Storage Tanks Vapor Controls	0	0	0	0	0	0	0
Total	9	112	8	110	0	1	21
<u>Water</u>							
Municipal	12	84	3	76	0	2	24
Industrial	1	26	6	39	-	-	2
Total	13	110	9	115	0	2	26
<u>Solid Waste</u>							
Gen. Refuse	1	16	1	11	0	0	10
Demolition	0	3	0	2	0	0	1
Industrial	0	4	0	4	0	0	2
Sludge	0	1	0	3	0	0	0
Total	1	24	1	20	0	0	13
<u>Hazardous Wastes</u>							
	2	6	2	8	0	0	0
<u>GRAND TOTAL</u>	25	252	20	253	0	3	60

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

December, 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	0	13	2	18	12		
Existing	4	10	2	7	17		
Renewals	18	105	22	73	118		
Modifications	<u>1</u>	<u>11</u>	<u>1</u>	<u>20</u>	<u>12</u>		
Total	23	139	27	118	159	1640	1669
<u>Indirect Sources</u>							
New	1	11	5	10	2		
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	<u>1</u>	<u>11</u>	<u>5</u>	<u>10</u>	<u>2</u>	<u>216</u>	<u>218</u>
<u>GRAND TOTALS</u>	24	150	32	128	161	1856	1887

Number of
Pending Permits

Comments

38	To be reviewed by Northwest Region
22	To be reviewed by Willamette Valley Region
22	To be reviewed by Southwest Region
4	To be reviewed by Central Region
17	To be reviewed by Eastern Region
23	To be reviewed by Program Operations Section
23	Awaiting Public Notice
<u>10</u>	Awaiting end of 30-day Notice Period
159	

MAR.5 (8/79)
AZ511

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT
DIRECT SOURCES
PERMITS ISSUED

COUNTY	SOURCE	PERMIT NUMBER	APPL. RECEIVED	STATUS	DATE ACHIEVED	TYPE	APPL. PSEL
CLACKAMAS	PRECISION PORTLAND CEMENT CO	03	1840 06/28/82	PERMIT ISSUED	11/28/83	RNW	
MULTNOMAH	RHONE-POULINC, INC.	26	2403 05/03/83	PERMIT ISSUED	11/28/83	RNW	
WARREN	WILLAMETTE UNIVERSITY	04	5790 07/13/83	PERMIT ISSUED	11/29/83	RNW	
CLACKAMAS	METALCRAFTS INC	05	2836 10/25/83	PERMIT ISSUED	11/30/83	RNW	
LINCOLN	WALDPORT READY MIX	21	0071 11/04/83	PERMIT ISSUED	11/30/83	RNW	
MULTNOMAH	MEMORIAL COLISEUM	26	2786 11/15/83	PERMIT ISSUED	11/30/83	RNW	
PORT.SOURCE	TILLAMOOK CNTY AD DEPT	37	0034 10/19/83	PERMIT ISSUED	11/30/83	RNW	
PORT.SOURCE	WESTERN MIXING CO	37	0049 11/01/83	PERMIT ISSUED	11/30/83	RNW	
PORT.SOURCE	LT CONTRACTORS INC.	37	0168 11/04/83	PERMIT ISSUED	11/30/83	RNW	Y
PORT.SOURCE	JOHNSON ROCK PRODUCTS INC	37	0001 11/03/83	PERMIT ISSUED	11/30/83	RNW	Y
JOSEPHINE	CHRYSLER LUMBER CO	17	2035 08/13/83	PERMIT ISSUED	12/01/83	EXT	
JOSEPHINE	THE BRENTWOOD CO	17	0066 09/21/83	PERMIT ISSUED	12/01/83	EXT	
KLAMATH	JEFFERSON STATE REDY-MIX	18	0070 09/28/83	PERMIT ISSUED	12/01/83	NEW	
PORT.SOURCE	MT HOOD ASPHALT PROD INC	37	2047 10/07/83	PERMIT ISSUED	12/01/83	RNW	
PORT.SOURCE	JOE ANGELL INC	37	0150 10/03/83	PERMIT ISSUED	12/01/83	RNW	
PORT.SOURCE	J C COMPTON CO	37	0173 10/04/83	PERMIT ISSUED	12/01/83	RNW	
PORT.SOURCE	K F JACOBSON & CO INC.	37	0312 09/26/83	PERMIT ISSUED	12/01/83	NEW	
MULTNOMAH	BOEING COMM AIRPLANE	26	2204 00/00/00	PERMIT ISSUED	12/12/83	MOD	
COOS	JOHNSON ROCK PRODUCTS INC	06	0009 09/26/83	PERMIT ISSUED	12/13/83	RNW	
HARNEY	HARNEY ROCK & PAVING CO	13	0010 02/17/83	PERMIT ISSUED	12/13/83	RNW	
JACKSON	CUSTOM PANELS, INC	15	0023 10/03/83	PERMIT ISSUED	12/13/83	RNW	
JACKSON	PACIFIC WOOD FIBERS	15	0124 04/06/82	PERMIT ISSUED	12/13/83	RNW	
MULTNOMAH	WESTERN PACIFIC CONST M.C.	26	1765 11/02/83	PERMIT ISSUED	12/13/83	RNW	
MULTNOMAH	NORTHWEST FOUNDRY & FRNCE	26	1871 07/26/83	PERMIT ISSUED	12/13/83	RNW	
PORT.SOURCE	KIEWIT PACIFIC COMPANY	37	0095 10/11/83	PERMIT ISSUED	12/13/83	RNW	Y
MULTNOMAH	PACIFIC CARBIDE ALLOYS	26	2015 05/03/83	PERMIT ISSUED	12/14/83	RNW	
WASHINGTON	BAKER ROCK CRUSHING CO	34	2021 10/05/83	PERMIT ISSUED	12/14/83	RNW	
TOTAL NUMBER QUICK LOCK REPORT LINES				27			

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division

December, 1983

(Reporting Unit)

(Month and Year)

PERMIT ACTIONS COMPLETED

# County	# Name of Source/Project # /Site and Type of Same	# Date of # Action	# Action	#
Multnomah	The River Forum, 290 Spaces, File No. 26-8301	12/02/83	Final Permit Issued	
Washington	Cornell Oaks Corporate Center - Phase I, 368 Spaces, File No. 34-8307	12/13/83	Final Permit Issued	
Marion	G. I. Joe's Shopping Center, 370 Spaces, File No. 24-8308	12/09/83	Final Permit Issued	
Marion	24J Transportation Center, 325 Spaces, File No. 24-8309	12/09/83	Final Permit Issued	
Washington	Koll Center Creekside - Phase II, 618 Spaces, File No. 34-8310	12/12/83	Final Permit Issued	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

December 1983
(Month and Year)

PLAN ACTIONS COMPLETED 9

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

MUNICIPAL WASTE SOURCES 3

Marion	Hubbard STP Upgrade and Expansion	1/06/84	Comments to Engineer
Deschutes	Bend Research Subsurface System	1/05/84	Comments to Engineer
Curry	Twenty Eight Acres Oreg., Ltd. (Rainbow Rock PUD) Collection System Treatment, Ocean Outfall North of Brookings	12/21/83	Comments to Engineer

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED 9

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

INDUSTRIAL WASTE SOURCES 6

Klamath	Weyerhaeuser Co. PCB Transformer Oil Containment Berm Klamath Falls	12-2-83	Approved
Klamath	Weyerhaeuser Co. PCB Transformer Oil Containment Berm Bly	12-2-83	Approved
Clackamas	Schweizer Dairy Manure Control System Clackamas	12-6-83	Approved
Clackamas	The Cousins Dairy Manure Control System Sandy	12-6-83	Approved
Lane	Weyerhaeuser Co. Leachate Disposal System Cottage Grove	12-14-83	Approved
Clackamas	Publishers Paper PCP Drip Control System Clackamas Division	12-27-83	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

December 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	3 /9	0 /0	3 /5	2 /9		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	6 /1	29 /10	2 /0	16 /7	44 /10		
Modifications	0 /0	0 /1	0 /0	0 /1	0 /0		
Total	6 /3	32 /20	2 /0	19 /13	46 /19	237/131	239/140
<u>Industrial</u>							
New	1 /1	4 /3	1 /1	3 /5	3 /4		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	3 /1	13 /14	1 /8	10 /12	36 /18		
Modifications	0 /0	2 /0	0 /0	0 /0	2 /0		
Total	4 /2	19 /17	2 /9	13 /17	41 /22	195/167	198/171
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	0 /0	0 /0	0 /0	0 /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	0 /3	2 /11	2 /11
<u>GRAND TOTALS</u>	10 /5	51 /37	4 /9	32 /30	87 /44	434/309	439/322

* NPDES Permits
** State Permits

2 General Permits Granted. (1 transferred from Pending Industrial Renewals).
Number of sources under permit adjusted by subtracting 310 General Permits.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality</u> (Reporting Unit)	<u>December 1983</u> (Month and Year)
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PERMIT ACTIONS COMPLETED

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

MUNICIPAL AND INDUSTRIAL SOURCES NPDES (4)

Jackson	City of Rogue River STP		12-15-83		Permit Renewed
Coos	Chevron USA, Inc. Coos Bay Terminal		12-15-83		Permit Renewed
Lincoln	Otter Crest Corp. The Inn at Otter Crest STP		12-15-83		Permit Renewed
Marion	Trans Energy-Oregon Inc. Brooks		12-19-83		Permit Issued

MUNICIPAL AND INDUSTRIAL SOURCES WPCF (9)

Clackamas	Construction Aggregates dba, River Island S & G, Inc.		12-21-83		Permit Renewed
Hood River	Luhr-Jensen & Sons Inc. Oak Grove Metal Plant		12-21-83		Permit Renewed
Clackamas	Willamette Egg Farms Inc. Canby		12-21-83		Permit Renewed
Clackamas	Bakana Management, Inc. dba, Ore-Best Farms Oregon City		12-27-83		Permit Issued
Douglas	International Paper Co. Gardiner - Log Handling		12-22-83		Permit Renewed

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality</u>	<u>December 1983</u>
(Reporting Unit)	(Month and Year)

PERMIT ACTIONS COMPLETED

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

MUNICIPAL AND INDUSTRIAL SOURCES WPCF (Continued)

Coos	Georgia Pacific Corp. Coos Bay - Log Handling	12-22-83	Permit Renewed
Douglas	Sun Dial Booming Co. Reedsport - Log Handling	12-22-83	Permit Renewed
Coos	Knutson Log Storage, Inc. Coos Bay - Log Handling	12-22-83	Permit Renewed
Coos	Knutson Towboat Co., Inc. Coos Bay - Log Handling	12-22-83	Permit Renewed

MUNICIPAL AND INDUSTRIAL SOURCES GENERAL PERMITS (2)

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

Umatilla	Rogers Walla Walla Inc. Milton Freewater	12-14-83	Transferred to General Permit
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Log Ponds, Permit 0400J, File 32575 (1)

Douglas	P & M Cedar Products, Inc. Roseburg	12-14-83	General Permit Granted
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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

December 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	7	1	3	4		
Existing	-	-	-	-	-		
Renewals	-	6	-	3	9		
Modifications	1	4	-	5	1		
Total	2	17	1	11	14	175	175
<u>Demolition</u>							
New	-	2	-	2	-		
Existing	-	-	-	-	-		
Renewals	-	3	-	-	3		
Modifications	-	1	-	1	-		
Total	0	6	0	3	3	17	17
<u>Industrial</u>							
New	-	1	-	2	2		
Existing	-	-	-	-	-		
Renewals	-	4	-	3	12		
Modifications	-	-	-	-	-		
Total	0	5	0	5	14	104	104
<u>Sludge Disposal</u>							
New	-	-	-	-	-		
Existing	-	-	-	-	-		
Renewals	-	6	-	3	3		
Modifications	-	-	-	1	-		
Total	0	6	0	4	3	16	16
<u>Hazardous Waste</u>							
New	0	1	0	2	5		
Authorizations	56	549	56	549	-		
Renewals	-	-	-	-	1		
Modifications	-	-	-	-	-		
Total	56	550	56	552	6	14	19
<u>GRAND TOTALS</u>	58	584	57	573	40	326	331

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

*	County	* Name of Source/Project	* Date of	*	Action	*
*		*/Site and Type of Same	* Action	*		*
*			*	*		*
	Marion	Trans Energy-Oregon New solid waste incinerator/ energy-recovery facility	12/19/83		Permit issued	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

December 1983
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-SECURITY SYSTEMS, INC., GILLIAM CO.

WASTE DESCRIPTION

* Date *	Type	Source	Present	Quantity Future
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TOTAL DISPOSAL REQUESTS GRANTED - 56

OREGON - 8

12/7	Obsolete corrosive lab chemicals in lab pack	Hospital	15 gal.	0
12/20	Transformers containing coolants with less than 500 ppm PCBs	Electric util.	110 gal.	0
12/20	2,4-D-contaminated isobutyl alcohol	Herbicide mfg.	500 gal.	500 gal.
12/20	Amine sludge consisting of 2,4-D, DMA and water	" "	0	30 drums
1/3/84	Unwanted Dalapon herbicide	Wood product co.	2,250 lb.	0
1/3	PCB transformers	Electric util.	1,382 gal.	0
1/3	Paint driers: resin, polyisocyanate and ethyl acetate	Paint mfg.	0	1,000 gal.
1/3	Printing ink still bottom sludge	Printing	0	400 drums

WASHINGTON - 35

12/7	Empty containers of hydroxyl polyoxalkylene polyether	Aluminum co.	50 drums	50 drums
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SC1361.E
MAR. 15 (1/82)

* * Date *	* Type *	* Source *	* Quantity *		* Future *
			* Present *	* Future *	
12/7	Empty containers of trichloroethylene	" "	20 drums	20 drums	
12/7	Empty containers of 1,1,1-trichloroethane	" "	10 drums	10 drums	
12/7	Hydrolyzed benzoyl chloride distillation bottoms	Chemical co.	0	800 drums	
12/20	Potroom dust containing soluble fluorides from roof cleaning	Aluminum reduction	20 cu.yd.	0	
12/20	Potroom dust from cleaning of ducts	" "	150 cu.yd.	0	
12/20	PCB capacitors	Shipbuilding co.	0	12 drums	
12/20	Organic solvents in lab packs	" "	4 drums	0	
12/21	Diesel oil/magnesium oxide	Oil co.	2,000 gal.	0	
12/23	Sodium bisulfate crystals	Dept. of Defense	5 drums	5 drums	
12/23	Grease	" "	20 drums	20 drums	
12/23	Sodium sulfate crystals	" "	3 drums	3 drums	
12/23	Potassium bicarbonate	" "	5 drums	5 drums	
12/23	Solvents and oil contaminated clothing, rags, gloves, etc.	" "	5 drums	5 drums	
12/30	Diphenylmethane diisocyanate empty drums	Aluminum co.	0	50 drums	
12/30	Acetone-water solution with small amounts of organics	Drug co.	0	72 drums	
1/3/84	PCB transformers	Chemical co.	26 cu.yd.	0	
1/3	PCB-contaminated materials	" "	4 drums	0	

SC1361.E
MAR. 15 (1/82)

* Date *	Type	Source	Present	Quantity Future
1/3	Transformers contain- ing coolants with less than 500 ppm PCBs	City gov't.	1 drum	0
1/3	PCB capacitors	" "	1 drum	0
1/3	Transformers containing PCB Inerteen coolants	" "	90 gal.	0
1/3	Transformers containing PCB Askarel coolants	" "	4,235 lb.	0
1/3	PCB transformer body	" "	650 lb.	0
1/3	Penta dip tank sludge	Sawmill	5 drums	5 drums
1/3	Petroleum based grease with lead	Shipbuilding	660 gal.	0
1/3	PCB transformers	Wood prod.	6 drums	6 drums
1/3	Diphenylmethane diisocyanate	Aluminum co.	550 gal.	0
1/3	Solid acetone relaimer bottoms	Solvent recycl.	0	10,000 gal.
1/3	Liquid acetone reclaimer bottoms	" "	0	500 gal.
1/3	Ammonium hydroxide	Research lab	0	495 gal.
1/3	Acetic acid	" "	0	4 drums
1/3	Caustic solution	" "	0	400 gal.
1/3	Magnesium nitrate	" "	0	2,700 lb.
1/3	Caustic solution with p-phenyl phenol	Printing	0	10,400 gal.
1/3	Mixed solvents: orthodichlorobenzene, methylene chloride, etc.	" "	0	2 drums

OTHER STATES - 13

12/20	PCB transformers	Mining co. (ID)	260 gal.	260 gal.
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SC1361.E
MAR. 15 (1/82)

* * Date *	* Type *	* Source *	* Quantity *		* Future *
			Present		
12/20	PCB-contaminated cleanup materials	Lumber co. (AK)	10 drums		2 drums
12/21	Lead-contaminated Bunker C spill cleanup debris	Oil co. (HI)	6 drums		0
12/21	PCB-contaminated concrete and soil	Spill cleanup (AK)	21 cu.yd.		0
12/21	Spent vanadium pen- toxide catalyst	Chemical co. (B.C.)	0		50 tons
12/21	DDT	State agency (HI)	6,500 lb.		0
12/21	Cupric acetoarsenate (Paris Green insecti- cide)	" "	9,000 lb.		0
12/23	PCB transformers	Mining co. (ID)	0		37 cu.ft.
12/23	Orthene insecticide	Chem. co. (HI)	14 drums		14 drums
12/23	Leaded gasoline- contaminated soil	Oil co. (HI)	38 drums		0
12/23	Leaded gasoline- contaminated soil	Oil co. (HI)	25 drums		0
1/3/84	Lead-contaminated tank cleaning solution	Shipyards (HI)	0		160 drums
1/3/84	Phenol-contaminated machine parts cleaning solution	" "	0		160 drums

SC1361.E
MAR. 15 (1/82)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

December, 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	5	55	6	42	126	127
Airports				6		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit)	December, 1983 (Month and Year)
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FINAL NOISE CONTROL ACTIONS COMPLETED

County	Name of Source and Location	Date	Action
Clackamas	Magic Toppers, Clackamas	12/83	In Compliance
Multnomah	D. Fischer Woodcutting, Portland	12/83	In Compliance
Multnomah	Sunrise Produce, Inc., Portland	12/83	In Compliance
Washington	Beaverton Mitsubishi, Beaverton	12/83	In Compliance
Clatsop	G. Ordway Rock Quarry, Hwy 26 at Campbell Drive	12/83	No Violation
Coos	Red Jordan Egg & Poultry Coos Bay	12/83	In Compliance

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1983

CIVIL PENALTIES ASSESSED DURING MONTH OF DECEMBER, 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>
Clearwater Industries, Inc. Portland, Oregon	SS-NWR-83-103 Advertised as being in the sewage disposal business; unlicensed.	12-1-83	\$500	Awaiting response to notice.
David Thomas Willis, Jr. Oregon City, Oregon	AQOB-NWR-83-102 Open burning on a no-burn day and failure to extinguish fire.	12-15-83	\$200	Answer filed on 1-9-83.
Thomas Berecek Gresham, Oregon	AQOB-NWR-83-107 Open burning demolition waste.	12-30-83	\$ 50	Awaiting confir- mation of service.
Richard Barrett Portland, Oregon	AQOB-NWR-83-110 Open burning on a no-burn day.	12-30-83	\$ 50	Awaiting response to notice.

DECEMBER 1983
DEQ/EQC Contested Case Log

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT</u>
Preliminary Issues	5	2
Discovery	0	0
Settlement Action	3	5
Hearing to be scheduled	5	7
Hearing scheduled	0	1
HO's Decision Due	4	2
Briefing	1	1
Inactive	4	4
 SUBTOTAL of cases before hearings officer.	 <u>22</u>	 <u>22</u>
HO's Decision Out/Option for EQC Appeal	2	1
Appealed to EQC	0	0
EQC Appeal Complete/Option for Court Review	0	0
Court Review Option Pending or Taken	0	0
Case Closed	4	3
 TOTAL Cases	 <u>28</u>	 <u>26</u>

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

December 1983

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	Hrng Date	Resp Code	Case Type & No.	Case Status
WAH CHANG	04/78	04/78		Prtys	16-P-WQ-WVR-78-2849-J NPDES Permit Modification	Current permit in force. Hearing deferred.
WAH CHANG	04/78	04/78		Prtys	03-P-WQ-WVR-78-2012-J NPDES Permit Modification	Current permit in force. Hearing deferred.
M/V TOYOTA MARU No. 10	12/10/79	12/12/79		Prtys	17-WQ-NWR-79-127 Oil Spill Civil Penalty of \$5,000	<u>Attorneys to report on settlement posture.</u>
PULLEN, Arthur W. dba/Foley Lakes Mobile Home Park	07/15/81	07/15/81		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.
SPERLING, Wendell dba/Sperling Farms	11/25/81	11/25/81	03/17/83	Hrngrs	23-AQ-FB-81-15 FB Civil Penalty of \$3,000	Decision due.
PULLEN, Arthur dba/Foley Lakes Mobile Home Park	03/16/82	03/29/82		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	10/20-21/83 11/2-4/83 11/14-15/83	Resp	33-WQ-NWR-82-73 WQ Civil Penalty of \$1,500	<u>Evidentiary record closed 1/31/84.</u>
TOBEMBIER, Norman	09/10/82	09/13/82	07/14/83	Hrngrs	34-AQOB-WVR-82-65 OB-Civil Penalty of \$250	Issued 12/28/83. No appeal. Case closed 1/27/84.
SWYER, Richard E.	09/29/82	09/28/82	05/24/83	Hrngrs	35-AQOB-WVR-82-76 OB-Civil Penalty of \$100.	Issued 12/23/84. No appeal. Case closed 1/23/84.
TIPPET, James	12/02/82	12/06/82	09/15/83	Prtys	39-AQ-FB-82-AG1 Ag-Burning-Civil Penalty of \$50-	<u>No appeal. Case closed 1/19/84.</u>
GIANELLA, Vermont	12/17/82	12/28/82	09/20/83	Hrngrs	41-AQ-FB-82-08 FB Civil Penalty of \$1,000	Decision due.
SCHLEGEL, George L.	12/30/82	01/03/83	<u>01/26/84</u>	Hrngrs	43-AQ-FB-82-05 FB Civil Penalty of \$400	<u>Hearing deferred pending EQC settlement approval.</u>
FAXON, Jay dba/Faxon Farms	01/03/83	01/07/83	<u>02/09/84</u>	Hrngrs	44-AQ-FB-82-07 FB Civil Penalty of \$1,000	<u>Hearing deferred pending EQC settlement approval.</u>
MARCA, Gerald	01/06/83	01/11/83	11/09/83	Resp	45-SS-SWR-82-101 SS Civil Penalty of \$500, 46-SS-SWR-82-114 Remedial Action Order.	Scheduled hearing postponed pending implementation of agreed compliance plan.
ALTHAUSER, Glenn L.	01/28/83	02/03/83		Resp	47-SW-NWR-82-111 Solid Waste Civil Penalty of \$350	<u>Order of dismissal served 1/13/84.</u>
HAYWORTH FARMS, INC., and HAYWORTH, John W.	01/14/83	02/28/83	<u>03/29/84</u> <u>Tentative</u>	Hrngrs	50-AQ-FB-82-09 FB Civil Penalty of \$1,000	<u>Tentatively scheduled.</u>
McINNIS ENT.	06/17/83	06/21/83		Hrngrs	52-SS/SW-NWR-83-47 SS/SW Civil Penalty of \$500.	To be scheduled.
TELEDYNE WAH CHANGE ALBANY	09/07/83	09/08/83		Prtys	53-AQOB-WVR-83-73 OB Civil Penalty of \$4000	<u>To be scheduled.</u>
CRAWFORD, Raymond, M.	09/15/83	09/16/83		Prtys	54-AQOB-NWR-83-63 OB Civil Penalty of \$2000	To be scheduled.

December 1983

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	Hrng Date	Resp Code	Case Type & No.	Case Status
MID-OREGON CRUSHING	09/19/83	09/27/83		Prtys	55-AQ-CR-83-74 AQ Civil Penalty of \$4500	<u>To be scheduled.</u>
McINNIS ENTERPRISES, LTD., et al.	09/20/83 10/25/83	09/22/83 10/26/83		Prtys	56-WQ-NWR-83-79 WQ Civil Penalty of \$14,500, and 59-55-NWR-83-33290P-5 SS license revocation.	To be scheduled. Consolidated for hearing.
WARENTON, City of	8/18/83	10/05/83		Prtys	57-SW-NWR-FMT-120 SW Permit Appeal	Prtys discussing informal resolution.
CLEARWATER IND., Inc.	10/11/83	10/17/83		Prtys	58-SS-NWR-83-82 SS Civil Penalty of \$1000	Preliminary issues.
<u>WILLIS, DAVID T., Jr.</u>	<u>01/05/84</u>	<u>01/18/84</u>		<u>Prtys</u>		<u>Preliminary issues.</u>
<u>CLEARWATER IND., Inc.</u>	<u>01/13/84</u>	<u>01/18/84</u>		<u>Prtys</u>		<u>Preliminary issues</u> <u>Answer filed 1/13/84.</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

January 1984

* Source and	* Location	* Variance From	* Date	* Date	* Status	*
* Permit No.		(Rule)	* Granted	* Expires		
*	*	*	*	*	*	*

AIR QUALITY

Weyerhaeuser Sawmill (18-0099)	Bly	Particulate Standards OAR 340-21-020 (1) (b)	8/31/79	Permanent	Variance facility has been dismantled	
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Timber Products (15-0025)	Medford	Particle Dryer Standards OAR 340-30-045 (d)	12/19/80	6/30/83	Additional time granted for testing	
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Van Bean Shell Station	Salem	VOC Standards OAR 340-22-107 (3) and 340-22-110 (3)	7/17/81	7/1/85	On schedule	
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Mt. Mazama Plywood (10-0022)	Sutherlin	Veneer Dryer Standards OAR 340-25-315 (1) (b)	7/17/81 4/16/82 4/3/83 7/8/83	5/1/84	On schedule	
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Coos County Garbage Incinerators (06-0099)	Beaver Hill	Particulate Standards OAR 340-21-025 (2) (b)	10/9/81	Permanent	Variance no longer needed because of changes in rules adopted by EQC on 1/6/84	
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Champion International (22-5195)	Lebanon	Veneer Dryer Standards OAR 340-25-315 (1) (b)	8/19/83	9/1/84	On schedule	
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FMC (26-2944)	Portland	VOC Standards OAR 340-22-170	10/15/82	12/31/86	On schedule	
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Carnation Can (34-2677)	Hillsboro	VOC Standards OAR 340-22-170 (4) (a) (D)	10/15/82	12/31/85	On schedule	
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Champion International (14-0002)	Dee	Visible Emission Standards OAR 340-21-015 (2) (b) OAR 340-21-030 (2) (b)	10/15/82	1/1/84	On schedule	
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MAR. 22 (9/83)

ME40 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

January 1984

* Source and	* Location	* Variance From	* Date	* Date	* Status
* Permit No.		(Rule)	* Granted	* Expires	
*	*	*	*	*	*

AIR QUALITY (cont.)

Rancho-Rajneesh Funeral Pyre (16-0021)	Jefferson County	Opacity Standards OAR 340-21-025 (b)	12/3/82	Permanent	
Diamond International (09-0001)	Bend	Fugitive Emission Standards OAR-340-21-030 (2) OAR-340-21-060 (1)	12/3/82	6/15/84	On schedule
Oil-Dri (19-0018)	Christmas Valley	Fugitive Control Standards OAR 340-21-015 (2) (b) OAR 340-21-030 (2)	12/3/82	4/1/84	On schedule
Boeing (26-2204)	Portland	VOC Standards OAR-340-22-170 (4) (j)	1/14/83	1/1/84	On schedule
Winter Products (26-3033)	Portland	VOC Standards OAR 340-22-170 (4) (j)	1/14/83	1/1/87	On schedule
Mid-Oregon Grushing (37-0174)	Deschutes County	Particulate Opacity Standards OAR-340-21-015 (2) (b) OAR-340-21-030	7/8/83	11/1/83	On schedule
Kingsford Co. (20-4402)	Springfield	Particulate Emission Standards LRAPA-Rules-33-065	7/8/83	9/31/83	On schedule

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

January 1984

AIR QUALITY NEGOTIATED COMPLIANCE SCHEDULES

<u>Source and Permit No.</u>	<u>Location</u>	<u>Status</u>
Eugene Chemical Works (22-4009)	Harrisburg	Improve odor controls by March 15, 1984.
Hyster Co. (26-3032)	Portland	Close down or comply with VOC rules by March 1, 1986.
Boise Cascade (05-1849)	St. Helens	Improve TRS controls and demonstrate compliance by October 15, 1984.
Simpson Timber (26-3009)	Portland	In compliance.

ME40.A (2)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

January 1984

* Source and	* Location	* Variance From	* Date	* Date	* Status	*
* Permit No.		(Rule)	* Granted	* Expires		
*	*	*	*	*	*	*

AIR QUALITY (cont.)

These variances were a class variance for industrial painting operations granted at the 11/18/83 EQC.

<u>Amcoat</u> <u>(26-3036)</u>	<u>Portland</u>	<u>VOC Standards</u> <u>OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Bingham-</u> <u>Willamette Co.</u> <u>(26-2749)</u>	<u>Portland</u>	<u>VOC Standards</u> <u>OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Brod & McClung-</u> <u>Pace Co.</u> <u>(03-2680)</u>	<u>Portland</u>	<u>VOC Standards</u> <u>OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Cascade Corp.</u> <u>(26-3038)</u>	<u>Portland</u>	<u>VOC Standards</u> <u>OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Hearth Craft,</u> <u>Inc.</u> <u>(26-3037)</u>	<u>Portland</u>	<u>VOC Standards</u> <u>OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Lear Siegler-</u> <u>Peerless Div.</u> <u>(34-2670)</u>	<u>Tualatin</u>	<u>VOC Standards</u> <u>OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Meyers Drum Co.</u> <u>(26-3035)</u>	<u>Portland</u>	<u>VOC Standards</u> <u>OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Northwest Marine</u> <u>Iron Works</u> <u>(26-3101)</u>	<u>Portland</u>	<u>VOC Standards</u> <u>OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Oregon Steel</u> <u>Mills</u> <u>(26-1865)</u>	<u>Portland</u>	<u>VOC Standards</u> <u>OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

January 1984

* Source and	* Location	* Variance From	* Date	* Date	* Status	*
* Permit No.		(Rule)	* Granted	* Expires		*
*	*	*	*	*	*	*

AIR QUALITY (cont.)

<u>Pacific Fireplace Furnishings (34-2676)</u>	<u>Tualatin</u>	<u>VOC Standards OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Portland Willamette Co. (26-2435)</u>	<u>Portland</u>	<u>VOC Standards OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Portland Wire & Iron Works (26-2486)</u>	<u>Portland</u>	<u>VOC Standards OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Reimann and McKenny (26-2572)</u>	<u>Portland</u>	<u>VOC Standards OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Tektronix, Inc. (34-2638)</u>	<u>Beaverton</u>	<u>VOC Standards OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Union Pacific (26-3098)</u>	<u>Portland</u>	<u>VOC Standards OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Wade Manufacturing (34-2667)</u>	<u>Tualatin</u>	<u>VOC Standards OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	
<u>Wagner Mining Equipment (26-3039)</u>	<u>Portland</u>	<u>VOC Standards OAR 340-22-170</u>	<u>11/18/83</u>	<u>7/1/85</u>	<u>On schedule</u>	

MAR. 22 (9/83)

ME40 (4)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

January 1984

* Source and	* Location	* Variance From	* Date	* Date	* Status
* Permit No.	* Location	* (Rule)	* Granted	* Expires	* Status
*	*	*	*	*	*

NOISE

Murphy Veneer	Myrtle Point	Log loader noise OAR 340-35-035	6/20/80	7/1/82	Plant not operating at expiration date. Variance extension has been requested.
Med Co.	Rogue River	Noise emission standards OAR 340-35-035	8/27/82	12/31/83	Variance extension has been requested.
Jackson County	White	Drag race mufflers	5/20/83	10/31/83	On schedule.
Sports Park	City	OAR 340-35-040			

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

January 1984

* Source and	* Location	* Variance From	* Date	* Date	* Status	*
* Permit No.	*	(Rule)	* Granted	* Expires	*	*
*	*	*	*	*	*	*

SOLID WASTE DISPOSAL SITES

Cannon Beach (23)	Clatsop County	Open Burning Standards OAR 340-61-040 (2)	10/7/83	11/1/84	On schedule	
Seaside (22)	Clatsop County	Open Burning Standards OAR 340-61-040 (2)	10/7/83	11/1/84	On schedule	
Powers (160)	Coos County	Open Burning Standards OAR 340-61-040 (2)	1/13/78	6/30/84	City has not located an accept- able alternative	
Adel (4)	Lake County	Open Burning Standards OAR 340-61-040 (2)	9/21/79	7/1/85	On schedule	
Christmas Valley (9)	Lake County	Open Burning Standards OAR 340-61-040 (2)	9/21/79	7/1/85	On schedule	
Fort Rock (276)	Lake County	Open Burning Standards OAR 340-61-040 (2)	9/21/79	7/1/85	On schedule	
Paisley (178)	Lake County	Open Burning Standards OAR 340-61-040 (2)	9/21/79	7/1/85	On schedule	
Plush (10)	Lake County	Open Burning Standards OAR 340-61-040 (2)	9/21/79	7/1/85	On schedule	
Silver Lake (184)	Lake County	Open Burning Standards OAR 340-61-040 (2)	9/21/79	7/1/85	On schedule	
Summer Lake (183)	Lake County	Open Burning Standards OAR 340-61-040 (2)	9/21/79	7/1/85	On schedule	
Mitchell (175)	Wheeler County	Open Burning Standards OAR 340-61-040 (2)	4/24/81	7/1/86	On schedule	
Butte Falls (205)	Jackson County	Open Burning Standards OAR 340-61-040 (2)	7/16/82	7/1/85	On schedule	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

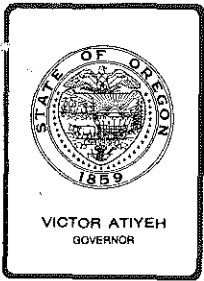
January 1984

WATER QUALITY STIPULATED CONSENT ORDERS

The water quality program supplements its permit program by use of stipulated consent orders establishing time schedules for construction of waste treatment facilities. The following consent orders are in force.

<u>Source and Permit No.</u>	<u>Location</u>	<u>Purpose</u>	<u>Date Granted</u>	<u>Date Expires</u>	<u>Status</u>
Happy Valley	Clackamas Co.	Establish time schedule	2/17/78	None	Compliance schedule being negotiated
Seaside (2750-J)	Clatsop Co.	Establish time schedule	2/23/79	None	Compliance schedule incorporated in permit
Cannon Beach (3650-J)	Clatsop Co.	Establish time schedule	10/15/82	1/4/84	Sewage facility under construction
Coquille (3679-J)	Coos Co.	Establish time schedule	10/15/82	7/31/84	Compliance schedule incorporated in permit
Bear Creek Sanitary Authority (2990-J)	Jackson Co.	Establish time schedule	1/14/83	12/31/83	District negotiating with Medford for approval to connect
Silverton (3146-J)	Marion Co.	Establish time schedule	1/14/83	4/1/85	On schedule
<u>Tangent</u>	<u>Linn Co.</u>	<u>Establish time schedule</u>	<u>11/1/83</u>	<u>1/1/86</u>	<u>On schedule</u>

ME40.A (1)



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item C, February 24, 1984, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended the Commission approve the following tax credit applications.

Appl.

<u>No.</u>	<u>Applicant</u>	<u>Facility</u>
T-1647	Donald R. & Janet M. Heidgerken	Manure containment & storage
T-1648	Stayton Canning Company Coop.	Floating waste water aerator
T-1651	Roseburg Lumber Company	Baghouse modular assembly
T-1652	Stayton Canning Company Coop.	Waste water irrigation mainline
T-1653	Intel Corporation	Waste solvent containment system
T-1654	Beachman Orchards, Inc.	Tropic Breeze wind machine
T-1657	Gienger Farms, Inc.	Animal manure control facility
T-1658	Whittier Wood Products Co.	Baghouse & extension of dust bin
T-1659	Pacific Power & Light Company	Oil spill containment system
T-1660	Pacific Power & Light Company	Oil spill containment devises
T-1661	Edward & Sharon Demmer	Orchard Rite wind machine
T-1662	Treasure Chest Advertising Co., Inc.	Vapor incinerator
T-1663	Graphic Arts Center, Inc.	Vapor incinerator
T-1664	Medford Corporation	Burley scrubber systems
T-1673	Smith & Hill Recycling Inc.	System to process "PET" plastic

Fred Hansen

CASplettstaszer/kno
229-5300
2/2/84
Attachments

Agenda Item C
February 24, 1984, EQC Meeting
Page 2

PROPOSED FEBRUARY 1984 TOTALS

Air Quality	\$ 750,708
Water Quality	451,935
Solid/Hazardous Waste	101,435
Noise	-0-
	<u>\$1,304,078</u>

1984 CALENDAR YEAR TOTALS

Air Quality	\$ 382,060
Water Quality	-0-
Solid/Hazardous Waste	-0-
Noise	-0-
	<u>\$ 382,060</u>

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Donald R. & Janet M. Heidgerken
Rt. 1, Box 15
Yamhill, OR 97148

The applicant owns and operates a commercial cow calf operation at Yamhill.

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 containment and storage device consisting of a trapezoidal shaped curbed concrete slab (20'x64'x45'x70'), a galvanized metal roof, and guttering.

Request for Preliminary Certification for Tax Credit was made May 18, 1983, and approved June 15, 1983. Construction was initiated on the claimed facility June 20, 1983, completed September 15, 1983, and the facility was placed into operation October 1983.

Facility Cost: \$5,982.06

The itemized facility cost was \$10,774.06. However, the U.S. Department of Agriculture Soil Conservation Service funded \$2,387 of this project. In addition, \$2,405.00 of the cost was included as personal labor by the applicant, but this cost could not be documented by an invoice or cancelled check. After discussing this with the applicant, it was agreed to reduce the facility cost by this amount. Therefore, \$5,982.06 [$\$10,774.06 - (2,387 + 2,405)$] will be used as the facility cost.

3. Evaluation of Application

Prior to installation of the claimed facility manure was stored during the winter months, adjacent to the stream. Leaching from the manure pile often contaminated the stream. The new facility provides up to 165 days of storage and allows spreading on land during the dry summer months. 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 \$5,982.06 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1647.

Larry D. Patterson:l
WL3010
(503) 229-5374
February 10, 1984

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Stayton Canning Company Cooperative
Brooks Plant #5
P. O. Box 458
Stayton, OR 97383

The applicant owns and operates a canned and frozen vegetable processing facility at Brooks.

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 6 Hp Lissco floating waste water aerator.

Request for Preliminary Certification for Tax Credit was made February 17, 1983, and approved March 29, 1983. Construction was initiated on the claimed facility June 13, 1983, completed June 22, 1983, and the facility was placed into operation June 23, 1983.

Facility Cost: \$10,574.51

3. Evaluation of Application

The applicant operates a waste water irrigation disposal system which relies on a holding pond for periodic storage of waste water. In order to maintain the pond liquids in an aerobic state, surface aerators are used for mechanical aeration. If the pond turns anaerobic, obnoxious odors can be generated. The claimed facility adds one 6 Hp floating aerator to the 6 existing units. There has been no return on investment from the claimed facility.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$10,574.51 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1648.

Larry D. Patterson:g
(503) 229-5374
December 20, 1983

WG3047

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Roseburg Lumber Company
Particleboard Plant
P.O. Box 1088
Roseburg, OR 97470

The applicant owns and operates a particleboard manufacturing plant at Dillard.

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 baghouse modular assembly located at a waste wood transfer point between Roseburg Lumber Company's sawmill and plywood plant and the particleboard facility.

Request for Preliminary Certification for Tax Credit was made on October 1, 1980, and approved on December 30, 1980.

Construction was initiated on the claimed facility in December 1980, completed on January 10, 1981, and the facility was placed into operation on January 12, 1981.

Facility Cost: \$75,939.89 (Accountant's Certification was provided on the total project cost).

3. Evaluation of Application

To accommodate the transfer of greater volumes of sawdust and plytrim from the company's plywood plants and sawmills to the particleboard plant through an existing blowpipe the company installed a relay station. The station consists of a cyclone, a storage bin, a baghouse assembly and a high-pressure blower system. The total cost of the facility was \$306,169.

The company claimed costs of \$75,939.89 for the baghouse and associated expenses as allocable pollution control facilities.

No alternatives to controlling emissions from the relay station cyclone were considered. However, transporting the increased amount of material by truck was evaluated as an alternative to the relay station. Trucking was determined not to be cost effective.

The installation and operation of a baghouse to control wood dust emissions from the relay station is an effective application. The baghouse controlled emission points are in compliance with the air emission standards.

There is no significant economic benefit to construction and operation of the baghouse facility at the material relay station. The baghouse facility is primarily for pollution control, therefore, 80% or more of the \$75,939.89 cost is allocable for pollution control tax credit.

The application was received on November 14, 1983, additional information was received on December 16, 1983, and the application was considered complete on December 21, 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 \$75,939.89 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1651.

Neff:d
AD409
(503) 229-6480
January 12, 1984

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Stayton Canning Company Cooperative
Stayton Plant #1
930 W. Washington St.
Stayton, OR 97383

The applicant owns and operates a canned and frozen vegetable, and berry processing facility at Stayton.

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 extension of a waste water irrigation mainline consisting of 2000' of 10" transite pipe and associated butterfly control valves.

Request for Preliminary Certification for Tax Credit was made April 29, 1983, and approved May 11, 1983. Construction was initiated on the claimed facility May 16, 1983, completed June 17, 1983, and the facility was placed into operation June 27, 1983.

Facility Cost: \$25,512.98

3. Evaluation of Application

Prior to installation of the claimed facility the applicant maintained 432 acres of irrigation disposal area. To accommodate recent production increases and to prevent runoff of irrigated waste water, the applicant leased an additional 118 acres of land and extended the waste water mainline. The system worked well during the 1983 processing season. 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 \$25,512.98 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1652.

Larry D. Patterson:l
WL2971
(503) 229-5374
December 21, 1983

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Intel Corporation
3585 S.W. 198th Street
Aloha, OR 97007

The applicant owns and operates an electronic components fabrication and assembly facility at Aloha.

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 waste solvent containment system consisting of:

- a. 256' of 10-inch thick concrete trench;
- b. 256' of 4-inch diameter ductile iron drain pipe;
- c. An 18' x 19' x 20' fiberglass lined underground concrete vault;
and
- d. Associated electrical components and alarm detection systems.

Request for Preliminary Certification for Tax Credit was made September 3, 1982, and approved October 12, 1982. Construction was initiated on the claimed facility October 1, 1982, completed September 30, 1983, and the facility was placed into operation October 1, 1983.

Facility Cost: \$299,016 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, waste solvent drain lines and storage tanks were buried directly in the earth. If a leak occurred in either the lines or tanks, there were no facilities to detect the leak or to protect groundwater. The claimed facility is a groundwater pollution control system. All steel cleaning solvent drain lines are suspended within concrete trenches where leaks can be detected and contained. In addition, the two existing 3,000 gallon steel storage tanks were removed from the ground and relocated with a

fiberglas-lined underground concrete vault. The tanks have been provided with high level alarms and a solvent vapor detection system is located within the vault. The tank contents are periodically pumped to a tank truck for final disposal at Arlington. This system does provide protection for the groundwater near the site. 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 \$299,016 with 80 percent or more. allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1653.

Larry D. Patterson:g
(503) 229-5374
December 20, 1983

WG3048

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Beachman Orchards, Inc.
3630 Westcliff Dr.
Hood River, OR 97031

The applicant owns and operates an apple and pear 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 provide frost protection to fruit trees.

Request for Preliminary Certification was made on April 28, 1983, and approved on May 11, 1983.

Construction was initiated on the claimed facility on May 2, 1983, completed on May 5, 1983, and the facility was placed into operation on May 5, 1983.

Facility Cost: \$14,120.00 (Complete documentation by copies of invoices was provided.)

3. Evaluation of Application

The wind machine serves a 10 acre area and reduces the number of oil fired orchard heaters needed to provide frost protection to the fruit trees. Oil fired heaters cause an air pollution problem due to the incomplete combustion of the large quantity of oil consumed. A substantial purpose for installing the wind machine is to reduce air contaminant emissions and thus make the orchard business a better neighbor in the community.

The claimed facility reduced the number of heaters needed to provide frost protection from 300 heaters spread throughout the 10 acre area to 140 heaters around the perimeter.

The factor used to establish the portion of cost allocable to pollution control is the estimated annual percent return on investment on the wind machine. The applicant submitted cost data for the 1983

season showing a fuel oil cost savings of \$3,057.00. The return on investment is determined using the method shown in the Department's tax credit program guidance handbook. The return on investment is 17% and the percent of the cost allocable to pollution control is 40% or more but less than 60%.

The application was received on November 15, 1983, additional information was received on December 23, 1983, and the application was considered complete on December 27, 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 40% or more but less than 60%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$14,120.00 with 40% or more but less than 60% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1654.

RAY POTTS:a
AA4108
(503) 229-6093
January 6, 1984

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Gienger Farms, Inc.
4160 Boquist Road, North
Tillamook, OR 97141

The applicant owns and operates a dairy farm at Tillamook.

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

2. Description of Claimed Facility

The facility described in this application is an animal manure control facility consisting of a roofed 40' x 228' concrete storage bunker with 8' sidewalls.

Request for Preliminary Certification for Tax Credit was made January 5, 1983, and approved March 15, 1983. Construction was initiated on the claimed facility April 15, 1983, completed October 5, 1983, and the facility was placed into operation October 15, 1983.

Facility Cost: \$51,538.42 (Accountant's Certification was provided).

The accountant's certification showed a cost of \$117,935 for the entire project. However, a conversation with the applicant and verification submitted by the U. S. Department of Agriculture Agricultural Stabilization and Conservation Service showed the cost of the pollution control facility to be \$101,538.42, of which \$50,000 was cost-shared by ASCS. ($\$101,538.42 - \$50,000 = \$51,538.42$). The costs in excess of \$101,538.42 were for portions of the project not related to pollution control.

3. Evaluation of Application

Prior to installation of the claimed facility, manure from the 400 dairy animals was spread on farm land year-round. During the winter months, runoff was often contaminated from this dairy operation. The new bunker provides storage of manure throughout the winter so manure spreading can be restricted to dry weather. Contamination of runoff has been greatly reduced. 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 \$51,538.42 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1657.

Larry D. Patterson:g
WG3076
(503) 229-5374
January 31, 1984

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Whittier Wood Products Co.
3787 West 1st Avenue
P.O. Box 2827
Eugene, OR 97402

The applicant owns and operates an unfinished furniture manufacturing plant at Eugene, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a baghouse installation and an extension of the dust bin enclosure in the truck loading area.

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

Request for Preliminary Certification for Tax Credit was made on December 31, 1980, and approved on January 29, 1981.

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

Facility Cost: \$54,067.84 (Accountant's Certification was provided).

3. Evaluation of Application

The baghouse facility, consisting of a Clarkes Pneu-Aire Filter Model 60-20G3 with necessary bags, piping, and fittings, was required by the Lane Regional Air Pollution Authority. Due to increases in the production capacity of the furniture manufacturing plant, the two existing cyclones and the existing baghouse were inadequate to control particulate emissions. The collected material is sold. Total cost of the baghouse facility was \$51,050.00. Of this, \$5,490.00 was for a screw conveyor and drive for the existing cyclones. Since pollution control tax credits are not granted for material transfer cyclones, \$45,560 of the baghouse cost is eligible for tax credits.

The dust bin extension was installed to reduce the dust released to the atmosphere during the loading of the waste material into the trucks. Cost of the bin extension is \$3,017.84, bringing the total amount eligible for tax credits to \$48,577.84.

The facilities have been inspected by LRAPA personnel and have been found to be operating in compliance with regulations and permit conditions.

Annual income from the collected material is \$31,491. The Pre-tax operating expenses total \$20,382 per year, excluding depreciation, as shown below.

Labor	\$ 640
Utilities	\$12,312
Maintenance	\$ 3,590
Bag Cleaning	\$ 1,350
Bags	<u>\$ 2,490</u>
Total	\$20,382

The value of the recovered material exceeds the annual operating expenses by \$11,109. The factor of the internal rate of return was computed in accordance with the "Tax Credit Guidance Handbook" and is equal to 4.371. The resulting percent of return on investment (% ROI) based on a fifteen year life is 21.7%. In accordance with the guideline on cost allocation, 20% or more but less than 40% of the actual cost of \$48,577.84 for the claimed facility is allocable to pollution control.

The application was received on November 30, 1983 and the application was considered complete on November 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 20% or more but less than 40%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$48,557.84 with 20% or more but less than 40% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1658.

W.L. SIMS:a
(503) 229-5259
December 28, 1983
AA4094

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Pacific Power & Light Company
920 S.W. 6th Ave.
Portland, OR 97204

The applicant owns and operates an electrical substation at Grants Pass.

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

2. Description of Claimed Facility

The facility described in this application is an oil spill containment system consisting of:

- a. Approximately 1100' of new gunite lined creek channel, and
- b. A new 40' x 45' gunite lined holding pond with two 18" siphon outlets.

Request for Preliminary Certification for Tax Credit was made June 29, 1981, and approved July 17, 1981. Construction was initiated on the claimed facility July 1981, completed October 1981, and the facility was placed into operation October 1981.

Facility Cost: \$34,370.86 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility an intermittent creek flowed through the substation. In the event of a spill, transformer oil could flow directly into the creek. The new creek channel diverts the creek flow around the substation. In addition, any oil spilled within the substation will flow to the holding pond where it can be removed. The siphon outlets will allow rainwater to be discharged while the oil is retained. The potential for oil to enter East Jones Creek has been greatly reduced. 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 \$34,370.86 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1659.

Larry D. Patterson:l
WL2975
(503) 229-5374
December 22, 1983

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Pacific Power & Light Company
920 S.W. Sixth Ave.
Portland, OR 97204

The applicant owns and operates hydroelectric generating facilities at Lemolo No. 1 & 2, Soda Springs, and Toketee, east of Roseburg on the North Umpqua River.

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

2. Description of Claimed Facility

The facilities described in this application are oil spill containment devices consisting of the following:

Lemolo No. 1 & No. 2 -- Approximately 60' of 4" high angle iron at each facility.

Toketee -- Approximately 172' of 4" high angle iron.

Soda Springs -- Approximately 100' of 4" high angle iron plus an 11' x 7-1/2' concrete sump with a sloped bottom and siphon outlet.

Request for Preliminary Certification for Tax Credit was made August 4, 1980, and approved August 25, 1980. Construction was initiated on the claimed facility April 1981, completed November 1982, and the facility was placed into operation November 1982.

Facility Cost: \$24,943.59 (Accountant's Certification was provided).

3. Evaluation of Application

Angle iron was affixed to the concrete transformer slabs at the four powerhouses to route spilled oil to collection sumps. All sumps were existing with the exception of the newly installed Soda Springs sump. These sumps all have siphon outlets for separation and containment of oil. Prior to installation of the claimed facilities, large sudden releases of oil may not have been contained on the slabs. The systems have significantly reduced the potential for releases of oil to the North Umpqua River. 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 \$24,943.59 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1660.

Larry D. Patterson:g

WG3051

(503) 229-5374

December 22, 1983

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Edward and Sharon Demmer
2995 Madrona Lane
Medford, OR 97501

The applicant owns and operates a peach and pear orchard at 2995 Madrona Lane, Medford, 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 of fruit trees.

Request for Preliminary Certification for Tax Credit was made on September 30, 1983, and approved on October 24, 1983.

Construction was initiated on the claimed facility on October 12, 1983, completed on November 4, 1983, and the facility was placed into operation on November 4, 1983.

Facility Cost: \$14,161 (COMPLETE DOCUMENTATION BY COPIES OF INVOICES WAS PROVIDED).

3. Evaluation of Application

The orchard is located just over a half mile outside the Medford urban growth boundary and two miles from downtown Medford. The initial frost protection system was a propane gas fired heater system installed in 1981. A propane gas system was installed instead of a diesel oil system in order to reduce air pollution. The Department considers a propane gas heating system a nonpolluting method of frost protection and has given tax credit for the capital cost of propane gas systems. No tax credit was requested for this system.

The initial system protected only a little over half of the orchard. The applicant determined that he needed to protect the full orchard. A detailed cost estimate for expansion of the propane gas system was \$8,995. The cost to install a wind machine rather than expand the propane gas system was \$14,161. The applicant decided to install the wind machine.

The wind machine works in conjunction with perimeter propane fired heaters. The number of perimeter heaters is approximately 1/3 as many heaters as in an all heater system. The installed system produces less pollution than a wind machine with diesel oil fired perimeter heaters.

Less propane is used with the wind machine installed than with an all heater system of frost protection. The Environmental Quality Commission has, in the past, granted a tax credit for the cost of protection above the cost of using diesel oil fired heaters. The cost of using propane as a fuel is greater than the cost of using diesel.

The factor used to establish the portion of cost allocable to pollution control is the alternative methods factor in the Department's Tax Credit Guidance Handbook. In this case, the portion of the cost of the wind machine allocable to pollution control is 60% or more but less than 80% of the cost of the wind machine based on the \$8,995 cost of expanding the existing propane gas heater system.

The application was received on December 15, 1983, additional information was received on January 9, 1984, and the application was considered complete on January 9, 1984.

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 alternative facility cost that is properly allocable to pollution control is 60% or more but less than 80%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$14,161.00 with 60% or more but less than 80% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1661.

RAY POTTS:a
AA4123
(503) 229-6093
January 13, 1984

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Treasure Chest Advertising Co., Inc.
Portland Division
511 W. Citrus Edge
Glendora, CA 91740

The applicant owns and operates a color printing press for newspaper inserts, etc. at 6031 N.E. 92nd Drive, Portland, OR 97220.

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 vapor incinerator used to burn the solvent vapors generated by drying the printing ink on the paper (web) in a high velocity hot air dryer system. The equipment and cost are:

<u>ITEM</u>	<u>COST</u>
A. TEC Systems Model HRXX, Size 4000	\$80,180.00
B. Dryer Exhaust Fan Upgrade for Item A	1,000.00
C. Freight on Items A & B	4,712.00
D. Incinerator Installation Site Pad	1,891.00
E. Dryer to Incinerator Exhaust Duct And Incinerator Exhaust Stack	35,000.00
	<hr/>
TOTAL CLAIMED FACILITY INSTALLED COST	\$122,783.00

Request for Preliminary Certification for Tax Credit was made on April 21, 1983, and approved on May 26, 1983.

Construction was initiated on the claimed facility on June 20, 1983, completed on October 10, 1983, and the facility was placed into operation on October 14, 1983.

Facility Cost: \$122,783.00 (Accountant's Certification was provided).

3. Evaluation of Application

The company operates a commercial heatset web-offset lithography printing press. The web dryer system exhausts an average of 25.57

and a maximum of 92.7 lbs per hour of ink solvent. The solvent vapors are ducted to the incinerator which operates at a 95% or greater efficiency which is guaranteed by the manufacturer.

The solvents are actually oils that, without the incinerator, would condense upon being exhausted into the air. This steam-like plume would violate the Department's opacity rule. The claimed facility was inspected by the Department and operates satisfactorily.

The incinerator has two heat exchangers: a primary heat exchanger which pre-heats the dryer exhaust input to the incinerator and a secondary heat exchanger which heats the dryer intake air from room temperature to 560° F. The incinerator is fired with natural gas and at solvent inputs above 54 lbs per hour, more heat input is supplied by the solvent than supplied by the natural gas. However, even at the maximum solvent input of 92.7 lbs per hour for the whole year, the rate of return on investment for the incinerator system is less than 1%, using the methods in the Department's Tax Credit Guidance Handbook. Thus, 80% or more of the cost is allocable to pollution control.

The application was received on December 23, 1983 and the application was considered complete on January 16, 1984.

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 \$122,783.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1662.

RAY POTTS:a
AA4145
(503) 229-6093
January 18, 1984

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Graphic Arts Center, Inc.
2000 N.W. Wilson Street
Portland, OR 97209

The applicant owns and operates a color printing press for books, catalogs, etc., at 2000 N.W. Wilson Street, Portland, OR.

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 vapor incinerator used to oxidize the solvent vapors generated by drying the printing ink on the paper (web) in a high velocity hot air dryer system. The equipment and cost are:

TEC CRPC-40 Catalytic Incinerator	\$83,700.00
Installation	44,052.93
Freight	<u>3,672.95</u>
Total	\$131,425.88

Request for Preliminary Certification for Tax Credit was made on March 5, 1980, and approved on May 8, 1980.

Construction was initiated on the claimed facility on June 1, 1980, completed on March 31, 1981, and the facility was placed into operation on March 31, 1981.

Facility Cost: \$131,425.88 (Accountant's Certification was provided).

3. Evaluation of Application

The company operates a commercial heatset web-offset lithography printing press. The web dryer system exhausts solvent laden air. The solvent vapors are ducted to the incinerator which contains a catalytic oxidizer guaranteed by the manufacturer to maintain a 90% hydrocarbon reduction across the catalyst.

The solvents are actually oils that, without the incinerator, condense upon being exhausted into the air. This steam like plume violated the Department's opacity rule. The claimed facility was inspected by the Department and operates satisfactory.

The incinerator has a natural gas burner to raise the dryer exhaust up to the operating temperature of the catalytic bed. After the catalytic bed, there are two heat exchangers: a primary heat exchanger which pre-heats the dryer exhaust input to the incinerator and a secondary heat exchanger which heats up the dryer intake air from room temperature. The incinerator cannot generate enough heat from ink solvents to heat the web dryer intake air to produce a positive return on investment. Thus, 80% or more of the cost is allocable to pollution control.

The application was received on January 4, 1984, additional information was received on January 19, 1984, and the application was considered complete on January 19, 1984.

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 \$131,425.88 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1663.

RAY POTTS:a
AA4163
(503) 229-6093
January 27, 1984

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Medford Corporation
Medford Plywood Division
P.O. Box 550
Medford, OR 97501

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

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

2. Description of Claimed Facility

The facility described in this application are four Model B-5 Burley scrubber systems to control air emissions from four veneer dryers.

Request for Preliminary Certification for Tax Credit was made on March 27, 1979, and approved on April 16, 1979.

Construction was initiated on the claimed facility on July 1, 1979, completed on August 15, 1979, and the facility was placed into operation on September 1, 1979.

Facility Cost: \$348,889.00 (Accountant's Certification was provided).

3. Evaluation of Application

Medford Corporation selected Burley Industries scrubbers as a means of controlling air exhaust emissions from four of their five veneer dryers. The Company claimed there were no alternative methods available to achieve the same pollution control at that time.

Exhaust stack controls were required to attain compliance with the State veneer dryer emission standards.

The project included the hardware and installation of four Model B-5 Burley scrubbers with demister fans, a single water clarification tank and 10 dryer section end seal systems.

The facilities have been certified in compliance by the DEQ. The primary purpose of the installations was for air pollution control. There is no economic advantage to the Company from installing and operating the equipment, therefore, 80% or more of the \$348,889.00 cost is allocable to pollution control.

The application was received on January 10, 1984 and considered complete on January 11, 1984.

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 \$348,889.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1664.

D.K. NEFF:a
AA4153
(503) 229-6480
January 23, 1984

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Smith & Hill Recycling Inc.
P.O. Box 782
Eugene, OR 97440

The applicant owns and operates a commercial recycling operation at 3339 N.W. 26th, Portland.

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

2. Description of Claimed Facility

The facility described in this application consists of a system to process "PET" plastic to return to usable products.

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

Construction was initiated on the claimed facility on August 1, 1981, completed in February 1982, and the facility was placed into operation in January 1982.

Facility Cost: \$101,435.00 (Accountant's Certification was provided).

3. Evaluation of Application

The plastic processing system is a machine process to remove closures, labels and base cups, and color separates and granulates the plastic for shipment. Prior to installation of this system, "PET" containers were not recyclable in the Portland area. The system is now processing 100,000 lbs. per month with an income of \$.20 per lb. The material is sold as a replacement for various polyester or anhydride resins for manufacture of plastic products. Useful life of the facility is 5 years.

4. Summation

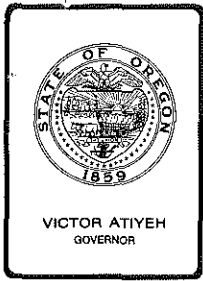
- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. As required by ORS 468.165, the facility was under construction on or after January 1, 1973, and
 - (1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste for their useful chemical and physical properties;

- (2) The end product of the utilization is a usable source of power or other item of real economic value;
 - (3) The end product of the utilization, other than a usable source of power, is competitive with an end product produced in another state; and
 - (4) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.
- c. In addition, the Commission finds that the facility will provide a new or different solution to a solid waste, hazardous waste, used oil problem than has been previously used, or the facility is a significant modification and improvement of similar existing facilities;
 - d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
 - e. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$101,435.00 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1673.

R. L. Brown:b
(503) 229-5157
January 31, 1984
SB2963



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 *Jud Hansen*

Subject: Agenda Item No. D, February 24, 1984, EQC Meeting

Request for Authorization to Conduct Public Hearings on Proposed Amendments to Rules Governing On-Site Sewage Disposal, OAR 340-71-100 through 340-71-600 and 340-73-075.

Background and Problem Statement

ORS 454.625 provides that the Commission, after hearing, may adopt rules for on-site sewage disposal.

During the past year, since the on-site disposal rules were last amended, the Department has found that several of the existing rules are either inconsistent with other rules, unclear in meaning because they are broader than intended or practical, or they do not allow reasonable latitude to be exercised in their application. In addition, as a result of satisfactory performance in the field, the Department's experimental systems program has proposed a new rule for consideration as an alternative to using a sand filter system, given certain site conditions. The significant issues staff propose to take to hearing are as follows:

1. Sewage Disposal Service Definition. In May of 1983, the sewage disposal service definition was amended to emphasize that the placement, pumping or cleaning, and disposal of materials derived from pumping or cleaning of portable toilets are considered to be sewage disposal services. In addition, the 1983 amendment included wording that renting or leasing portable toilets to any person is also considered to be a sewage disposal service. Staff believe that in practice, portable toilets are rented or leased with the necessary servicing included as part of the package. However, the State of Oregon Legislative Counsel Committee believes the renting or leasing language is too broad in scope because it is possible to only rent or only lease portable toilets to another person without a servicing commitment. After discussion with counsel, staff proposes to remove the renting or leasing language from the definition, and to amend the nonwater-carried system rule so as to clarify the regulatory intent.



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2. Easement and Covenant When Crossing Property Lines. On occasion, people plan to place their dwelling on one parcel of land and locate their sewage disposal system on another. When the two (2) properties are owned by different people, an easement to place the system must be obtained and filed in the deed records before the drainfield site is approved or before a permit to construct the system is issued. This action of filing provides notice to future purchasers of the property of the existence of the drainfield and that it serves the adjoining lot. When both properties are owned by the same individuals, an affidavit is required to be filed in the deed records to provide notice of the existence of a septic system. Counsel has advised staff that affidavits cannot be filed in the deed records, and thus, if property changes hands, notice about the existence and location of the system would not appear in the deed. Counsel drafted rule language to replace the affidavit with an easement and covenant between the property owner and the State. Because easements and covenants affect the title to real property, they may be filed in the county deed records, and once filed, would provide notice.
3. Authorization Notices. As a result of recent discussions between Department staff and Contract County personnel, the authorization notice rule has been found to be deficient in specifying the duration of time a person may act once an authorization notice is issued. Staff propose a time period for an authorization notice to remain viable be not longer than one (1) year.
4. Dosing Tank Venting. A dosing tank experiences variations in its liquid level when the pump or siphon within it cycles. Because the volume of the tank is fixed, make-up air must be allowed to enter or leave the tank during operation. This is accomplished by using "tee" fittings within the septic tank, which allow air exchange to occur through the main house plumbing vent. Occasionally, there are odor problems experienced by some home owners. Yamhill County staff have requested consideration of a rule amendment that would allow the flexibility to block the gas venting through the septic tank's inlet "tee", and provide the air exchange through a shallow gravel-filled trench in the soil.
5. Alternative System Definition. Last May the definition of alternative system was amended in one area of the rules, but through oversight was not amended where it occurred in another portion of the rules. Staff propose to have the definition be the same in both locations.
6. Sand Filters. Since December of 1979, the rule allowing the use of sand filter systems has contained language referencing shallow subsurface irrigation trenches as disposal trenches. Disposal trenches are defined within the rules and have specific

construction details. To eliminate confusion with respect to what shallow subsurface irrigation trenches are, staff propose to delete the reference.

7. Steep Slope Systems. The steep slope system, used on selective sites with slopes ranging from thirty (30) to forty-five (45) percent, was developed through the experimental systems program. Staff have discussed use of this alternative system where sewage flows would be larger than typically expected from a single home and concluded there would be considerable risk of inducing slope failure, by causing the soils to become saturated to the extent that they could begin to flow downgradient. To reduce this risk, staff proposes to limit this system's use to single-family dwellings.
8. Disposal Trenches in Saprolite. The experimental systems program has completed its study of several experimental systems that were installed at sites where the soil was too shallow to place a standard system, but where the material underlying the shallow soil was weathered and fractured saprolite. Based on their favorable findings, a new alternative system rule is proposed. Currently, the more expensive sand filter systems can be used at all sites that comply with this rule.
9. Easement and Covenant for Aerobic Systems. Before an aerobic system permit can be issued, the current rule requires that an affidavit be filed which provides notice to prospective purchasers of the existence of the facility. Counsel has advised staff that such affidavits may not be filed in the county deed records. So that notice can be given, Counsel has drafted rule language to replace the affidavit with an easement and covenant between the property owner and the State. Because easements and covenants affect the title to real property, they may be filed in the county deed records, and once filed would provide notice.
10. Nonwater-Carried Systems. As part of the sewage disposal service issue, staff have determined the existing rule pertaining to portable toilets was deficient in that it did not specifically stipulate who would be responsible for pumping or cleaning construction-type chemical toilets placed for temporary or seasonal use. The proposed amendment would require a service contract or agreement prior to placement, and would require the business name of the servicing company be displayed on the toilet. The identification requirement in the construction standard is proposed to be amended because it is possible that the portable toilet owner may not be the business that pumps or cleans them.
11. Variances. Currently, a variance officer may consider granting variances from the siting criteria and construction standards

pertaining to the standard septic tank-disposal system and nine (9) of the seventeen (17) alternative systems. However, when a variance is needed to the other alternative systems' standards, or when a hardship variance request falls beyond the limits a variance officer may consider, the matter must be brought before the Commission for a decision. In these instances, the variance officer is required to conduct a variance hearing and then submit a recommendation to the Commission. This causes unnecessary delays that could be avoided if the variance officer were allowed the ability to consider granting variances to all applicable standards. The existing rule also contains incomplete language with respect to findings the Commission must make to grant variances. The proposed amendments would increase the range of standards a variance officer could grant variance from, and will correct the deficient language with respect to making findings.

12. Community Systems. Staff have found the existing language in the community systems rule to be too broad in terms of the kinds of on-site sewage disposal systems that may be used. The kinds of on-site systems that are not compatible are: seepage trench systems; redundant systems; steep slope systems; split waste systems using gray water waste disposal sumps and nonwater-carried facilities; holding tanks; and gravel-less disposal trench systems. The proposed amendment would specify the specific on-site system categories that are compatible as community systems.
13. Table 1. Table 1 specifies minimum horizontal separation distances between a number of listed items and parts of sewage disposal systems. Staff propose to replace the term "upslope" and "downslope" with "upgradient" and "downgradient" because they more accurately describe the direction sewage effluent moves in the soil. In addition, some of the separation distances are proposed to be reduced in light of information derived from several of the experimental systems.

Alternatives and Evaluation

The alternatives are as follows:

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

Public hearings must be held before the Commission may adopt or amend rules. It is staff's opinion that the rules governing on-site sewage disposal need to be amended so that identified rule deficiencies and inconsistencies may be corrected, and so that a new alternative system may be made available for use. It is through the hearing process that

testimony from outside the Department is gathered on the question of whether the rules should be amended. This testimony frequently assists staff in preparing the proposed rule amendments to be presented for Commission consideration and possible adoption.

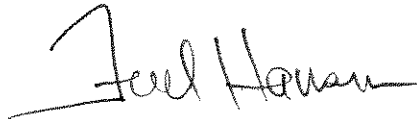
A presentation of the proposed amendments is contained in Attachment "D".

Summation

1. ORS 454.625 provides that the Commission, after hearing, may adopt rules for on-site sewage disposal.
2. Several technical rule amendments are necessary to provide for smoother rule administration.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize public hearings to take testimony on the question of amending OAR 340-71-100 through 340-71-600 and 340-73-075, as presented in Attachment "D".



Fred Hansen

Attachments: (4)

- "A" Hearing Notice
- "B" Statement of Need for Rulemaking
- "C" Land Use Consistency Statement
- "D" Proposed Rule Amendments

Sherman O. Olson, Jr.:g
229-6443
February 1, 1984

XG3081

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Public Hearing on Proposed Amendments to the On-Site Sewage Disposal Rules

Date Prepared: February 24, 1984
 Hearing Date: April 3, 1984
 Comments Due: April 3, 1984

WHO IS AFFECTED: Persons submitting applications for on-site sewage disposal activities and sewage disposal service licensees.

WHAT IS PROPOSED: The DEQ is proposing a new alternative system rule for disposal trenches in saprolite; and amendments to existing rules concerning: non-water carried facilities; variances; community systems; sand filter systems; steep slope systems; dosing tanks; Authorization Notices; definitions of alternative system and sewage disposal service; and easements and covenants. In addition, a table of horizontal separation distances is proposed to be changed.

HOW TO COMMENT: Public Hearing
 10 a.m.
 Tuesday, April 3, 1984
 DEQ Headquarters, 14th Floor Conference Room
 522 S.W. Fifth Ave., Portland, Oregon

Written comments should be sent to DEQ, Water Quality Division, On-Site Sewage Systems Section, P. O. Box 1760, Portland, Oregon 97207. The comment period will end on Tuesday, April 3, 1984, at 5 p.m.

Any questions or requests for information should be directed to Sherman Olson, On-Site Sewage Systems Section, 229-6443 or toll free, 1-800-452-4011.

WHAT IS THE NEXT STEP: Once public testimony has been received and evaluated, the proposed rules will be revised, if necessary, and be presented to the Environmental Quality Commission for adoption. The Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments, or decline to adopt rule amendments.

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



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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Agenda Item E, February 24, 1984, EQC Meeting.

STATEMENT OF NEED FOR RULEMAKING

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

(1) Legal Authority

ORS 454.625, which requires the Environmental Quality Commission to adopt rules pertaining to on-site sewage disposal.

(2) Need for the Rule

The Department of Environmental Quality has determined that some technical rule amendments are necessary to provide smoother administration of the on-site sewage disposal rules. The proposed amendments are intended to correct identified deficiencies and inconsistencies to accomplish this need. In addition, the Department wishes to make available a new alternative system developed from the experimental program. The proposed new system would be used at some sites where a more expensive sand filter system would have otherwise been required.

(3) Principal Documents Relied Upon in this Rulemaking

- a. Letter dated April 28, 1982, from Robert L. Haskins, Assistant Attorney General, to Sherman O. Olson, Jr., Department of Environmental Quality.
- b. Letter dated January 13, 1984, from Robert W. Lundy, Legislative Counsel Committee, to the Office of the Director, Department of Environmental Quality.
- c. Letter dated November 2, 1983, from D. C. Mace, Yamhill County, to Jack Osborne, Department of Environmental Quality.
- d. Memo dated August 1, 1983, from the On-Site Sewage Systems Section, Department of Environmental Quality, to all Contract Counties, DEQ Regions and Branch Offices.

The above documents are available for public inspection at the Office of the Department of Environmental Quality, 522 S.W. Fifth Avenue, Portland, Oregon, during regular business hours, 8 a.m. to 5 p.m.

FISCAL AND ECONOMIC IMPACT

The proposed amendment to use a gravel-filled trench at the dosing tank in lieu of a sanitary tee at the septic tank inlet would increase the construction costs of systems using this concept. Use of the new alternative system (disposal trenches in saporolite) will result in lower construction costs than if a sand filter system were to be installed. The small business impact, for the businesses that would lose the use either of the aforementioned options, would be the same. The other proposed amendments are not likely to have an economic impact.

Sherman O. Olson, Jr.:g
229-6443
XG3165
1/31/84

Agenda Item No. E, February 24, 1984, EQC Meeting

LAND USE CONSISTENCY STATEMENT

The Department has concluded that the proposed rule amendments conform with the Statewide Planning Goals.

With regard to Goal 6, the proposed amendments are designed to improve and maintain the water quality of the state, and are consistent with the Goal.

The proposed amendments do not appear to conflict with other goals.

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

It is requested that local, state, and federal agencies review the proposed amendments 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 appropriate conflicts brought to their attention by local, state, or federal authorities.

Sherman O. Olson, Jr.:g
XG3166
229-6443
January 31, 1984

ATTACHMENT D

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Rule Amendments

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

and

OAR 340-73-075

February 24, 1984

Amend OAR 340-71-105(54) as follows:

- (54) "Nonwater-Carried Waste Disposal Facility" means any toilet facility which has no direct water connection, including pit privies, vault privies and self-contained [construction type] chemical toilets.

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

(78) "Sewage Disposal Service" means:

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

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

Amend OAR 340-71-130(11) as follows:

(11) Property Line Crossed.

- (a) A recorded utility easement and covenant against conflicting uses, on a form approved by the Department, is required whenever a system crosses a property line separating properties under different ownership. The easement must accommodate that part of the system, including setbacks, which lies beyond the property line, and must allow entry to install, maintain and repair the system.
- (b) Whenever an on-site system is located on one lot or parcel and the facility it serves is on [a contiguous or adjacent] another lot or parcel under the same ownership, the owner shall execute and record in the county land title records ~~an affidavit which notifies prospective property purchasers of this fact in~~ on a form approved by [this] the Department[.] an easement and a covenant in favor of the State of Oregon:
- (A) Allowing its officers, agents, employees and representatives to enter and inspect, including by excavation, that portion of the system, including setbacks, on the other lot or parcel; and
- (B) Agreeing not to put that portion of the other lot or parcel to a conflicting use; and
- (C) Agreeing that upon severance of the lots or parcels, to grant or reserve and record a utility easement, in a form approved by the Department, in favor of the owner of the lot or parcel served by the system.

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

Amend OAR 340-71-140(1)(b)(A) as follows:

(b) Construction-Installation Permit:

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

- (i) Standard On-Site System \$120
- (ii) Alternative System:
 - (I) Aerobic System..... \$120
 - (II) Capping Fill \$240
 - (III) Cesspool..... \$120
 - (IV) Disposal Trenches in Saprolite... \$120
 - (V) [(IV)] Evapotranspiration-Absorption... \$120
 - (VI) [(V)] Gray Water Waste Disposal Sump... \$ 60
 - (VII) [(VI)] Holding Tank \$120
 - (VIII) [(VII)] Pressure Distribution \$120
 - (IX) [(VIII)] Redundant \$120
 - (X) [(IX)] Sand Filter \$280
 - (XI) [(X)] Seepage Pit \$120
 - (XII) [(XI)] Seepage Trench \$120
 - (XIII) [(XII)] Steep Slope \$120
 - (XIV) [(XIII)] Tile Dewatering \$120
- (iii) The permit fee required for standard, cesspool, disposal trenches in saprolite, seepage pit, steep slope and seepage trench systems may be reduced to sixty dollars (\$60), providing the permit application is submitted to the Agent within six (6) months of the site evaluation report date, the system will serve a single family dwelling, and a site visit is not required before issuance of the permit.

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

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

(4) Approval or Denial:

(a) In order to obtain an approved site evaluation report the following conditions shall be met:

- (A) All criteria for approval as outlined in rules 340-71-220 and/or 340-71-260 through [340-71-355] 340-71-360 shall be met.
- (B) Each lot or parcel must have sufficient usable area available to accommodate an initial and replacement system. The usable area may be located within the lot or parcel, or within the bounds of another lot or parcel if secured pursuant to OAR 340-71-130(11). Sites may be approved where the initial and replacement systems would be of different types, e.g., a standard subsurface system as the initial system and an alternative system as the replacement system. The site evaluation report shall indicate the type of the initial and type of replacement system for which the site is approved.

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

- (b) A site evaluation shall be denied where the conditions identified in subsection (4)(a) of this rule are not met.
- (c) Technical rule changes shall not invalidate a favorable site evaluation, but may require use of a different kind of system.

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

Amend OAR 340-71-205(3) as follows:

(3) For placing into service or for changes in the use of an existing on-site sewage disposal system where no increase in sewage flow is projected, or where the design flow is not exceeded; an Authorization Notice valid for a period not to exceed one (1) year shall be issued if:

- (a) The existing system is not failing; and
- (b) All set-backs between the existing system and the structure can be maintained; and
- (c) In the opinion of the Agent the proposed use would not create a public health hazard on the ground surface or in surface public waters.

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

Amend OAR 340-71-205(5) as follows:

- (5) For changes in the use of a system where projected daily sewage flow would be increased by not more than three hundred (300) gallons beyond the design capacity or by not more than fifty (50) percent of the design capacity for the system, whichever is less; an Authorization Notice valid for a period not to exceed one (1) year shall be issued if:
- (a) The existing system is shown not to be failing; and
 - (b) All set-backs between the existing system and the structure can be maintained; and
 - (c) Sufficient area exists so that a complete replacement area meeting all requirements of these rules (except those portions relating to soil conditions and groundwater) is available; and
 - (d) In the opinion of the Agent the proposed increase would not create a public health hazard or water pollution.

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

Amend OAR 340-71-220(7) as follows:

(7) Dosing Tanks:

- (a) Construction of dosing tanks shall comply with the minimum standards in Rule 340-73-050.
- (b) Each dosing tank shall be installed on a stable level base.
- (c) Each dosing tank shall be provided with a watertight riser extending to the ground surface or above, with a minimum inside horizontal measurement equal to or greater than the tank access manhole. Provision shall be made for securely fastening the manhole cover.
- (d) At the discretion of the Agent, a removable plug may be placed in the top of the septic tank's inlet sanitary tee, and a trench ten (10) feet long and otherwise constructed the same as a standard disposal trench may be used to provide air and gas exchange from the dosing tank, providing:
 - (A) Ground and surface water will not infiltrate through the gravel-filled trench into the dosing tank; and
 - (B) The invert elevation of the perforated pipe in the ten (10) foot trench is one (1) foot higher than the invert elevation of the septic tank's inlet sanitary tee; and
 - (C) The design flow for the system does not exceed four hundred fifty (450) gallons per day.
- (e) [(d)] Dosing tanks located in high groundwater areas shall be weighted or provided with an antibuoyancy device to prevent flotation.

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

Amend OAR 340-71-260 as follows:

340-71-260 ALTERNATIVE SYSTEMS, GENERAL.

- (1) For the purpose of these rules "Alternative System" means any Commission approved on-site sewage disposal system used in lieu of[, including modifications of,] the standard subsurface system.
- (2) "Sewage Stabilization Ponds" and "Land Irrigation of Sewage" are alternative systems available through the Water Pollution Control Facilities (WPCF) permit program.
- (3) Unless otherwise noted, all rules pertaining to the siting, construction, and maintenance of standard subsurface systems shall apply to alternative systems.
- (4) General Requirements:
 - (a) Periodic Inspection of Installed Systems. Where required by rule of the Commission, periodic inspections of installed alternative systems shall be performed by the Agent. An inspection fee may be charged.
 - (b) A report of each inspection shall be prepared by the Agent. The report shall list system deficiencies and correction requirements and timetables for correction. A copy of the report shall be provided promptly to the system owner. Necessary follow-up inspections shall be scheduled.

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

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

(3) Sites Approved for Sand Filter Systems. Sand filters may be permitted on any site meeting requirements for standard subsurface sewage disposal systems contained under OAR 340-71-220, or where disposal trenches [(including shallow subsurface irrigation trenches)] would be used, and all the following minimum site conditions can be met:

(a) The highest level attained by temporary water would be:

(A) Twelve (12) inches or more below ground surface where gravity equal distribution trenches are used. Pressurized distribution trenches may be used to achieve equal distribution on slopes up to twelve (12) percent; or

(B) Twelve (12) inches or more below ground surface on sites requiring serial distribution where disposal trenches are covered by a capping fill, provided: trenches are excavated twelve (12) inches into the original soil profile, slopes are twelve (12) percent or less, and the capping fill is constructed according to provisions under OAR 340-71-265(3) and 340-71-265(4)(a) through (c); or

(C) Eighteen (18) inches or more below ground surface on sites requiring serial distribution where standard serial distribution trenches are used.

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

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

*NOTE: Shallow disposal trenches (placed not less than twelve (12) inches into the original soil profile) may be used with a capping fill to achieve separation distances from permanent groundwater. The fill shall be placed in accordance to the provisions of OAR 340-71-265(3) and 340-71-265(4)(a) through (c).

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

- (c) Permanent water table levels shall be determined in accordance with methods contained in subsection 340-71-220(1)(d). Sand filters installed in soils as defined in OAR 340-71-105 (84), in areas with permanent water tables shall not discharge more than four hundred fifty (450) gallons of effluent per one-half (1/2) acre per day except where:
- (A) A gray water system is proposed for lots of record existing prior to January 1, 1974, which have sufficient area to accommodate a gray water sand filter system, or
 - (B) Groundwater is degraded and designated as a non-developable resource by the State Department of Water Resources, or
 - (C) A detailed hydrogeological study discloses loading rates exceeding four hundred fifty (450) gallons per one-half (1/2) acre per day would not increase nitrate-nitrogen concentration in the groundwater beneath the site, or any down gradient location, above five (5) milligrams per liter.
- (d) Soils, fractured bedrock or saprolite diggable with a backhoe occur such that a standard twenty-four (24) inch deep trench can be installed.
- (e) Where slope is thirty (30) percent or less.

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

Amend OAR 340-71-310(1) as follows:

340-71-310 STEEP SLOPE SYSTEMS.

(1) General conditions for approval. An on-site system construction permit [permits] may be issued by the Agent for a steep slope [systems] system to serve a single-family dwelling on slopes in excess of thirty (30) percent provided all the following requirements can be met:

- (a) Slope does not exceed forty-five (45) percent.
- (b) The soil is well drained with no evidence of saturation.
- (c) The soil has a minimum effective soil depth of sixty (60) inches.

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

Amend OAR 340, Division 71 by adding a new rule, OAR 340-71-360, as follows:

340-71-360 DISPOSAL TRENCHES IN SAPROLITE.

(1) General Conditions for Approval. An on-site system construction-installation permit may be issued for a system to serve a single family dwelling on a site with soil shallow to saprolite provided requirements in either subsection (a) or subsection (b) can be met.

(a) Slope does not exceed thirty (30) percent:

(A) The saprolite is sufficiently weathered so that it can be textured, crushed, or broken with hand pressure to a depth of twenty-four (24) inches and can be dug from a test pit wall with a spade or other hand tool to a depth of forty-eight (48) inches; and

(B) Clay films with moist values of five (5) or less and moist chromas of four (4) or more and/or organic coatings with moist values of three (3) or less and moist chromas on two (2) or more occur on fracture surfaces of the saprolite to a depth of forty-eight (48) inches.

(b) Slope is in excess of thirty (30) percent but does not exceed forty-five (45) percent:

(A) The saprolite is sufficiently weathered so that it can be textured, crushed, or broken with hand pressure to a depth of twenty-four (24) inches and can be dug from a test pit wall with a spade or other hand tool to a depth of sixty (60) inches; and

(B) Clay films with moist values of five (5) or less and moist chromas of four (4) or more and/or organic coatings with moist values of three (3) or less and moist chromas on two (2) or more occur on fracture surfaces of the saprolite to a depth of sixty (60) inches.

(2) Construction requirements

(a) Standard disposal trenches shall be installed where slope does not exceed thirty (30) percent.

(A) Standard disposal trenches shall be installed at a minimum depth of twenty-four (24) inches and a maximum depth of thirty (30) inches below the natural soil surface and contain twelve (12) inches of filter material and a minimum of twelve (12) inches of native soil backfill.

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

- (B) Standard disposal trenches shall be sized at a minimum of one hundred (100) linear feet per one hundred fifty (150) gallons projected daily sewage flow.
- (b) Seepage trenches shall be installed where slope is in excess of thirty (30) percent but does not exceed forty-five (45) percent.
- (A) Seepage trenches shall be installed at a minimum depth of thirty (30) inches and at a maximum depth of thirty-six (36) inches below the natural soil surface and contain a minimum of eighteen (18) inches of filter material and twelve (12) inches of native soil backfill.
- (B) Seepage trenches shall be sized at a minimum of seventy-five (75) linear feet per one hundred fifty (150) gallons of projected daily sewage flow.

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

Amend OAR 340-71-345(2) as follows:

(2) Criteria for Approval. Aerobic sewage treatment facilities may be approved for a construction-installation permit provided all the following criteria are met:

(a) The daily sewage flow to be treated is less than five thousand (5000) gallons.

(b) The aerobic sewage treatment facility (plant) is part of an approved on-site sewage disposal system.

(c) The plant has been tested pursuant to the current version of the National Sanitation Foundation (NSF) Standard No. 40, relating to Individual Aerobic Wastewater Treatment Plants, and been found to conform with Class I or Class II and other requirements of the standard. In lieu of NSF testing, the Department may accept testing by another agency which it considers to be equivalent.

(d) The property owner records in the county land title records, in a form approved by the [a] Department , [approved affidavit which notifies prospective property purchasers of the existence of an aerobic sewage treatment facility.] an easement and a covenant in favor of the State of Oregon.

(A) Allowing its officers, agents, employees and representatives to enter and inspect, including by excavation, the aerobic sewage treatment facility; and

(B) Acknowledging that proper operation and maintenance of the plant is essential to prevent failure of the entire on-site sewage disposal system; and

(C) Agreeing to hold harmless, indemnify and defend the State of Oregon, its officers, representatives, employees and agents for any and all loss and damage caused by installation or operation of the system; and

(D) Agreeing not to put the land to any conflicting use.

[(e) The owner acknowledges that proper operation and maintenance of the plant is essential to prevent failure of the entire sewage disposal system and agrees, in writing, to hold the State of Oregon, its officers, employees, and agents harmless of any and all loss and damage caused by defective installation or operation of the system.]

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

Amend OAR 340-71-330 as follows:

340-71-330 NONWATER-CARRIED SYSTEMS.

(1) For the purpose of these rules:

(a) "Nonwater-carried waste disposal facility" means any toilet facility which has no direct water connection, including pit privies, vault privies and self-contained [construction type] chemical toilets.

(b) "Privy" means a structure used for disposal of human waste without the aid of water. It consists of a shelter built above a pit or vault in the ground into which human waste falls.

(c) "Portable toilet" includes but is not limited to portable self-contained chemical toilet facility.

[(2) Criteria for Approval:]

(2) [(a) Nonwater-carried waste disposal facilities shall not be installed or used] No person shall cause or allow the installation or use of a nonwater-carried waste disposal facility without prior written approval of the Agent.

EXCEPTIONS:

-a- Temporary use pit privies used on farms for farm labor shall be exempt from approval requirements.

-b- Sewage Disposal Service businesses licensed pursuant to OAR 340-71-600 may install self-contained [construction type] chemical toilets (portable toilets) without written approval of the Agent, providing all other requirements of this rule are met.

(3) [(b)] Non-water carried waste disposal facilities may be approved for temporary or limited use areas, such as recreation parks, camp sites, seasonal dwellings, farm labor camps, or construction sites, provided all liquid wastes can be handled in a manner to prevent a public health hazard and to protect public waters, provided further that the separation distances in Table 8 can be met.

Exception: The use of self-contained [construction type] chemical toilets shall not be allowed for seasonal dwellings.

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

(7) [(3)] Pit Privy:

- (a) Unsealed earth pit type privies may be approved where the highest level attained by groundwater shall not be closer than four (4) feet to the bottom of the privy pit.
 - (b) The privy shall be constructed to prevent surface water from running into the pit.
 - (c) When the pit becomes filled to within sixteen (16) inches of the ground surface, a new pit shall be excavated and the old pit shall be backfilled with at least two (2) feet of earth.
- (4) Construction. Nonwater-carried waste disposal facilities shall be constructed in accordance with requirements contained in Rules 340-73-065 through 340-73-075.
- (5) Maintenance. Nonwater-carried waste disposal facilities shall be maintained to prevent health hazards and pollution of public waters.
- (6) General. No water-carried sewage shall be placed in nonwater-carried waste disposal facilities. Contents of nonwater-carried waste disposal facilities shall not be discharged into storm sewers, on the surface of the ground or into public waters.
- (8) No person shall cause or allow the installation or use of a portable toilet unless the portable toilet is covered by a valid and effective contract with a person licensed pursuant to ORS 454.695. The portable toilets shall display the business name of the sewage disposal service that is responsible for servicing them.

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

Amend OAR 340-71-415(2 and 3) as follows:

- (2) Variances from any standard contained in [Rules 340-71-220 and 340-71-260 through 340-71-315 and 340-71-355] OAR 340, Division 71 may be granted to applicants for permits by special variance officers appointed by the Director.
- (3) No variance may be granted unless the Commission or a special variance officer [finds, or in the case of an appeal to the Commission, the Commission] finds that:
 - (a) Strict compliance with the rule or standard is inappropriate for cause; or
 - (b) Special physical conditions render strict compliance unreasonable, burdensome, or impractical.

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

Amend OAR 340-71-500(5) as follows:

- (5) The site criteria for approval of community systems shall be the same as required for standard subsurface systems contained in section 340-71-220(2), or in the case of community alternative systems, the specific site conditions for that system contained in rules 340-71-260 through [340-71-355.] 340-71-275; 340-71-290 through 340-71-305; 340-71-315; and 340-71-345.

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

Amend OAR 340-71-600(1) as follows:

340-71-600 SEWAGE DISPOSAL SERVICE.

- (1) For the purpose of these rules "Sewage Disposal Service" means:
- (a) The installation of on-site sewage disposal systems (including the placement of portable toilets), or any part thereof; or
 - (b) The pumping out or cleaning of on-site sewage disposal systems (including portable toilets), or any part thereof; or
 - (c) The disposal of material derived from the pumping out or cleaning of on-site sewage disposal systems (including portable toilets); or
 - (d) Grading, excavating, and earth-moving work connected with the operations described in subsection (1) (a) of this rule, except streets, highways, dams, airports or other heavy construction projects and except earth-moving work performed under the supervision of a builder or contractor in connection with and at the time of the construction of a building or structure; or
 - (e) The construction of drain and sewage lines from five (5) feet outside a building or structure to the service lateral at the curb or in the street or alley or other disposal terminal holding human or domestic sewage; or
 - [(f) Leasing or renting portable toilets to any person.]

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

Amend OAR 340-71-600(8) as follows:

(8) Personnel Responsibilities:

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

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

Amend OAR 340, Division 71, Table 1 as follows:

TABLE 1

Items Requiring Setback	From Sewage Disposal Area Including Replacement Area	From Septic Tank And Other Treatment Units, Effluent Sewer and Distribution Units
1. Groundwater Supplies	100'	50'
2. Temporarily Abandoned Wells	100'	50'
3. Springs:		
-- <u>Upgradient</u> [Upslope from Effective Sidewall] . . .	50'	50'
-- <u>Downgradient</u> [Downslope from Effective Sidewall] .	100'	50'
*4. Surface Public Waters	100'	50'
5. Intermittent Streams, <u>Irrigation Canals:</u>		
-- <u>Piped (watertight 25' each direction)</u>	20'	20'
-- <u>Unpiped</u>	50'	50'
6. Groundwater Interceptors (<u>3' deep or less</u>), Agricultural Drain Tile: [Ditches (Except in the Dewatering Systems)]	[50]	[50]
-- <u>Upgradient</u>	10'	20'
-- <u>Downgradient</u>	20'	20'
7. Curtain Drains, <u>Groundwater Interceptors</u> (<u>deeper than 3'</u>):		
-- <u>Upgradient</u> [Upslope from Effective Sidewall] . . .	10'	10' [5']
-- <u>Downgradient</u> [Downslope from Effective Sidewall] .	50'	25'
[8. Irrigation Canals:]		
[<u>Upslope from Effective Sidewall</u>]	[25']	[25']
[<u>Downslope from Effective Sidewall</u>]	[50']	[50']
[9] <u>8.</u> Cuts Manmade in Excess of 30 Inches (Top of Downslope Cut):		
-- Which Intersect Layers that Limit Effective Soil Depth Within 48 Inches of Surface	50'	25'
-- Which Do Not Intersect Layers That Limit Effective Soil Depth	25'	10'
[10] <u>9.</u> Escarpments:		
-- Which Intersect Layers that Limit Effective Soil Depth	50'	10'
-- Which Do Not Intersect Layers That Limit Effective Soil Depth	25'	10'
[11] <u>10.</u> Property Lines	10'	10'
[12] <u>11.</u> Water Lines	10'	10'
[13] <u>12.</u> Foundation Lines of any Building, Including Garages and Out Buildings	10'	5'

* This does not prevent stream crossings of pressure effluent sewers.

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

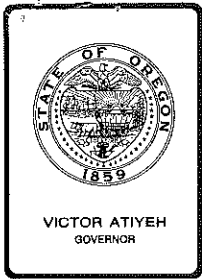
340-73-075 SELF-CONTAINED NONWATER-CARRIED TOILET FACILITIES.

- (1) General Standards. All self-contained nonwater-carried toilet facilities shall comply with the following requirements:
 - (a) They shall have water-tight chambers constructed of reinforced concrete, plastic, fiberglass, metal, or of other material of acceptable durability and corrosion resistance, approved by the Department, and designed to facilitate the removal of the wastes.
 - (b) Black wastes shall be stored in an appropriate chamber until removal for final disposal elsewhere. Wastes shall be removed from the chamber whenever necessary to prevent overflow.
 - (c) Chemicals containing heavy metals, including but not limited to copper, cadmium and zinc, shall not be used in self-contained toilet facilities.
 - (d) All surfaces subject to soiling shall be impervious, easily cleanable, and readily accessible.
- (2) Vault Toilet Facilities:
 - (a) The minimum capacity of vaults shall be three hundred-fifty (350) gallons or, in places of employment, one hundred (100) gallons per seat.
 - (b) Caustic shall be added routinely to vault chambers to control odors.
- (3) Chemical Toilet Facilities:
 - (a) Toilet bowls shall be constructed of stainless steel, plastic, fiberglass, ceramic or of other material approved by the Department.
 - (b) Waste passages shall have smooth surfaces and be free of obstructions, recesses or cross braces which would restrict or interfere with flow of black wastes.

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

- (c) Biocides and oxidants shall be added to waste detention chambers at rates and intervals recommended by the chemical manufacturer and approved by the Department.
- (d) Chambers and receptacles shall provide a minimum storage capacity of fifty (50) gallons per seat.
- (e) Portable shelters housing chemical toilets shall display the business name of the licensed sewage disposal service that [owns and] is responsible for servicing them.

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



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E, February 24, 1984, EQC Meeting

Request for Authorization to Conduct a Public Hearing on Proposed Amendments to the General Groundwater Quality Protection Policy, OAR 340-41-029, to Incorporate Additional Policies for Control Program Implementation.

Background and Problem Statement

On August 28, 1981, the Environmental Quality Commission adopted a General Groundwater Protection Policy (OAR 340-41-029). The policy is ". . . intended to guide federal agencies and state agencies, cities, counties, industries, citizens, and the Department of Environmental Quality staff in their efforts to protect the quality of groundwater."

Where groundwater quality is being threatened or degraded as a result of waste discharges or activities of identified individual sources, the policy has provided reasonable guidance for using permit requirements and schedules to achieve progress toward correction and protection. The greatest obstacle continues to be the difficulty, cost, and time required to gather the data necessary to determine the nature and extent of the problem so as to plan the necessary control program.

Where groundwater quality is being degraded by on-site sewage disposal practices in unincorporated areas of urban density development, the policy seeks cooperation of the responsible local government to develop and implement a plan to abate the problem. The Department is working with several problems of this type where a responsible local government in the area is not clearly defined. In addition, the form of the current declaration of groundwater quality problems in such areas has not been consistent and is not very clear. As a result, progress has been slow at best.



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Additional guidance is desirable for describing groundwater quality degradation problem areas where an areawide solution is needed, for establishing clear requirements and schedules for abatement, and for assuring that all potentially responsible local units of government are notified of their responsibilities for problem correction.

Alternatives and Evaluation

One alternative considered by the Department is to continue to rely on the existing statement of policy, but with an effort to more systematically and formally document problem areas and requested control programs. Some of the initially identified groundwater problem areas are presently documented only by "implication" in the on-site sewage disposal rules as a result of a moratorium rule or establishment of a date after which cesspool type sewage disposal systems will not be approved. More recently, in the cases of the LaPine and North Florence groundwater quality problem areas, the Department has proposed rules which were adopted by the Commission as part of the Deschutes and Mid-Coast Water Quality Management Plans respectively. These latter rules were an effort to move to a more systematic documentation of problems. The Department would intend to continue this approach in the event no other guidance is provided by the Commission.

Another alternative is to propose modifications to the General Groundwater Quality Protection Policy to provide clearer guidance to the Department as well as the potentially impacted local governments. Such modifications would more specifically define the process to be followed in imposing a requirement upon the appropriate local governments to develop and implement a program to control sewage discharges to groundwater. The Department would prefer this approach since better guidance from the Commission will be of some assistance in dealing with local governments on problem areas.

Attachment A contains proposed modifications to the General Groundwater Quality Protection Policy to implement the preferred alternative. Changes include some rearrangement of existing policy statements, addition of a new subsection (3) labeled "Problem Abatement Policies" and deletion of two existing subsections that are replaced by the new section.

The new subsection (3) describes a process for enacting a rule which would describe the area where groundwater quality is degraded by on-site sewage disposal practices and prescribe the required control program and schedule.

ORS 468.020 together with the policy direction established in ORS 468.710 and ORS 468.715 give the Commission authority to adopt the proposed rule amendments.

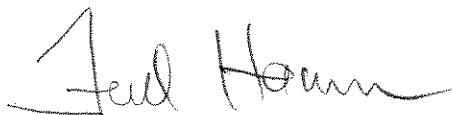
Summation

1. On August 28, 1983, the Commission adopted a General Groundwater Protection Policy (OAR 340-41-029).

2. Expansion of the policy is desirable to provide more specific direction regarding the process to be followed in imposing a requirement upon the appropriate local governments to develop and implement a program to control sewage discharges to groundwater in urbanized areas where on-site sewage disposal practices are adversely impacting groundwater quality.
3. ORS 468.020 together with the policy direction established in ORS 468.710 and ORS 468.715 give the Commission authority to adopt rules and rule amendments.

Director's Recommendation

Based on the summation, it is recommended that the Commission authorize a public hearing to take testimony on whether to amend the existing General Groundwater Quality Protection Policy, OAR 340-41-029, as proposed in Attachment A.



Fred Hansen

Attachments: (3) Proposed Amendments to OAR 340-41-029
Statement of Need for Rulemaking
Proposed Hearing Notice

Neil J. Mullane:g
229-6065
February 13, 1984

TG3221

Proposed Amendments to OAR 340-41-029

GENERAL GROUNDWATER QUALITY PROTECTION POLICY

The following statements of policy are intended to guide federal agencies and state agencies, cities, counties, industries, citizens, and the Department of Environmental Quality staff in their efforts to protect the quality of groundwater:

(1) [PLANNING POLICIES:] GENERAL POLICIES

- (a) It is the policy of the EQC that within its responsibilities for the regulation and control of waste sources, such activities be conducted in a manner so as to minimize the impairment of the natural quality of groundwater within practicable limits to protect presently recognized beneficial uses and assure protection of the resources for beneficial use by future generations.
- (b) [(c)] In order to assure maximum reasonable protection of public health, the public should be informed that groundwater--and most particularly local flow systems or shallow groundwaters--should not be assumed to be safe for domestic use unless quality testing demonstrates a safe supply. Domestic water drawn from shallow aquifers should be tested frequently to assure its continued safety for use.
- (c) [(b)] For the purpose of making the best use of limited staff resources, the Department will concentrate its control strategy development and implementation efforts in areas where waste disposal practices and activities regulated by the Department have the greatest potential for degrading groundwater quality. These areas will be delineated from a statewide map outlining the boundaries of major water table aquifers prepared in 1980 by Sweet, Edwards & Associates, Inc. This map may be revised periodically by the Water Resources Department.
- (d) The Department will seek the assistance and cooperation of the Water Resources Department to design an ambient monitoring program adequate to determine long-term quality trends for significant groundwater flow systems. The Department will assist and cooperate with the Water Resources Department in their groundwater studies. The Department will also seek the advice, assistance, and cooperation of local, state, and federal agencies to identify and resolve groundwater quality problems.

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

[(e) The EQC recognizes that orderly financing and implementation of a long-range groundwater improvement and quality protection plan may necessitate some increased quality degradation for a short period of time. The EQC may approve a groundwater quality protection plan which allows limited short-term further degradation provided:]

[(A) Beneficial use impairment will not be significantly increased;]

[(B) Public health risk is not significantly increased;]

[(C) Irreparable damage to the groundwater resources does not occur; and]

[(D) The groundwater quality protection plan has been duly adopted as part of the comprehensive planning process by the responsible local government,]

[(E) A financing plan has been developed and adopted to assure implementation, and]

[(F) The responsible local government has committed to implement the program in accordance with a timetable which is included in a written agreement with the EQC.]

(e) [(3)] The EQC recognizes and supports the authority and responsibilities of the Water Resources Department and Water Policy Review Board in the management of groundwater and protection of groundwater quality. In particular, existing programs to regulate well construction and to control the withdrawal of groundwater provide important quality protective opportunities. These policies are intended to complement and not duplicate the programs of the Water Resources Department.

(2) [PROGRAM POLICIES:] SOURCE CONTROL POLICIES

(a) Consistent with general policies for protection of surface water, highest and best practicable treatment and control of sewage, industrial wastes, and landfill leachates, shall be required so as to minimize potential pollutant loading to groundwater. Among other factors, energy, economics, public health protection, potential value of the groundwater resource to present and future generations, and time required for recovery of quality after elimination of pollutant loadings may be considered in arriving at a case-by-case determination of highest and best practicable treatment and control. For areas where urban density development is planned or is occurring and where rapidly draining soils overlay local groundwater flow systems and their associated shallow aquifers, the collection, treatment and disposal of

sewage, industrial wastes and leachates from landfills will be deemed highest and best practicable treatment and control unless otherwise approved by the EQC pursuant to subsections (b) and (c) of this section.

- (b) Establishment of controls more stringent than those identified in subsection (a) of this section may be required by the EQC in situations where:
 - (A) DEQ demonstrates such controls are needed to assure protection of beneficial uses;
 - (B) The Water Resources Director declares a critical groundwater area for reasons of quality; and
 - (C) EPA designates a sole source aquifer pursuant to the Federal Safe Drinking Water Act.
- (c) Less stringent controls than those identified in subsection (a) of this section may be approved by the EQC for a specific area if a request, including technical studies showing that lesser controls will adequately protect beneficial uses is made by representatives of the area and if the request is consistent with other state laws and regulations.
- (d) Disposal of wastes onto or into the ground in a manner which allows potential movement to groundwater shall be authorized and regulated by the existing rules of the Department's Water Pollution Control Facility (WPCF) Permit, Solid Waste Disposal Facility Permit, or On-Site (Subsurface) Sewage Disposal System Construction Permit, whichever is appropriate:
 - (A) WPCF permits shall specify appropriate groundwater quality protection requirements and monitoring and reporting requirements. Such permits shall be used in all cases other than for those covered by Solid Waste Disposal Facility Permit or On-site (subsurface) sewage disposal permits.
 - (B) Solid Waste Disposal Facility Permits shall be used for landfills and sludge disposal not covered by NPDES or WPCF permits. Such permits shall specify appropriate groundwater quality protection requirements and monitoring and reporting requirements.
 - (C) On-Site Sewage Disposal System Construction permits shall be issued in accordance with adopted rules. It is recognized that existing rules may not be adequate in all cases to protect groundwater quality. Therefore, as deficiencies are documented, the Department shall propose rule amendments to correct the deficiencies.

[(e) Where groundwater quality is being degraded by waste disposal practices, the Department will require individual sources to improve or modify waste treatment and disposal practices as necessary to reduce the pollutant loading to groundwater. Such requirements will be implemented by permit condition or repair order as appropriate. For areas where an areawide approach is essential (rather than an individual approach), the Department will seek cooperation of the responsible local government to develop and implement a regional groundwater quality protection plan to abate the problem. A written agreement should be used in such cases to delineate the planned correction program and timetable. The Department will report to more formal pollution abatement actions such as abatement orders and civil penalties only if voluntary compliance efforts within a specified time frame are not successful.]

(e) [(f)] In order to minimize groundwater quality degradation potentially resulting from nonpoint sources, it is the policy of the EQC that activities associated with land and animal management, chemical application and handling, and spill prevention be conducted using the appropriate state of the art management practices ("Best Management Practices").

(3) PROBLEM ABATEMENT POLICIES

(a) In areas where groundwater quality is being degraded as a result of existing individual source activities or waste disposal practices the Department may establish the necessary control and abatement schedule requirements to be implemented by the individual sources to modify or eliminate their activities or waste disposal practices through existing permit authorities or Commission order issued pursuant to ORS Chapter 183.

(b) In urban areas where groundwater is being degraded as a result of individual on-site sewage disposal practices and an areawide solution is necessary, the Department may propose a rule for adoption by the Commission and incorporation into the appropriate basin section of the State Water Quality Management Plan (OAR Division 41) which will achieve the following:

(A) Recite the findings describing the problem.

(B) Define the area where corrective action is required.

(C) Describe the problem correction and prevention measures to be ordered.

(D) Establish the schedule for required major increments of progress.

- (E) Identify conditions under which new, modified, or repaired on-site sewage disposal systems may be installed in the interim while the area correction program is being implemented and is on schedule.
 - (F) Identify the conditions under which enforcement measures will be pursued if adequate progress to implement the corrective actions is not made. These measures may include but are not limited to the measures authorized in ORS 454.235(2).
 - (G) Identify all known affected local governing bodies who the Department will notify by certified mail of the final rule adoption.
- (c) The Department shall notify all known impacted or potentially affected local units of government of the opportunity to comment on the proposed rule at a scheduled public hearing and of their right to request a contested case hearing pursuant to ORS Chapter 183 prior to the Commission's final order adopting the rule.

Neil J. Mullane:g
229-6065
TG578
2/10/84

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

ATTACHMENT B

Agenda Item F, February 24, 1984, EQC Meeting

STATEMENT OF NEED FOR RULEMAKING

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

(1) Legal Authority

This proposal amends OAR 340-41-029, General Groundwater Quality Protection Policy. It is proposed under authority of ORS 468.020.

(2) Need for the Rule

The Commission and the Department are becoming increasingly involved in the correction of existing groundwater pollution problems. The Commission adopted on August 28, 1981, a General Groundwater Protection Policy which set forth policies to provide guidance to the Department in the approaches used to address groundwater pollution. This proposed amendment will add a section to the existing rule to provide policies on the abatement of groundwater quality problems. Specifically, it identifies the actions to be taken by the Department to develop and implement groundwater quality control programs.

(3) Principal Documents Relied Upon in this Rulemaking

1. Environmental Quality Commission Report from the Director, Agenda Item No. R, dated August 28, 1981.
2. OAR 340-41-029, General Groundwater Quality Protection Policy.
3. Report entitled "Groundwater Quality Protection, Background Discussion and Proposed Policy," prepared by the Oregon Department of Environmental Quality, April 1980 (revised August 1980).

(4) Fiscal and Economic Impact

The proposed amendments to the General Groundwater Quality Protection Policy (OAR 340-41-029) are aimed specifically at imposing requirements for future rules developed to abate local groundwater quality problems. The local rules developed under these guiding policies will, in most circumstances, increase the costs for waste water treatment and control in order to modify or eliminate the polluting discharge or activity.

1. Abatement policy (a) is directed toward individual source activities. Costs for abatement may be substantial and may include private citizens or business firms. To the extent that there are increased costs, the small business impact is negative.

2. Abatement policy (b) is directed toward urban areas, and may impact local governments, private citizens, and businesses. The proposed amendment will provide guidance to local governments on the development and implementation of groundwater problem abatement plans. To the extent that uncertainties about waste water treatment and control are removed and good planning is facilitated, the impact on local government and small business is positive. However, it should be recognized that construction of needed facilities may impose fiscal and economic costs on the affected local government and hence the impact could be negative.

The implementation of the abatement plans may also impose fiscal and economic costs on the small businesses in the affected area and, therefore, it could have a negative impact.

(5) Land Use Consistency

The proposed amendment to the General Groundwater Quality Protection Policy conforms with Statewide Planning Goals and Guidelines.

Goal 6 (Air, Water, and Land Resources Quality) The proposed rule amendment is designed to improve and maintain water quality statewide and is consistent with the Goal.

Goal 11 (Public Facilities and service): The proposed amendment will facilitate implementation of needed pollution control facilities and is consistent with the goal.

The proposed rule amendment 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 manner as 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 appropriate conflicts brought to our attention by local, state or federal authorities.

Neil J. Mullane:g
229-6065
2-2-84

TG3175

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Proposed Amendments to the State's Groundwater Quality Protection Policy

Date Prepared:

Hearing Date:

Comments Due:

**WHO IS
AFFECTED:**

Residents and landowners in areas where the Department of Environmental Quality would require waste water control programs for the protection of groundwater quality.

**WHAT IS
PROPOSED:**

The Department of Environmental Quality is proposing to amend the existing General Groundwater Quality Protection Policy to add policies guiding the development and implementation of control programs to correct groundwater problems resulting from on-site sewage disposal.

**WHAT ARE THE
HIGHLIGHTS:**

The proposed rule describes the informational and procedural requirements for the development and implementation of future groundwater control programs.

The proposed rule would establish procedures for notifying affected local jurisdictions of their responsibilities for developing and implementing control programs.

**HOW TO
COMMENT:**

Public Hearing

(TIME) _____
(DATE) _____
(PLACE) _____

Written comments should be sent to Neil Mullane by _____.

**WHAT IS THE
NEXT STEP:**

The Department will take the proposed rule to the public hearing listed above, summarize the public testimony and modify the proposed rule as a result of testimony or maintain the present language and present the final proposed rule to the Environmental Quality Commission for adoption at a meeting later this year.

TL3072



P.O. Box 1760
Portland, OR 97207

8/10/82

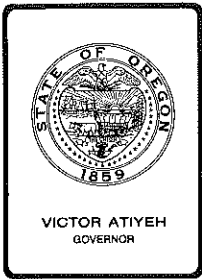
FOR FURTHER INFORMATION:

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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Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F, February 24, 1984, EQC Meeting

Request for Authorization to Conduct a Public Hearing on Proposed Rules for Land Application and Disposal of Sewage Treatment Plant Sludge and Sludge Derived Products Including Septage.

Background and Problem Statement

Sludge is a by-product of sewage treatment processes. The better the treatment, the greater the quantities of sludge. Digestion processes are commonly employed as part of the treatment process in order to stabilize the sludge into a more usable product. An analysis would show that nitrogen, phosphorous, and potassium, are all present as well as small amounts of heavy metals such as lead, zinc, copper, nickel, and cadmium. Dead bacteria cells are found in great abundance and some viable bacteria cells along with viruses may also be found. When properly stabilized, sludge has considerable value as an agricultural supplement, being capable of supplying most of the nutrient needs of many plants. A secondary benefit is derived from the humus quality given to the soil.

In Oregon, sludge from sewage treatment plants has, for the most part, been used beneficially on land. This activity has been monitored through the waste discharge permit program since agricultural application of sludge is exempt from solid waste regulation. When placed in a landfill or on sites at greater than agronomic rates, a solid waste permit from the Department may be required. Sludge from septic tanks (septage) has been placed in holding ponds, land applied, or discharged to municipal waste treatment plants.

A number of problems have been noted by Department staff, such as:

1. Heavy Metals. Heavy metal ions are found in community sewage. They come from plumbing fixtures, school and commercial laboratories, and industrial processes connected to the sewer. If concentrations are high enough they can be toxic to biological processes and inhibit plant growth. Some can be taken up by certain plants and subsequently ingested by animals.



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2. Pathogens. Some bacteria and viruses survive the digestion process. Direct contact with sludge could produce health problems. Therefore, the types of crops where sludge is applied should be restricted.
3. Odor. If sludge has not been well stabilized through the digestion process, odors can result from surface application. Residential housing located adjacent to application site may be adversely impacted.
4. Groundwater. Repeated applications of sludge or application rates greatly in excess of plant nutrient need can result in elevated levels of nitrate in the shallow groundwater. The Mission Bottom area north of Salem is an example where both sludge and commercial fertilizer were added in sufficient quantity to adversely impact groundwater.
5. Runoff. Liquid sludge applied unevenly on steep terrain will run off the land and may cause serious water pollution, nuisance conditions, and public health problems.
6. Leachate. Liquid or semi-liquid sludge deposited in a landfill can contribute to leachate problems where control measures are inadequate.

In response to a growing concern over both existing and potential environmental problems related to sludge use and disposal, the 1983 Legislature enacted HB2240 (Chapter 257, Oregon Laws 1983), now codified as ORS 468.778, which requires the Environmental Quality Commission to adopt rules for the use of sludge on agricultural, horticultural or silvicultural land. The proposed rules are in response to this Legislative mandate.

Alternatives and Evaluation

Alternatives to land application for beneficial use are incineration, ocean disposal, landfill disposal, and land application at greater than agronomic rates. Incineration is expensive and equipment intensive. There is only one sludge incinerator in the state. Ocean disposal has not been permitted. Land application of greater than agronomic rates and landfilling may be used from time to time, by necessity, but they are wasting a valuable resource. Agricultural, horticultural or silvicultural use is preferable.

Because of the inherent problems and concerns with sewage sludge disposal, the Department has used a set of guidelines for sludge disposal. While the guidelines are useful, they lack the element of enforceability. Therefore, certain segments of the guidelines need to be codified as rules.

There has also been a certain segment of the public that has expressed concern over the lack of public involvement in the sludge application program. Since it would not be feasible for the public to get involved with each of the hundreds of sludge application sites approved, the rules require that each municipality provide a sludge management program at the time a permit is issued or renewed. The management program, which would be subject to public review, would include the method of sludge disposal, the general areas of disposal, the types of crops or activities to receive the sludge, and how the application of sludge would be adequately monitored. Additional public participation would be required in sensitive or controversial areas.

The proposed rules have been divided into two parts, rules and guidelines.
The rule section addresses:

The requirement for a permit or license for any person to apply or dispose of sludge.

Responsibility of the permittee/licensee in the transport of this material.

Restricted disposal methods for non-digested sludge and the restricted use of any sludge on fruits or vegetables that may be eaten raw.

Limitations for agricultural application in order to make maximum use of plant nutrients.

The need for Department approval of sites prior to application or disposal of sludge.

The submission of a sludge management plan for review and approval within 120 days of enactment of the rules.

Content of the sludge management plan that must include at least the method of sludge removal, identification of sites, determination of sludge stability, and application rates.

Requirement for new application or disposal sites or expansion of existing sites to be approved by the Department and made part of the sludge management plan.

Provision for public comment prior to approval of any site that may be sensitive or controversial.

Need for consistency with local land use plans prior to site approval.

A monitoring and reporting program that is necessary to calculate the appropriate application rate of sludge. This will help determine site life and minimize potential adverse impacts.

The guideline section addresses:

Suggested cropping needs with respect to nitrogen and other elements.

Appropriate time periods between sludge application and crop planting or livestock grazing.

Criteria for determining the stability of digested sludge.

Criteria for site selection with respect to flood plains, depth to groundwater, topography, soil depth, soil pH, setback and buffer strips.

Need for soil analysis and monitoring.

A general discussion on the benefits and precautions to be observed in the use of sludge.

Summation

1. The construction and operation of high performance sewage treatment facilities is producing great quantities of sludge.
2. Sludge is a recyclable resource with proven benefits that can be used beneficially for agricultural purposes.
3. When used for agricultural purposes, sludge is exempt from existing solid waste rules.
4. In order to provide maximum environmental protection and safeguard public health, ORS 468.778 requires the adoption of rules for use of sludge.
5. ORS 468.778 requires that the rules include a mechanism for public participation in sludge application.

Recommendation

Based upon the Summation, it is recommended that the Commission authorize public hearing(s) to take testimony on the Proposed Rules for Land Application and Disposal of Sewage Treatment Plant Sludge and Sludge Derived Products Including Septage.



Fred Hansen

Attachments (2)

1. Draft Rules
2. Public Notice

E. R. Lynd:l
(503) 229-5371
WL3067
February 9, 1984

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 50

DIVISION 50

LAND APPLICATION AND DISPOSAL OF SEWAGE TREATMENT PLANT SLUDGE AND SLUDGE
DERIVED PRODUCTS INCLUDING SEPTAGEPurpose

340-50-005 It is the purpose of these rules to protect the environment and public health in Oregon by prescribing the methods, procedures and restrictions required for the safe handling, use, and disposal of sewage sludge. Industrial sludge and agricultural wastes are not included in these rules.

DEFINITIONS

340-50-010 As used in these rules unless otherwise required by context.

(1) "Accumulator" crops means swiss chard, lettuce, spinach, carrots and other crops that have been shown to readily accumulate cadmium

(2) "Agronomic Application Rate" means a rate of sludge or septage application which matches nutrient requirements for a specific crop on an annual basis.

(3) "Beneficial Use Site" means any approved site for application of a regulated amount of sludge or septage used for crop or livestock production, sand dune stabilization, or soil improvement.

(4) "Cation Exchange Capacity" (CEC) means the sum total of exchangeable cations that a soil can absorb. Expressed in milli-equivalents per 100 grams of soil.

(5) "Chemical Treatment" means the process of mixing lime or other chemicals with municipal sludge to reduce the number of bacterial pathogens or amount of putrescible matter.

(6) "Composting" means a process by which sludge or septage is aerated and mixed with carbonaceous material to promote rapid decomposition and ultimate stabilization as well as pathogen reduction.

(7) "Controlled Access" means that public entry or traffic is unlikely, for example agricultural land that is privately owned. Parks or other public land may require fencing to insure controlled access.

(8) "Department" means the Oregon Department of Environmental Quality.

(9) "Digested Sludge" means sludge resulting from a controlled process which significantly reduces volatile solids and pathogens.

(10) "Disposal Site" means a Department approved site used for disposal of sludge or septage in excess of agronomic application rates.

(11) "Dried Sludge" means sludge with a solids concentration of greater than twenty (20) percent.

(12) "Dewatered Sludge" means sludge with a solids concentration between ten (10) and twenty (20) percent.

(13) "Heat Drying" means a process of applying heat as a means of removing excess water from sludge as well as destroying pathogens.

(14) "Heat Treated" means a process of subjecting sludge to high pressure and/or temperature such that all organisms are destroyed.

(15) "Liquid Sludge" means sludge with a solids concentration of less than ten (10) percent.

(16) "Non-digested Sludge" means sludge that has accumulated in a digester not operating efficiently or a septic tank process whose function is confinement and/or separation of liquids and solids.

(17) "NPDES Permit" means a waste discharge permit issued in accordance with requirements and procedures of the National Pollutant Discharge Elimination System authorized by the Federal Clean Water Act and of OAR 340 - Division 45.

(18) "Person" means the United States and agencies thereof, and state, any individual, public or private corporation, political subdivision, governmental agency, municipality, co-partnership, association, firm, trust, estate or any other legal entity whatever.

(19) "Raw Sewage Sludge" means non-decomposed or non-oxidized sewage sludge.

(20) "Septage" means the pumpings from septic tanks, cesspools, holding tanks, chemical toilets and other sewage sludges not derived at sewage treatment plants.

(21) "Sewage" or "Domestic Waste Water" means the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present that flow to waste water treatment plants.

(22) "Sewage Sludge" or "Sludge" means the accumulated suspended and settleable solids of sewage or waste water, respectively, deposited in tanks or basins mixed with water to form a semi-liquid mass.

(23) "Treatment" or "Waste Treatment" means the alteration of the quality of waste waters by physical, chemical or biological means or a combination thereof such that the tendency of said wastes to cause any degradation in water quality or other environmental conditions is reduced.

(24) "WPCF Permit" means a water pollution control facility permit issued by the Department in accordance with the procedures of OAR 340 Division 14 and which is not an NPDES permit.

Permits

340-050-015 Any person engaged in sewage treatment or collection processes where sludge is produced and subsequently disposed of, must have in their possession either a valid NPDES or WPCF permit obtained pursuant to ORS 468.740 or a solid waste disposal permit obtained for a specific site as provided by ORS 459.205 or a valid sewage disposal service license issued pursuant to ORS 454.695. Permit issuance or renewal will require evaluation of the sludge management plan which must identify all sites used for sludge application or disposal.

Responsibility

340-050-020 It is the responsibility of the permittee and/or licensee to insure the proper handling, disposal, and application of all sludge generated or pumped. Transportation of the sludge to the disposal or application site shall be made in such a manner as to prevent leaking or spilling the sludge onto highways, streets, roads, waterways, or other land surfaces not approved for sludge application.

Limitations & Restricted Uses

340-50-025 (1) Written authorization must first be obtained from the Department prior to burial, containment or direct soil incorporation of raw and/or non-digested sludge or septage. Surface application of septage or non-digested sludge will be permitted only on remote sites where there is little likelihood of creating a public nuisance or adverse impact to public waters of the state.

(2) Sludge shall not be given or sold to the public without their knowledge as to its origin. Sludge analysis shall be available on request from the treatment plant.

(3) Sludge application to agricultural or forest land shall not exceed the nitrogen loading required for maximum crop yield.

(4) No sludge or sludge derived product shall be used directly on fruits or vegetables that may be eaten raw.

Site Selection and Approval

340-050-030 (1) Prior approval must be obtained in writing from the Department for the application of sludge or septage on beneficial use sites or disposal sites.

(2) All persons engaged in sludge disposal or application activity shall submit a sludge management plan to the Department for review and approval. Unless notified earlier by the Department, all plans shall be submitted within one hundred twenty (120) days of enactment of these rules.

(3) The sludge management plan shall be current and kept on file with the permit or license. The plan must include but not be limited to; (1) method(s) of sludge removal, (2) sites identified for land application or disposal, (3) method(s) for determining degree of sludge stability, (4) projected use of sludge storage basins if appropriate, and (5) application rates and heavy metal limitations.

(4) New sites for sludge application and the expansion of existing sites must be proposed to the Department in writing and prior to the use of such sites written authorization received. New approved sites shall be made a part of the sludge management plan.

(5) Prior to approval of any proposed site that may be sensitive with respect to residential housing, runoff potential or threat to groundwater, the Department may require an opportunity for public comment and public hearing.

(6) Plans for sludge impoundment ponds or reservoirs proposed for temporary storage to facilitate the application of sludge must be submitted to the Department and written approval received prior to the use of such ponds or reservoirs.

(7) Site approval or denial must be consistent with local land use plans. If a proposed site is not approved, the reasons for denial must accompany the response.

Monitoring and Reporting

340-050-035 (1) The permittee shall provide sludge analysis and maintain a log of sludge applied to approved sites. The agricultural application site log shall become part of the site authorization and must be available for Department review during the life of the application site. Site logs shall be maintained as part of the permittee's permanent records.

(2) Sludge analyses shall be performed on a representative sample and shall include but not be limited to:

Lead (Pb)	mg/kg dry weight
Zinc (Zn)	mg/kg dry weight
Copper (Cu)	mg/kg dry weight
Nickel (Ni)	mg/kg dry weight
Cadmium (Cd)	mg/kg dry weight
Total Nitrogen (N)	% dry weight
Nitrate Nitrogen (NO ₃)	% dry weight
Ammonia Nitrogen (NH ₃)	% dry weight
Phosphorous (P)	% dry weight
Potassium (K)	% dry weight
pH	standard units
Total Solids	%
Volatile Solids	%

All tests shall be performed using either standard methods* or EPA Laboratory methods. Except as otherwise required by the Department, minimum frequency of sludge analyses shall be:

<u>Plant Size</u>	<u>Frequency</u>
> 10 MGD	Quarterly
2-10 MGD	Semi-Annually
0.5-2 MGD	Annually
<0.5 MGD	As required

* Standard Methods for the Examination of Water and Wastewater.
Published by: American Public Health Association
American Water Works Association
Water Pollution Control Federation

GUIDELINES FOR THE USE, SITE SELECTION AND APPLICATION OR DISPOSAL OF SLUDGE AND SEPTAGE

Purpose

340-050-060 The following guidelines are meant to provide assistance in the development of environmentally acceptable sludge and septage use and/or disposal programs. They convey many of the criteria considered by the Department to be important in the use, site selection and application or disposal of sewage treatment plant sludge, sludge derived products and septage.

Use Limitations

340-050-065 (1) Controlled access to municipal sludge application sites for 12 months following a surface application is required. Access control is assumed on rural private land.

(2) Where sludge is applied for agricultural use, Nitrogen requirements for particular crops can be obtained from the Oregon Cooperative Extension Service. Surface applications may be doubled on some perennial crops since NH_3 volatilization may account for up to a fifty (50) percent loss of available N.

(3) As a general rule, crops grown for direct human consumption (fresh market fruits and vegetables) should not be planted until 18 months after municipal sludge application. If the edible parts will not be in contact with the sludge amended soil, or if the crop is to be treated or processed prior to marketing such that pathogen contamination is not a concern, this requirement may be waived.

(4) Grazing animals should not be allowed on pasture or forage where digested sludge has been applied until thirty (30) days after application.

Grazing restrictions may be extended to six (6) months where non-digested sludges are applied.

(5) Compost derived from sludge and heat dried sludge may be used on indoor and outdoor ornamental plants, shrubs, trees and grass without restricting public access.

(6) Suggested criteria for complete digestion are as follows:

(a) Anaerobic digestion: The process is conducted in the absence of air at residence times ranging from 60 days at 20°C to 15 days at 35°C to 55°C, with a volatile solids reduction of 30 to 40 percent, or volatile solids content of 60 percent or less.

(b) Aerobic digestion: The process is conducted by agitating sludge with air or oxygen to maintain aerobic conditions at residence times ranging from 60 days at 15°C to 40 days at 20°C with a volatile solids reduction of 30 to 40 percent, or volatile solids content at 60 percent or less.

Criteria For Site Selection and Approval

340-050-070 (1) Sites should be on a stable geologic formation not subject to flooding or excessive runoff from adjacent land. If periodic flooding cannot be avoided, the period of application should be restricted and soil incorporation is recommended.

(2) At the time of application the minimum depth to permanent groundwater should be four (4) feet and the minimum depth to temporary groundwater should be one (1) foot. Sites approved for year-round application should be evaluated carefully to insure that groundwater separation distances conform with these requirements.

(3) Topography of the site should be suitable to allow normal agricultural operations. Where needed, runoff and erosion control measures should be constructed. In general, liquid sludge should not be surface applied on bare soils where the ground slope exceeds twelve (12) percent. Sites with slopes up to twenty (20) percent may be used for dewatered or dried sludge, for direct incorporation of liquid sludge into the soil, or for liquid sludge application with appropriate management to eliminate runoff. In Western Oregon where soil incorporation on sloping ground is not feasible, sludge applications should be restricted to the dry seasons.

(4) Soil should have a minimum rooting depth of twenty-four (24) inches. The underlying substratum should not be rapidly draining so that leachate will not be short circuited into groundwater.

(5) Where heavy metal "accumulator" crops are grown, the soil should have a pH of 6.5 to 8.2. If the pH is below 6.5 at sites where sludge is applied above agronomic rates on an annual basis, or where sludges contain unusually high

concentrations of heavy metals, the soil should be limed to raise and maintain the pH 6.5 or above. Saline and/or alkali soils should be avoided.

(6) Discretion should be used in approving application of sludge on land that is in close proximity to residential areas. A buffer strip large enough to prevent nuisance odors or wind drift problems is needed. Size of the buffer strip will depend upon the method of application used and proximity to sensitive areas, for example:

- (a) Direct injection: no limit required
- (b) Truck spreading: 0 to 50 feet
- (c) Spray irrigation: 300 to 500 feet

(7) Buffer strips should be provided along well traveled highways. The size of the buffer strip will vary with local conditions and should be left to the discretion of the Department field representative. No sludge should be spread at the site closer than fifty (50) feet to any ditch, channel, pond or waterway or within two hundred (200) feet of a domestic water source or well.

Monitoring and Reporting

340-050-075 (1) Where sludge is applied at or below agronomic rates (based on crop N requirements), no monitoring other than the sludge analyses and cumulative application of sludge to a site will be required. If sludge contains high concentrations of heavy metals (Table 1) or other toxic elements, or if crop N requirements are exceeded on an annual basis, additional monitoring and special management practices may be required.

(2) Sludge or septage may be applied to approved disposal sites above agronomic rates so long as runoff, nuisance conditions or groundwater contamination do not occur.

(3) Test wells may be required on any site on a case-by-case basis at the discretion of the Department.

(4) The quantity and type of sludge from the municipal sewage treatment plant used either for disposal or beneficial use purposes shall be reported on the monthly operational report form and returned to the DEQ. In service areas where industrial processes are likely to create heavy metal concentrations higher than those found in domestic sludge, pre-treatment is required to reduce the concentration of heavy metals and extend the useful life of the application site.

Application of Municipal Sludge and Septage

340-050-080 (1) The application of sludge on agricultural land should be managed to utilize the fertilizer value to the maximum extent possible. The recommended rate of sludge application is based on the nitrogen requirement of the crop grown and will vary depending on the nitrogen content of the sludge. Calculations to determine the amount of heavy metals being applied to land in sludge are also necessary to insure long term conformance with loading limits (Table 2).

(2) Sludge analyses offer a guide to determine the rate of application for a particular crop. Crop nitrogen requirements are used routinely to determine application rates for commercial fertilizer and these figures are readily available from state or county Extension Service offices. Applying sludge within these limits insures that sludge nitrogen will be utilized for plant growth and that excess nitrogen which could leach into groundwater will not be of concern. Exceeding crop nitrogen requirements may occasionally be justified in order to achieve rapid soil improvement or to prolong beneficial effects.

(3) Municipal sludge contains trace amounts of potentially toxic substances including: zinc (Zn), copper (Cu), nickel (Ni), and cadmium (Cd). Many agricultural chemicals including commercial fertilizers and pesticides are also potentially toxic; however, with safe and appropriate management, these products are used with proven success and cause little if any environmental degradation.

(4) Zn, Cu, and Ni can be toxic to plants when present in soils in excessive amounts. These metals, however, constitute little hazard to the food chain through plant accumulation. The total amount of these metals which may be applied to soil can be limited to prevent toxicity problems (Table 2). The concentration of metals in Oregon sludges is generally low so sludge may be applied annually to a given site for many years before loading limits would be reached. Where background soil pH is less than 6.5, cumulative Cd application should not exceed 5 kg/ha (4.5 lb/acre). Cumulative loading rates of other metals should be considered where concentrations exceed those listed in Table 1.

(5) Soil pH has been shown to affect Cd uptake for leafy green vegetables and some root crops. Lime should be applied to raise soil pH to a 6.5 or greater where these metal "accumulator" crops are grown to minimize Cd uptake. Soil pH adjustment may be warranted on other fruit or vegetable crops grown for processing to satisfy liability concerns.

(6) For most crops grown in Oregon (grasses, forage crops, grains, and fruits) field studies indicate there is no correlation between soil pH and Cd uptake.

(7) Sewage sludge and septic tank pumpings contain microorganisms which may be pathogenic to man. Treatment plant digestion processes and septic tank residence times greatly reduce the number of disease causing organisms which will be found in the final product. Those which survive the treatment process die off rapidly when subjected to sunlight, soil incorporation, and competition with other micro-organisms.

(8) Crops grown for direct consumption (fresh market) have the potential of contamination by low numbers of intestinal worm eggs and pathogenic organisms. Root crops and leafy vegetables which are grown in direct contact with sludge amended soil require an 18 month waiting period between sludge application and planting to insure sanitation. When concern exists regarding possible indirect contamination of fresh marketed crops such as green beans,

pole crops, sweet corn, fruit and nuts, the same waiting period restriction applies. Management practices such as soil incorporation or injection in advance of planting or fruit set may reduce the hazard of contamination.

There is no restriction on planting time for crops not grown for direct human consumption.

(9) Application of digested sludge is of some concern with pasture and forage crops. "Animals whose products are consumed by humans" should be prevented from grazing for at least one month following sludge application. This is particularly true for dairies, where animal contact or direct ingestion of sludge could result in milk contamination. Where non-digested sludges are applied to pasture, restrictions on grazing should be extended to 6 months.

Table 1
(340-050-075)

Metal Content of a Sludge Appropriate for General Application to
Agricultural Land

<u>Element</u>	<u>Concentration (mg/kg)</u>
Zn	2000
Pb	1000
Cu	800
Ni	100
Cd	25

Table 2
(340-050-080)

Maximum Recommended Sludge Metal Applications
for Privately Owned Farmland

Maximum Metal Addition (kg/ha) with a
Soil Cation Exchange Capacity (meq/100g)

<u>Metal</u>	<u>Less than 5</u>	<u>5-15</u>	<u>Greater than 15</u>
Pb	500	1,000	2,000
Zn	250	500	1,000
Cu	125	250	500
Ni	50	100	200
Cd	5	10	20

1. The maximum application of Cadmium (Cd) for soils with pH values of 6.5 or less is 4.5 lbs/acre regardless of the CEC.
2. Kg/ha is roughly equivalent to lbs/acre.

ERL:1
WL2832
Revised 2/9/84

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Rules for Using Sewage Sludge for Agricultural Purposes

Notice Issued:

Hearing Date:

Record Closed:

**WHO IS
AFFECTED:**

Persons who own or operate sewage treatment plants, septic tank pumpers, persons who desire to use sewage sludge for agricultural, horticultural, or silvicultural purposes, and adjacent property owners.

**WHAT IS
PROPOSED:**

In order to be assured that sewage sludge is being utilized or disposed in a proper manner, the Department is proposing a set of rules and guidelines for its disposal. The rules and guidelines will require an opportunity for public comment on sludge disposal programs and will require that all sludge be handled and applied in a manner which will protect public health and the environment.

**HOW TO
COMMENT:**

Public Hearing(s)

Dates, times, and places to be determined.

Written comments should be sent to the Department of Environmental Quality, Water Quality Division, P. O. Box 1760, Portland, OR 97207. The comment period will end _____.

Any questions or requests for draft rules and guidelines or other information should be directed to Edgar Lynd of the Water Quality Division, 229-5371 or toll free 1-800-452-4011.

**WHAT IS THE
NEXT STEP:**

Once the public testimony has been received and evaluated, the rules will be revised, if necessary, and then go before the Environmental Quality Commission for adoption.

- Attachments:
1. Statement of Need for Rulemaking
 2. Fiscal and Economic Impact Statement
 3. Land Use Consistency Statement

E. R. Lynd:9
TG3180
229-5371
February 2, 1984



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



ATTACHMENT 2.2

Agenda Item G, February 24, 1984, EQC Meeting

STATEMENT OF NEED FOR RULEMAKING

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

(1) Legal Authority

ORS 468.778 requires the Commission to adopt, by rule, requirements for the use of sludge on agricultural, horticultural, or silvicultural land.

(2) Need for the Rule

In order to meet the mandate of ORS 468.778 and to protect public health and the environment from improper sludge disposal practices, rules and guidelines have been proposed. The rules require the Department to approve all sludge disposal programs and sites. They require the person generating the sludge to monitor its contents for certain heavy metals and other constituents and to keep a log on the disposal of all sludge applied. The guidelines list proper sludge application practices, and site selection criteria, and certain monitoring and reporting requirements. The proposed rules and guidelines meet the requirements of ORS 468.778.

(3) Principal Documents Relied Upon in This Rulemaking

- a. ORS 468.740
- b. ORS 454.695
- c. ORS 468.778
- d. Federal Register, Vol. 42, No. 211
- e. Oregon State University Extension Service,
Bulletin FG64, June 1981

E. R. Lynd:g
TG3178
229-5371
February 2, 1984

ATTACHMENT 2.3

Agenda Item G, February 24, 1984, EQC Meeting

FISCAL AND ECONOMIC IMPACT STATEMENT

These proposed rules and guidelines pertain to the agricultural, horticultural, and silvicultural application of sludge. Most of the sludge comes from municipalities. They will be the group most impacted by the rules. The fiscal impact will only be significant if they are currently operating an inadequate program and upgrading would be necessary. It would not be possible to estimate costs of upgrading.

When sludge is applied correctly, it will have a beneficial effect on the land to which it is applied. There will be a reduction in the amount of chemical fertilizer necessary and an overall reduction in cost to the agricultural, horticultural, or silvicultural practice to which it is applied.

The only small businesses which are likely to be impacted are septic tank pumpers. The rules should not require any additional costs to them if they are currently following acceptable practices.

E. R. Lyndig
TG3177
229-5371
February 2, 1984

11

Agenda Item G, February 24, 1984, EQC Meeting

LAND USE CONSISTENCY

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

With regard to Goal 6, the rules are written with the express purpose of protecting air quality, water quality, and land resource quality as well as public health.

The proposed rules will formalize an on-going process with respect to site approval and should have no impact on Goal 11.

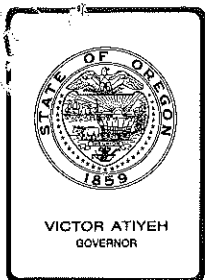
Whenever sludge is landfilled or disposed on land in quantities above agronomic rates, the Department will require a land use compatibility determination by the local land use planning agency prior to issuing a permit.

Public comment on any land use issue involved is welcome and may be submitted in the same fashion as 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 appropriate conflicts related to sludge disposal practices, which are brought to our attention by local, state, or federal authorities.

E.R. Lynd:g
TG3179
229-5371
February 2, 1984



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G, February 24, 1984, EQC Meeting

Request for Authorization to Hold Public Hearings (1) to Accept Testimony on Specific Proposed Modifications to Water Quality Standards (OAR Chapter 340, Division 41) and (2) to Solicit Public Comments on the Adequacy of Rules Contained in OAR Chapter 340, Division 41.

Background and Problem Statement

ORS 468.735 provides that the Commission by rule may establish standards of quality and purity for waters of the state. Present Water Quality Standards (contained in Division 41 of OAR Chapter 340) were adopted by the Commission in December 1976. The Commission adopted revisions to these standards in September 1979.

The Clean Water Act (Public Law 92-500, as amended) requires the states to hold public hearings, at least once each three years, to review applicable water quality standards. To comply with provisions of the Act, the Department proposes to conduct a statewide hearing on Water Quality Standards to accomplish several objectives:

1. To invite comments on specific proposals to: (a) add language to Tables on Beneficial Uses for 11 basins which emphasizes by footnote that public and private domestic water supplies are beneficial uses with adequate pretreatment and where natural quality meets Drinking Water Standards, and (b) add a column heading that reads "Beneficial Uses" to Table 1 for the North Coast-Lower Columbia Basin.
2. To invite comments on specific proposals to refine the Beneficial Uses Tables for the Malheur River and Owyhee River Basins.
3. To solicit comments and suggestions for proposing future amendments to present standards.



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Discussion and Evaluation

The following is a summary of the issues in Attachment 1.

SPECIFIC PROPOSALS FOR MODIFYING WATER QUALITY STANDARDS

1. Tables on Beneficial Uses (Objective 1)

The Department proposes to amend the Beneficial Uses Tables as discussed below:

- a. Table 1, which lists the beneficial uses for the North Coast-Lower Columbia Basin, should have a column heading that reads "Beneficial Uses."
- b. Public Domestic Water Supply and Private Domestic Water Supply are uses listed in the Beneficial Uses Table for each of the nineteen basin plans. Eight basin tables now have these two uses footnoted, with the footnote reading "With adequate pretreatment and natural quality to meet Drinking Water Standards."

The Department strongly believes that these two uses need this caution in the table for the other eleven basins because of the general rise in gastrointestinal problems in recent years among residents served by community systems and among individuals (campers, back-packers, etc.) drinking raw surface waters. Unless such problems are caused by other sources, they are usually traced to the inadequate pretreatment of the drinking water supplies. The Beneficial Use Table in the eleven basins listed below should include the footnote mentioned above.

<u>Table</u>	<u>Basin</u>
1	North Coast-Lower Columbia
2	Mid Coast
3	Umpqua
4	South Coast
5	Rogue
6	Sandy
7	Hood
8	Deschutes
9	John Day
12	Walla Walla
17	Malheur Lake

2. Refinement of Beneficial Uses Tables for Malheur River and Owyhee River Basins (Objective 2).

The Water Policy Review Board has established beneficial uses in broad categories for managing water quantity. The Department has expanded on these uses for managing water quality. For example, Fish Life, which is a designated use, has been expanded by DEQ in some basins

into the following subcategories: anadromous fish passage, salmonid fish rearing, salmonid fish spawning, and resident fish and aquatic life. An important element of Oregon's Water Quality Standards are these beneficial uses.

Over the past 37 years, water quality standards have evolved from the general to the specific, as presented in Attachment 2. Studies, data, and experience have led to four major successive reviews resulting in refinement to the original water quality standards adopted in 1947.

In 1981, the Malheur County Planning Office completed a two-year water quality study in Malheur County related to nonpoint sources of waste. The Department of Fish and Wildlife provided this study with information on fish species and their distribution in the lower Malheur and lower Owyhee Rivers.

The studies concluded:

- a. The present listings of beneficial uses for the Malheur River and Owyhee Basin streams are too general. They assume that all uses apply to all basin waters.
- b. Cold water fish species such as trout do not occur in the Snake River, the lower 69 miles of the Malheur River, the Owyhee Reservoir, and the lower 18 miles of Owyhee River.
- c. Water contact recreation in the lower Malheur River and the lower Owyhee River is unsuitable because of summer low flows, high fecal coliform densities, and muddy river bottoms.

Attachments 3 and 4 show the present Beneficial Uses Tables for the Malheur River and Owyhee River Basins, respectively. These studies provided sufficient information to propose refining the Beneficial Use Tables for the Malheur River and Owyhee River Basins, as shown in Attachments 5 and 6. These refinements would reflect the present and highest future uses of waters in the basins. Adoption of these tables would not alter land uses, would not further jeopardize existing aquatic life, would not require changes in the numerical water quality standards, and would not result in any degradation in water quality.

The Department proposes to solicit testimony on these proposals.

Request for Comments and Suggestions on the Review of Rules
in OAR Chapter 340, Division 41 (Objective 3)

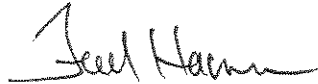
The Clean Water Act requires the review of Water Quality Standards every three years. The Department wishes to provide the public an opportunity to comment and suggest proposals for future amendments to the present Water Quality Standards. The Department further invites comments on the issue of having the fecal coliform standard apply during the water contact recreational season rather than year-round. Public response to this invitation will be helpful in formulating specific proposals in the future.

Summation

1. ORS 468.735 provides that the Commission by rule may establish standards of quality and purity for waters of the state in accordance with the public policy set forth in ORS 468.710.
2. Oregon has adopted water quality standards, with the last adoption occurring in September 1979. Such standards are contained in OAR Chapter 340, Division 4, Subdivision 1.
3. Specific proposals have been drafted and are ready for circulation, comment, and public hearing. (See Attachment 1).
4. Provisions of the Clean Water Act require review of Water Quality Standards every three years. As part of this package, the Department is inviting comments and suggestions for proposing future amendments to present standards.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize the Department to give notice and proceed to public hearing to: (1) take testimony on specific proposed modifications to the Water Quality Standards in Division 41, and (2) invite public comments on the rules contained in OAR Chapter 340, Division 41.



Fred Hansen

- Attachments:
1. Review of Water Quality Standards with Local Governments and Interested Citizens - 1984
 2. Historical Development of Oregon's Water Quality Standards.
 3. Existing Beneficial Uses for Malheur River Basin.
 4. Existing Beneficial Uses for Owyhee River Basin.
 5. Beneficial Uses Proposed for Malheur River Basin to Replace Existing Table.
 6. Beneficial Uses Proposed for Owyhee Basin to Replace Existing Table.
 7. Public Notice and Statement of Need

Edison L. Quan:g
TG3155
229-6978
February 10, 1984

REVIEW OF WATER QUALITY STANDARDS
WITH LOCAL GOVERNMENTS AND INTERESTED CITIZENS

1984

Why am I receiving these materials?

Water quality standards are an integral component of the Department's State-wide Water Quality Management Plan. Public Law 92-500 requires a review of these standards at least once every three years. The intent of this information package is to solicit testimony from Oregon's citizens on specific proposals to amend Beneficial Uses Tables for selected river basins. The Department of Environmental Quality (DEQ) also wishes to invite comments and suggestions: (1) for amending the present Water Quality Standards, and (2) for amending the application of the Fecal Coliform Standard to coincide with the summer recreational season, as recommended by the Environmental Protection Agency (EPA).

The Department last reviewed and revised Oregon's Water Quality Standards in September 1979, and the Environmental Protection Agency (EPA) approved those revisions in May 1980. Briefly, EPA had requested changes in some standards to permit their full approval of Oregon's Water Quality Standards as follows:

1. The Antidegradation Policy was expanded to clarify its intent;
2. For the Temperature and Turbidity Standards, the variance provisions were expanded to clarify the procedures for granting variances;
3. A Fecal Coliform Standard replaced the Total Coliform Standard;
4. The Total Dissolved Gas Standard was expanded by adding another gas standard. The stricter original standard now applies to receiving waters at fish hatcheries and to streams less than 2 feet deep. The added standard applies to rivers greater than 2 feet deep; and
5. The standards on Pesticides and other toxic substances were added by reference to those contained in the 1976 Edition of the EPA publication "Quality Criteria for Water." This publication sets the criteria for 2 organic compounds and 15 pesticides.

For this round of review the Department wishes to accomplish the following objectives:

1. To solicit comments on specific proposals to: (a) add language to Tables on Beneficial Uses for 11 basins, which emphasizes by footnote that public and private domestic water supplies are beneficial uses with adequate pretreatment and where natural quality meets Drinking Water

Standards and (b) add a column heading that reads "Beneficial Uses" to Table 1 for the North Coast-Lower Columbia Basin.

2. To solicit comments on specific proposals to refine the Beneficial Uses Tables for the Malheur River and Owyhee River Basins.
3. To invite comments and suggestions for proposing future amendments to present standards.

Formal presentation of the specific proposals will be made at public hearings for the respective basins.

What is contained in this Package?

This package contains two sections. The first section discusses the specific modifications proposed for the Tables on Beneficial Uses for eleven basins, and the refinement of Beneficial Uses Tables for the Malheur and Owyhee Basins. The second section invites public comments and suggestions for amending the present Water Quality Standards, and for amending the Fecal Coliform Standard to apply during the water contact recreational season.

SPECIFIC PROPOSALS FOR MODIFYING WATER QUALITY STANDARDS

A. Tables on Beneficial Uses

The Department proposes to add new language to some Beneficial Uses Tables for clarification as follows: (Proposed new language is underlined).

1. The Department proposes to add a column heading that reads "Beneficial Uses" to OAR 340-41-202, Table 1, which lists the beneficial uses for the North Coast-Lower Columbia Basin.
2. Public Domestic Water Supply and Private Domestic Water Supply are uses listed in the Beneficial Uses Table for each of the nineteen basin plans. Eight basin tables now have these two uses footnoted, with the footnote reading, "With adequate pretreatment and natural quality to meet Drinking Water Standards." The Department strongly believes that these two uses need this caution in the Table for the other eleven basins because of the general rise in gastrointestinal problems in recent years among residents served by community systems and among individuals drinking raw surface waters. Unless such problems are caused by other sources, they are usually traced to the inadequate pretreatment of the drinking water supplies. Therefore, the Department proposes to add the caution mentioned above to the Beneficial Uses Tables in the following eleven basins:

Review of Water Quality Standards with Local Governments
and Interested Citizens, 1984

Page 3

<u>OAR</u>	<u>Table</u>	<u>Basin</u>
340-41-202	1	North Coast-Lower Columbia
340-41-242	2	Mid Coast
340-41-282	3	Umpqua
340-41-322	4	South Coast
340-41-362	5	Rogue
340-41-482	7	Sandy
340-41-522	8	Hood
340-41-562	9	Deschutes
340-41-602	10	John Day
340-41-682	12	Walla Walla
340-41-882	17	Malheur Lake

B. Refinement of Beneficial Uses Tables for Malheur River and Owyhee River Basins

The Water Policy Review Board has established beneficial uses in broad categories for managing water quantity. The Department has expanded on these uses for managing water quality. For example, Fish Life, which is a designated use, has been expanded by DEQ in some basins into the following subcategories: anadromous fish passage, salmonid fish rearing, salmonid fish spawning, and resident fish and aquatic life. An important element of Oregon's Water Quality Standards are these beneficial uses.

Over the past 37 years, water quality standards have evolved from the general to the specific. Studies, data, and experience have led to four major successive reviews resulting in refinement to the original water quality standards adopted in 1947.

In 1981, the Malheur County Planning Office completed a two-year water quality study in Malheur County related to nonpoint sources of waste. The Department of Fish and Wildlife provided this study with information on fish species and their distribution in the lower Malheur and lower Owyhee Rivers.

The studies concluded:

1. The present listings of beneficial uses for the Malheur River and Owyhee Basin streams are too general. They assume that all uses apply to all basin waters.
2. Cold water fish species such as trout do not occur in the Snake River, the lower 69 miles of the Malheur River, the Owyhee Reservoir, and the lower 18 miles of Owyhee River.
3. Water contact recreation in the lower Malheur River and the lower Owyhee River is unsuitable because of summer low flows, high fecal coliform densities, and muddy river bottoms.

These studies (summarized in two Water Body Assessment Reports available from the Department), provided sufficient information to propose refining the Beneficial Use Tables for the Malheur River and Owyhee River Basins, as shown in Attachments 1 and 2. These refinements would reflect the present and highest future uses of waters in the basins. Adoption of these tables would not alter land uses, would not further jeopardize existing aquatic life, would not require changes in the numerical water quality standards, and would not result in any degradation in water quality.

REQUEST FOR PUBLIC COMMENTS AND SUGGESTIONS:

A. To Amend Present Water Quality Standards

Water Quality Standards for Oregon appear in Division 41 of Oregon Administrative Rules (OAR) Chapter 340. This division embodies the Statewide Water Quality Management Plan and includes the following topics: Preface; Definitions; Policies and guidelines generally applicable to all basins; implementation program applicable to all basins; and individual basin plans for 19 river basins. Each basin plan includes: Beneficial Uses to be protected; Water Quality Standards not to be exceeded; and Minimum Design Criteria for treatment and control of wastes.

The Department wishes to invite comments and suggestions for amending any elements of the topics mentioned above.

B. To Amend the Fecal Coliform Standard for Freshwaters to be Applicable During the Water Contact Recreation Season

The existing numerical Fecal Coliform Standard for fresh waters reads as follows:

"Organisms of the coliform group where associated with fecal sources (MPN or equivalent MF using a representative number of samples): A log mean of 200 fecal coliform per 100 milliliters based on a minimum of 5 samples in a 30-day period with no more than 10 percent of the samples in the 30-day period exceeding 400 per 100 ml."

At present the standard is interpreted as being applicable year-round. This standard serves as an index for evaluating the microbiological suitability of recreational waters. The standard is generally met during water contact recreation in the summer, when rainfall is light and land runoff is low. However, the standard is often exceeded during wet weather between fall and spring when cold water temperatures, high streamflows, and high turbidities prevail. Since water contact recreation does not occur during the cold, wet-weather period, should this standard apply year-around?

Review of Water Quality Standards with Local Governments
and Interested Citizens, 1984
Page 5

The Department wishes to invite comments on the issue of having the Fecal Coliform Standard apply during the water contact recreational season rather than year-round. Such comments will be helpful to the Department in formulating specific proposals in the future.

ELQ:1
TL3009
February 10, 1984

Beneficial Uses Proposed for Malheur River Basin to Replace Existing Table

TABLE 15
(340-41-802)

Beneficial Uses	<u>Intensive Irrigation</u>		<u>Moderate Irrigation</u>		<u>Reservoirs</u>	<u>Light Irrigation</u>
	Snake R. Main Stem RM 335 - 395	Malheur R. (Namorf to Mouth) Willow Cr. (Brogan to Mouth) Bully Cr. (Reservoir to Mouth)	Willow Cr. (Malheur Reservoir to Brogan)	Malheur R. (Beulah Dam and Warm Springs Dam to Namorf)	Antelope Malheur Bully Creek Beulah Cow Cr. Warm Springs	Malheur River and Tributaries Upstream From Reservoirs
Public Domestic Water Supply ^{1/}	X		X		X	X
Private Domestic Water Supply ^{1/}	X		X		X	X
Industrial Water Supply	X		X		X	X
Irrigation	X	X	X		X	X
Livestock Watering	X	X	X		X	X
Salmonid Fish (Trout) Rearing			X		X	X
Salmonid Fish (Trout) Spawning			X			X
Resident Fish & Aquatic Life	X	X	X		X	X
Wildlife & Hunting	X	X	X		X	X
Fishing	X	X	X		X	X
Boating	X				X	X
Water Contact Recreation	X				X	X
Aesthetic Quality	X	X	X		X	X

^{1/} With adequate pretreatment and where natural quality meets drinking water standards.

ELQ:g
TG3155.A
2/3/84

Beneficial Uses Proposed for Owyhee Basin to Replace Existing Table

TABLE 16
(340-41-842)

Beneficial Uses	Intense Irrigation		Moderate Irrigation	Light Irrigation	
	Snake R. RM 395-409	Owyhee R. (RM 0-18)	Owyhee R. (RM 18-Dam)	Owyhee Reservoir	Owyhee River and tributaries Upstream from Owyhee Reservoir
Public Domestic Water Supply ^{1/}	X		X	X	X
Private Domestic Water Supply ^{1/}	X		X	X	X
Industrial Water Supply	X		X	X	X
Irrigation	X	X	X	X	X
Livestock Watering	X	X	X	X	X
Salmonid Fish (<u>Trout</u>) Rearing			X		X
Salmonid Fish (<u>Trout</u>) Spawning			X		X
Resident Fish & Aquatic Life	X	X	X	X	X
Wildlife & Hunting	X	X	X	X	X
Fishing	X	X	X	X	X
Boating	X			X	X
Water Contact Recreation	X		X	X	X
Aesthetic Quality	X	X	X	X	X

^{1/} With adequate pretreatment and where natural quality meets drinking water standards.

ELQ:g
TG3155.A
1/30/84

WATER BODY ASSESSMENT
MALHEUR RIVER
Malheur County, Oregon

A. Introduction

In 1981, the Malheur County Planning Office in Vale, Oregon, completed a study entitled "Final Report, Two-Year Sampling Program, Malheur County Water Quality Management Plan." The purpose of the study was to assess the nonpoint source water quality problems in the County. Of the six objectives of the study, one was to provide sufficient information to re-evaluate the established beneficial uses and water quality standards for the Malheur Basin. Also, the Oregon Department of Fish and Wildlife (Bowers, Hosford, and Moore) completed a study in 1979, entitled "Stream Surveys of the Lower Owyhee and Malheur Rivers, A Report to the Malheur County Water Resources Committee." The purposes of the fish population surveys were to update the Department's records and to provide information for re-evaluation of the beneficial uses in the lower Malheur River.

The first of these is the final report for a study conducted under Section 208 of the Clean Water Act, as amended, and contains extensive information on the quantity, quality, and disposition of the area's water resources. The second document reports the results of a sampling program conducted by the Oregon Department of Fish and Wildlife (ODFW) on the fish populations in the lower 69 miles of the Malheur River during June and July, 1978. Information in the ODFW report was incorporated into the 208 report. Additional fisheries information supplied by ODFW was also considered. Most of this Water Body Assessment report is extracted from the 208 Final Report.

Oregon Administrative Rules (OAR) Chapter 340, Division 41, contain the Statewide Water Quality Management Plan; Beneficial Uses, Policies, Standards, and Treatment Criteria for Oregon. The present Beneficial Uses for Malheur River Basin are shown in Table 1. An outcome of the two studies mentioned above suggest that the beneficial uses for the Malheur River Basin should be further refined. This report provides the assessment for proposing a refinement to the beneficial uses for the basin.

B. Basin Setting

Malheur County, located in the southeastern corner of Oregon, is bordered by Idaho to the east and Nevada to the south. The Malheur River Basin is predominately hilly, strongly dissected terrain, underlain by old sediments and volcanic rock. Elevations range from around 2,100 feet near the Snake River to mountainous plateaus above 5,000 feet and some isolated peaks above 6,000 feet. Three main physiographic divisions occur in the Malheur Basin: (1) low-elevation terraces and flood plains, (2) grass-shrub uplands and (3) forested uplands.

Low-Elevation Terraces and Flood Plains. This important area of irrigated agriculture occupies flood plains and a sequence of terraces parallel to the Snake River, extending up the valleys of the Malheur River and Willow Creek. These areas are under intensive agricultural production, growing

sugar beets, onions, potatoes, corn, mint, grain, alfalfa seed, vegetable seed and hay. The alluvial soils have varying parent materials. Some of the soils are deep, well-drained loams, while others are clayey, poorly drained and contain alkali. Many of the areas with alkali in the basin have been reclaimed and are currently under agricultural production.

Grass-Shrub Uplands. Uplands of the Malheur River Basin consist mainly of rolling, hilly, grass-shrub covered ground underlain by old lacustrine sedimentary formations of Tertiary age. Recent age lava flows, as well as lava flows dating back to Tertiary times, also underlay much of the basin.

A thin surface mantle of wind-borne loess is present in places, and narrow alluvial lands occur along streams. The soils are light colored, low in organic matter and generally calcareous. Vegetation consists mainly of bluebunch wheatgrass, sandberg bluegrass and sagebrush.

Forested Uplands. The northwest corner of the Malheur River Basin is forested. Open stands of ponderosa pine with understories of elksedge and pinegrass predominate. The soils of this forested area are underlain by basalt and andesite. They are stony, moderately deep, slightly acid and have a loam texture. Primary uses are summer range, timber production, and wildlife habitat.

C. Water Resources

A distinguishing feature of Malheur County is its numerous reservoirs and diversion structures within the Malheur and Owyhee River systems. With an average annual precipitation of less than 10 inches, the delivery of irrigation water is essential for the high agricultural productivity of the area. Irrigation water, or live water, is delivered to individual farms by a complicated network of irrigation canals and laterals. Further complicating the water distribution system is the use and reuse five or six times of irrigation return flow. Additional irrigation water is obtained from groundwater sources and the interbasin transfer from the Owyhee Reservoir.

The maximum legal diversion in the Malheur River Basin is based on the average annual yield of water. Although the total actual annual diversion of water is much less than this, there is practically no unappropriated water during the irrigation season. To satisfy all the legal water rights on the Malheur River with live water, twice the average annual yield of water would be necessary.

Figure 1 presents a schematic diagram of the Malheur River together with its associated reservoirs, diversions and irrigation canals. Most of the water for irrigation is supplied by large irrigation projects (Warm Springs and Beulah Reservoirs) on the Malheur River and on the Owyhee River (Owyhee Reservoir). Smaller projects are located on Bully Creek, Willow Creek and Jordan Creek.

D. Fishery Resources

Historical Perspective. The upper portions of the North and Middle Forks contain miles of excellent spawning gravel and cold, clear water that were probably used extensively by anadromous fish (salmon and steelhead).

Spawning salmon were taken by early settlers in the Logan Valley area. These fish moved quickly through the lower river and held in the headwater areas of the upper Malheur. They held in the deeper pools for several months prior to spawning. After the eggs hatched, the young salmon reared in these same areas and moved quickly through the lower river during the spring high runoff on their way to the ocean.

It is doubtful that many salmonoids used the Lower Malheur (lower 50 miles) except as a migration route, because of the warm water and poor habitat.

The first barrier to upstream fish migration was the Nevada Dam near Vale. Although information is scarce, it is doubtful that this low dam, constructed in 1880, was a total barrier to upstream salmon and steelhead migration during high flow periods. The construction of Warm Springs Dam in 1918, ended the anadromous fish runs in the Middle Fork Malheur. In 1931, with the construction of Beulah Dam (Agency Dam), the same fate befell what was left of any anadromous fish runs on the North Fork Malheur, if indeed there were any salmon or steelhead runs still in existence in the Malheur watershed at that time. All fish migration into the upper Snake River ended with the construction of Brownlee Reservoir in 1958.

The major irrigation reservoirs constructed on the Malheur River and tributaries changed the natural flow characteristics on the lower river. Instead of early summer high flows, summer and fall low flows, and winter steady flow, the peak flows now occur in spring, if and when the upstream reservoirs spill. A sustained summer high flow now exists as water is released from the dams for irrigation purposes. A significant change, which is also the major factor limiting fish production on the lower Malheur River, is the extreme low flows during winter when the reservoirs store water for the next irrigation season. The section of the river from Namorf to the vicinity of Hope is where the winter low flows are the most severe. As the river flows to its mouth, these low flows are augmented by flows from drainage ditches, Bully Creek, Willow Creek, and Cottonwood Creek.

Present Fishery Management Policies on the Malheur River. The Oregon Department of Fish and Wildlife manage the Malheur River and tributaries upstream from the Namorf Diversion primarily as trout habitat. There are two exceptions: (1) Warm Springs Reservoir is managed for trout and warm-water game fish; and (2) the Middle Fork between Warm Springs Reservoir and Drewsey is managed for smallmouth bass.

Three important parameters guide fish management in the Malheur River. The first includes the annual snowpack, expected spring runoff, and associated

water storage in the reservoirs. The amount of storage from spring runoff, coupled with irrigation demand, dictates the carry-over water storage. A second important factor is the periodic buildup of non-game fish. These fish compete with the trout for available food, and when their numbers become too great, trout growth is affected. The third factor is the low natural trout reproduction rate, thus providing few fish to the reservoir and the river. The reservoirs and the river fishery depend entirely on annual stocking of hatchery-produced rainbow trout.

Rainbow trout currently stocked in the Malheur River attain rapid growth when water conditions are favorable and non-game fish numbers are low. However, ODFW feels that the rainbow trout is not the best trout species for the harsh conditions found in southeastern Oregon. ODFW has recently embarked on a program to introduce the redband trout to the Malheur River and is currently attempting to adapt this trout to hatchery rearing. The redband trout is native to eastern Oregon and should be more suited to the conditions found in Malheur County. They can tolerate warmer water temperatures and are efficient predators on non-game fish. However, all the problems associated with this project have not been solved, and the success or failure of this program may not be known for some years.

The Malheur River from Namorf to the mouth is managed as a warm water fishery. However, ODFW has expended very little time and resource on this stretch of the river because it is not a productive fish habitat.

Upper Malheur River. The North Fork of the Malheur River above Beulah Reservoir is managed as a trout fishery; however, Dolly Varden and whitefish are also present. There are approximately 500 angler days per year on this reach of the river, used mostly by local anglers.

The Little Malheur River, a tributary of the North Fork above Beulah Reservoir, is also managed as a trout fishery. There are approximately 100 angler days per year on the Little Malheur River.

Middle Zone. The Malheur River between Riverside and Juntura has a productive trout fishery, but the low winter flows adversely affect the overwinter survival rate of the trout. The winter flows from the South Fork are valuable in maintaining an adequate flow for the trout fishery. ODFW recently acquired legal access to the river at Riverside. The department is planning to develop launching facilities for float boaters for fishery access. There are an estimated 2,500 angler days per year on this reach.

The North Fork from Beulah Dam to Juntura is managed as a trout fishery. The winter low flows, during periods when water is held back for storage behind Beulah Dam, are detrimental to the fish habitat. There are 1,500 angler days on this reach of the river.

The Malheur River from Juntura to Namorf has an excellent trout habitat, but every 6 to 7 years it becomes necessary to rid the reach of non-game

fish and restock it with trout. There are 7,000 angler days per year on this stretch of the river.

Lower Malheur. ODFW, in the summer of 1978, surveyed the lower 69 miles from Namorf to the mouth (see Tables 2 and 3). The purpose of the survey was to update ODFW information on the fish population in this section of the river. ODFW found three distinct sections of this lower zone: (1) from Namorf to the Gellerman-Froman Diversion Dam; (2) from the Gellerman-Froman Diversion Dam to the Nevada Dam; and (3) from the Nevada Dam to the mouth.

In the section between Namorf and the Gellerman-Froman Diversion Dam there was little change in water quality. Water temperatures were higher because of natural warming of the water due to higher air temperatures. Only three game fish were captured--one bullhead, one catfish and one smallmouth bass. Non-game fish sight feeders were common. Winter low flows over a streambed which has few deep pools for overwinter survival seems to be the major limitation in this section of the river.

In the stretch between the Gellerman-Froman Diversion to the Nevada Dam, the river flows through an intensive agricultural region. The river carries a heavy silt load. As the silt load increases there is also a loss of sight feeding fish. Low water flows immediately below the Gellerman-Froman Dam also limit fish production in this area.

The Malheur River from the Nevada Dam to the mouth also flows through intensive agricultural lands. Only 2 percent of the total fish sampled in this section of the river were composed of warm-water game fish.

Snake River.

In the stretch of Snake River from River Miles 335 to 395, the river supports mainly warm water game fish and rough fish species. Creel census conducted by the Department of Fish and Wildlife suggest that any trout in the Snake River would be incidental and are probably washed in on freshet flows from tributaries such as the Owyhee River.

E. Recreation

Power Boating/Waterskiing. Beulah Reservoir is popular for power boating and water skiing because of its oval shape and lack of obstructions in the water. The Bureau of Reclamation estimated that there are 2,690 visitor days per year on the lake.

Warm Springs Reservoir has the potential for power boating and water skiing, but poor road access to the reservoir inhibits these types of recreational activities.

Bully Creek Reservoir, because of its close proximity to the cities of Vale and Ontario, receives heavy use during the summer months by power boaters and water skiers. Hazards exist when water is drawn out for irrigation.

There are 9,700 visitor days per year according to estimates by the Bureau of Reclamation.

Malheur Reservoir is used primarily for fishing, and has no power boating activity.

The Snake River between Ontario and Farewell Bend is used by power boaters and water skiers.

Float Boating. Float boating on the Snake River is connected with fishing and water fowl hunting. River currents are slow, with no challenging rapids for rafters.

The Malheur River from Riverside to Juntura is used by boaters to get to better fishing areas. Water levels fluctuate according to discharges from Warm Springs Reservoir. The river is usually deep enough for successful canoeing.

The reach of the Malheur River from Juntura to Namorf has slow moving water with a few minor rapids. Most of the boating use is combined with fishing.

There are no other stream reaches in Malheur County suitable for boating activities. The heavily silted bottoms and low flows below the diversion dams make the lower Malheur River unsuitable for boating uses.

Bathing. Swimming in Malheur River Basin occurs mainly in the reservoirs and at the city recreational pools. The summer low flows, high fecal coliform densities (1,000 organisms per 100 ml) associated with irrigation return waters, and muddy bottoms, generally make swimming unsuitable in the lower 69 miles of the Malheur River. The upper Malheur River and its tributaries are suitable for swimming, provided sufficient water depth is present.

F. Water Supplies

At present the Malheur River from Namorf to the mouth is not used for public or private domestic water supplies, nor is it used for industrial supply. Since this river reach carries a high silt content and associated contaminants during the irrigation season, these uses should be discouraged unless no other source is available.

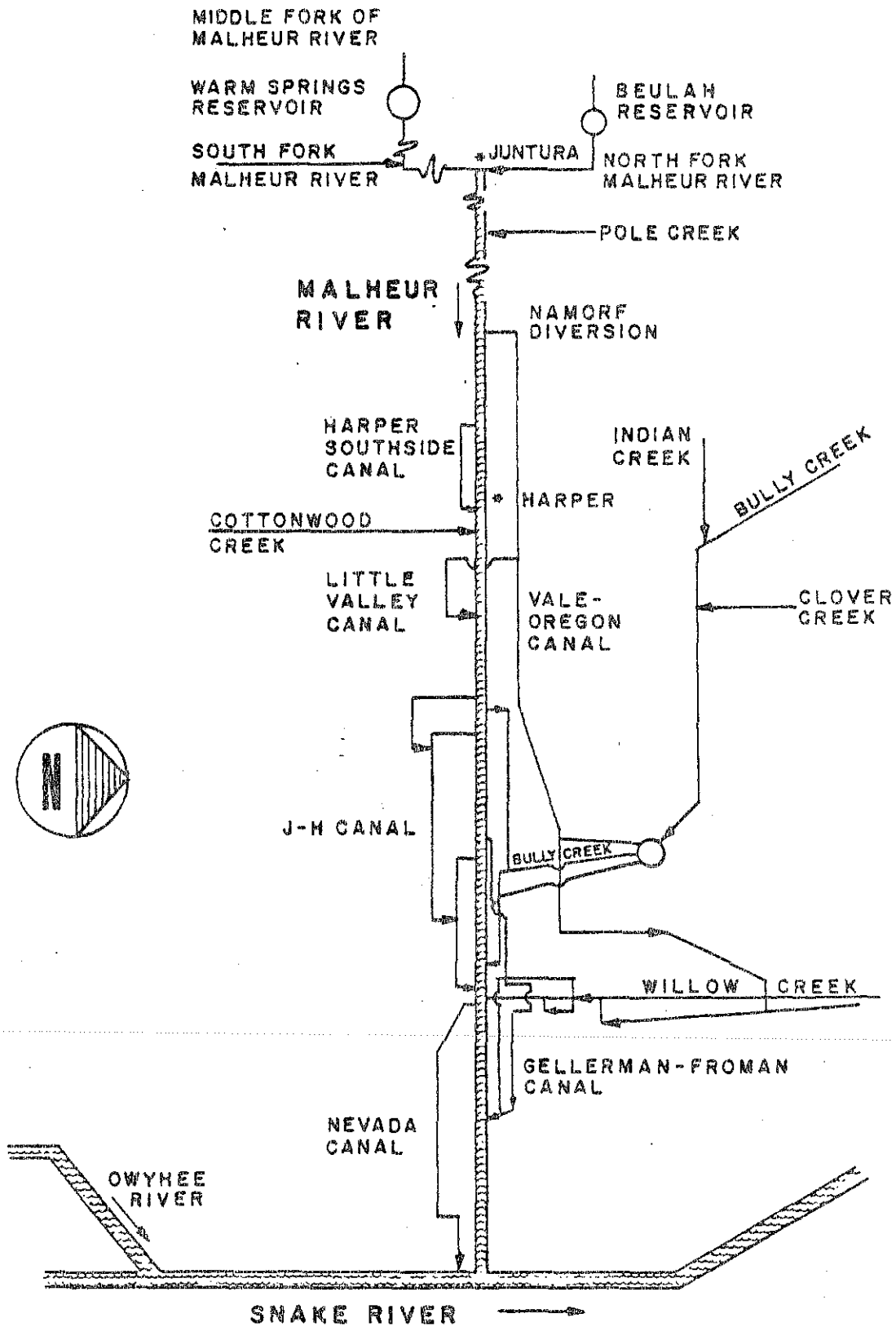
G. Conclusions

Based on the two-year study of water quality in the Owyhee Basin by the Malheur County Planning Office and the fish population surveys on the lower Malheur River conducted by the Oregon Department of Fish and Wildlife, the following conclusions are drawn:

1. The flows in the Malheur River have been extensively altered through the construction of several dams and diversion structures designed to store and distribute water for agricultural uses. These same dams, as well as others on the Snake River to which the Malheur River is tributary, prevent natural fish migrations in the river and thus have permanently altered the river's fisheries. In addition, water quality below the Namorf Dam has been affected, primarily through agricultural practices, in a way which severely restricts the types of fish that can successfully inhabit the water.
2. The present listing of beneficial uses for the Owyhee Basin streams is too general. It assumes that all uses apply to the entire basin.
3. The lower Malheur River (currently designated as a salmonid fishery) is managed as a warm water fishery. Due to a number of physical constraints on the lower Malheur River, conditions are unfavorable for game fish, and rough fish predominate. In practice, the lower Malheur River serves as a source and a sink for irrigation water. This type of use contributes to water quality conditions which are unfavorable to salmonids.
4. Water contact recreation in the lower Malheur River is unsuitable because of summer low flows, high fecal coliform densities, and muddy river bottom.
5. Public and private domestic supplies and industrial water supply uses are discouraged in the areas of intensive irrigation.

G. Recommendation

The beneficial uses in the Malheur River Basin should be refined as shown in Table 4. These uses would reflect the present and highest future uses of the river system. Adoption of this list would not alter land uses, jeopardize existing aquatic life, require changes in water quality standards, or result in any degradation in water quality.



SIMPLIFIED FLOW SCHEMATIC
MALHEUR RIVER IRRIGATION SYSTEM

01

TABLE 1

(Existing Beneficial Uses for Malheur River Basin)

TABLE 15
(340-41-802)

Beneficial Uses	Snake R. Main Stem RM 335 to 395	Malheur R. & Tributaries to Malheur & Snake Rivers
Public Domestic Water Supply ^{1/}	X	X
Private Domestic Water Supply ^{1/}	X	X
Industrial Water Supply	X	X
Irrigation	X	X
Livestock Watering	X	X
Salmonid Fish (Trout) Rearing	X	X
Salmonid Fish (Trout) Spawning	X	X
Resident Fish & Aquatic Life	X	X
Wildlife & Hunting	X	X
Fishing	X	X
Boating	X	X
Water Contact Recreation	X	X
Aesthetic Quality	X	X

^{1/} With adequate pretreatment and where natural quality meets drinking water standards.

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1/27/84

Table 2

Malheur River
Fish Species Abundance by Stream Section ^{a/}

FISH SPECIES	<u>Mouth-Nevada Dam</u>			<u>Nevada Dam-G.F.* Dam</u>			<u>G.F.* - Namorf</u>		
	Coll.	Obs.	Total	Coll.	Obs.	Total	Coll.	Obs.	Total
<u>Game Fish</u>									
Bluegill				1		1			
Brown bullhead		2	2				1	8	9
Bullfrog							6	2	8
Channel catfish	19	9	28	2	1	3	1		1
Crayfish							4		4
Flathead catfish		1	1						
Smallmouth bass							1		1
White crappie	8	21	29	44	98	142			
<u>Routh Fish</u>									
Bridgelip sucker	71		71+	96		96+	210		210
Carp	71	734	805	81	470	551	78	42	120
Chiselmouth	15	67	82	84	450	534	387	125	512
Coarsescale sucker	113	1428	1541+	118		118+	491		491+
Dace	4	20	24	17	100	117	68	230	298
Redside shiner	30	507	537	63	8420	8483	237	955	1192
Squawfish				1		1	125	50	175
Unidentified suckers		3010	3010		3000	3000	1775		1775

^{a/} After Bowers et. al., 1979.

* G-F: Gellerman-Froman.

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Table 3
 Malheur River
 Total Fish and Fish per Mile by Stream Section^{a/}

Stream Section	Total Game Fish Inventoried	Total Rough Fish Inventoried	Game Fish Inventoried Per Mile	Rough Fish Inventoried Per Mile	Percent Game Fish
Mouth to Nevada Dam	60	3,060	3.1	160.0	1.9
Nevada Dam to G-F* Dam	146	3,000	10.6	948.8	4.6
G-F* Dam to Namorf	23	4,773	0.6	134.2	0.48

^{a/} After Bowers et. al., 1979.

* G-F: Gellerman-Froman.

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 1-12-84

TABLE 4

Beneficial Uses Proposed for Malheur River Basin to Replace Existing Table

TABLE 15
(340-41-802)

Beneficial Uses	<u>Intensive Irrigation</u>			<u>Moderate Irrigation</u>	<u>Reservoirs</u>	<u>Light Irrigation</u>
	Snake R. Main Stem RM 335 - 395	Malheur R. (Namorf to Mouth) Willow Cr. (Brogan to Mouth) Bully Cr. (Reservoir to Mouth)		Willow Cr. (Malheur Reservoir to Brogan) Malheur R. (Baulah Dam and Warm Springs Dam to Namorf)	Antelope Malheur Bully Creek Beulah Cow Cr. Warm Springs	Malheur River and Tributaries Upstream From Reservoirs
Public Domestic Water Supply ^{1/}	X			X	X	X
Private Domestic Water Supply ^{1/}	X			X	X	X
Industrial Water Supply	X			X	X	X
Irrigation	X	X		X	X	X
Livestock Watering	X	X		X	X	X
Salmonid Fish (Trout) Rearing				X	X	X
Salmonid Fish (Trout) Spawning				X		X
Resident Fish & Aquatic Life	X	X		X	X	X
Wildlife & Hunting	X	X		X	X	X
Fishing	X	X		X	X	X
Boating	X				X	X
Water Contact Recreation	X				X	X
Aesthetic Quality	X	X		X	X	X

^{1/} With adequate pretreatment and where natural quality meets drinking water standards.

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TG3155.A
2/3/84

WATER BODY ASSESSMENT
OWYHEE RIVER
Malheur County, Oregon

A. Introduction

In 1981, the Malheur County Planning Office in Vale, Oregon, completed a study entitled "Final Report, Two-Year Sampling Program, Malheur County Water Quality Management Plan." The purpose of the study was to assess the nonpoint source water quality problems in the County. Of the six objectives of the study, one was to provide sufficient information to re-evaluate the established beneficial uses and water quality standards for the Owyhee Basin. Also, the Oregon Department of Fish and Wildlife (Bowers, Hosford, and Moore) completed a study in 1979, entitled "Stream Surveys of the Lower Owyhee and Malheur Rivers, A Report to the Malheur County Water Resources Committee." The purposes of the fish population surveys were to update the Department's records and to provide information for re-evaluation of the beneficial uses in the lower Owyhee River.

The first of these is the final report for a study conducted under Section 208 of the Clean Water Act, as amended, and contains extensive information on the quantity, quality, and disposition of the area's water resources. The second document reports the results of a sampling program conducted by the Oregon Department of Fish and Wildlife (ODFW) on the fish populations in the lower 18 miles of the Owyhee River during June and July, 1978. Information in the ODFW report was incorporated into the 208 report. Additional fisheries information supplied by ODFW was also considered. Most of this Water Body Assessment report is extracted from the 208 Final Report.

Oregon Administrative Rules (OAR) Chapter 340, Division 41, contain the Statewide Water Quality Management Plan; Beneficial Uses, Policies, Standards, and Treatment Criteria for Oregon. The present Beneficial Uses for Owyhee Basin are shown in Table 1. An outcome of the two studies mentioned above suggest that the beneficial uses for the Owyhee Basin should be further refined. This report provides the assessment for proposing a refinement to the beneficial uses for the basin.

B. Basin Setting

The Owyhee Basin, located in the southwest corner of Malheur County, is predominately gently sloping to rolling lava plateau terrain. Elevations are generally between 4,000 and 5,000 feet, but range from 2,100 near the Snake River to over 7,000 feet near McDermitt.

The soils of the Owyhee Basin are associated with three distinctive landscapes: (1) alluvial bottomlands and fans, (2) lava plateaus, and (3) canyonlands.

Alluvial Bottomlands and Fans. Most of the irrigated farming in the Owyhee Basin occurs on the soils of this physiographic division. They are located primarily at lower elevations along the Snake and Owyhee Rivers and are contiguous with the more extensively irrigated lands of the Malheur Basin. The majority of the soils are deep, well-drained silt loams. Some alkali soils also occur in this area. Major crops grown on these soils include potatoes, corn, sugar beets, onions, vegetable seed, alfalfa seed, mint, grain and alfalfa.

Lava Plateaus. Most of the Owyhee Basin consists of gently sloping to rolling lava plateau uplands underlaid by basaltic or rhyolitic flows and tuffs. The soils generally are less than 20 inches deep to bedrock. They are light-colored, very stony and generally fine textured. A thin silica cemented hardpan is often present immediately above the bedrock.

The vegetation on the lava plateaus is mainly bluebunch wheatgrass, Sandberg bluegrass and big sagebrush. Low sagebrush is prevalent at higher elevations.

Canyonlands. The major areas of canyonlands are along the Owyhee River and Succor Creek. For much of its length, the Owyhee River Canyon is deeply incised into soft sedimentary formations capped by lava flows. Moderately deep loamy soils are present on some of the smoother areas of these sediments. Some areas of the basin have been uplifted, faulted, and dissected into extremely rough terrain. The Mahogany and Battle Mountains and the eastern extension of the Trout Creek Mountains are the main areas of this type of terrain.

C. Water Resources

Owyhee River. The Owyhee River originates in southwestern Idaho and northern Nevada, flowing 175 miles through the eastern portion of Malheur County. The Owyhee Dam at River Mile 28 controls the flow of water below the dam. The total length of the river is 240 miles. The river basin drains an area of 11,340 square miles, of which 6,240 square miles are in Malheur County. The Owyhee River discharges into the Snake River south of the city of Nyssa, Oregon.

The river system can be divided into three zones: (1) upper zone--above the Owyhee Reservoir Dam, (2) middle zone--from below the reservoir to the Owyhee Ditch Diversion Dam, and (3) lower zone--from the Owyhee Ditch Diversion Dam to the mouth. Figure 1 presents a schematic diagram of the Owyhee together with its associated reservoirs, diversions, and irrigation canals.

In the upper zone, the Owyhee River is characterized by high flows during the spring runoff and summer low flows. The runoff peaks by April or early May, and by June the river is reduced to its summer flow. The flow above Rome is partially regulated by Wildhorse Reservoir in Nevada and by Antelope Reservoir on Jordan Creek near Jordan Valley in Oregon.

Jordan Creek, a major tributary, joins the Owyhee River 2.5 miles northwest of Rome. The flow in Jordan Creek is influenced by natural weather conditions, resulting in high flows during the spring runoff and subsequent low flows during summer. Jordan Creek has a history of flooding. Antelope Reservoir, which lies 22 miles east of Rome on a tributary to Jordan Creek, has a history of leakage problems within the reservoir. This leakage contributes to some of the sustained flow in Jordan Creek. Cow Creek and Dry Creek are other major tributaries of Jordan Creek. Other important tributaries of the Owyhee River and Reservoir include Crooked Creek and Dry Creek, respectively.

The flow in the 28 miles (middle and lower zones) below the Owyhee Reservoir Dam is controlled by release from the dam. This release stops at the end of irrigation season in mid-October. Flows during the shut-off period are limited to leakage at the dam (2 to 3 cfs), inflow from natural springs, irrigation return-flows, and snow melt. Flows beginning as early as January or as late as March range between 1,000 cfs to 8,000 cfs, but have exceeded 20,000 cfs when the reservoir spills. During irrigation season, from May to October, release from the dam is relatively stable, ranging from 100 cfs to 200 cfs.

The Owyhee Ditch Diversion Dam, about 12 miles from the mouth, alters the flow characteristics in the lower zone of the river. During the summer the diversion dam diverts all the reservoir release water, except for leakage. Below the diversion dam, the flow varies with the amount of irrigation return flow discharged back to the river. The first irrigation drain canal enters the river about two miles downstream from the diversion dam.

Snake River. The Snake River flows along the eastern edge of Malheur County. The Owyhee Irrigation District pumps water from the Snake River to its Dunaway pumping plant south of Nyssa and to its Dead Ox pumping plant north of Ontario. The Owyhee and Malheur Rivers are major tributaries to the Snake River. Smaller tributaries to the Snake River in Malheur County include Succor Creek near Adrian and Birch Creek near Farewell Bend.

D. Fish Resources

The Owyhee River is managed for a variety of fish species. The Owyhee River System above the Owyhee Reservoir is managed as both cold water (trout) and warm water fisheries. The Owyhee Reservoir, also known as Lake Owyhee, is managed primarily as a warm water fishery. The first ten miles below Owyhee Dam, is managed as a cold water fishery. The remaining lower 18 miles of the river is managed as a warm water fishery.

Historical Perspective. Historically, runs of summer Chinook salmon migrated from the Owyhee River into Nevada. The summer low flows and high water temperatures made the lower Owyhee River unsuitable habitat for the salmon. The salmon probably moved rapidly through the lower river, holding and spawning in the upper river and tributaries where the water temperature would be tolerable. The young salmon reared two years in the upper head waters and moved through the lower river quickly with the spring snow melt and on to the ocean.

The construction of irrigation and hydroelectric projects on the Owyhee River and Snake River have altered the flow characteristics of the river and the distribution and quality of the water. The construction of the Owyhee Dam in 1932 ended all upstream migration of the anadromous salmon. Salmon still had access below the Owyhee Dam until the construction of Brownlee Dam on the Snake River in 1958. The Department of Fish and Wildlife last captured juvenile Chinook salmon from the lower Owyhee River in 1954.

Non-native warm water game fish (bass, catfish, crappies, etc.) were introduced into Lake Owyhee and nearby waters during the mid-1930s and changed the makeup of the aquatic community.

Lake Owyhee. Lake Owyhee provides a good habitat for a warm water fishery. The reservoir inundated a steep-sided, rocky canyon that provides many areas for fish to feed, spawn, and hide. Largemouth bass and black crappie are the two most sought-after game species. Crappie make up about 80 percent of the annual harvest. Other species include channel catfish, bullhead, yellow perch, carp, northern squawfish, and suckers. Although uncommon, a few rainbow trout are also found in the headwaters of the reservoir. The Department of Fish and Wildlife believes the trout in the reservoir are washed in from the Owyhee River during spring freshet flows. Smallmouth bass and squawfish are found in the Owyhee River upstream from the reservoir. No endangered or threatened fish species occur in the reservoir.

Water quality of the reservoir and the river just above the reservoir is generally good. However, seasonal high water temperatures and turbid conditions have affected the fishery. Water temperatures in the river and

the shallow parts of the reservoir reach 80°F (28°C) or more in mid-summer to early fall. The high water temperatures are due to warm air temperatures and low natural flows. Turbidity is natural in the Owyhee Basin.

Owyhee Lake is the largest lake in southeastern Oregon and provides an important fishery to county residents, statewide residents, and neighboring Idaho residents. The Oregon Department of Fish and Wildlife estimates that anglers expended about 80,000 angler days on the reservoir in 1979. Approximately 50 percent of the angler use on Lake Owyhee is by Idaho residents. The ODFW has indicated that the reservoir can withstand more fishing pressure.

Owyhee River (below the Owyhee Dam). The Owyhee River from the Owyhee Dam to the Snake River, a total of 28 miles, provides a variety of aquatic habitat. The upper 14 miles flows through a rocky canyon area. The channel in this reach has a rock and gravel bottom with a good mix of pools and riffles. Riparian vegetation occurs on the banks, although it is sparse in some areas. The lower 14 miles intersects the alluvial plain where the intensive agricultural activities occur. This reach has less gradient than the upper reach and has a silt and sandy bottom. The lower 7 miles of the river is heavily silted.

The first 10 miles immediately below Owyhee Dam contains a highly productive rainbow trout fishery. In the spring, after the danger of a flood spill from the Owyhee Dam has passed, the ODFW annually stocks 20,000 to 40,000 fingerling and 4,000 yearling rainbow trout. Stocking is necessary to provide a summer-fall catchable trout fishery because natural reproduction and overwinter survival are minimal due to winter low flows and freezing conditions. In 1979, angler use was estimated at

4,000 to 5,000 angler-days, with a catch of about 15,000 to 20,000 trout. Angler activity and success is highest in the fall and winter when the flows are greatly reduced at the end of the irrigation season.

Flows during the irrigation season range between 150 and 200 cfs, depending on downstream irrigation demand. Summer flows of clear, cold (48°F to 55°F), nutrient-rich water are released deep from the reservoir which makes the river below the dam ideal for trout. Food is abundant in the river and excellent growth occurs; fingerlings grow 5 to 7 inches during the summer months.

As the water moves downstream from the Owyhee Dam, it is naturally warmed during the hot summer months to temperatures that are intolerable to trout. The next 18 miles downstream to the mouth are managed as a warm-water fishery. Many species of warm-water game fish are found in this part of the river. These fish are not native to the area, but have been introduced at various locations over the last 50 years. Included in this aquatic community are channel catfish, crappie, bass, bluegill, and bullheads. Angler use is light (300 angler days) in this section compared to the trout area, but it does afford some recreational opportunities for warm-water angling.

Most of the warm-water game fish inhabit the lower Owyhee River between River Mile 18 and River Mile 7. Non-game fish make up nearly the entire fish population in the lower 7 miles of the river. A survey by the ODFW in summer of 1978, indicates that only 25 percent of all fish in the lower 15 miles are game fish (see Table 2). During the irrigation season, a low flow or no flow condition below the Owyhee Ditch Diversion Dam adversely affects the warm-water fishery. There are no endangered or threatened species in the river below the Owyhee Dam.

Snake River. The Snake River from River Mile 395 to 409 borders the east side of Owyhee Basin. According to the Oregon Department of Fish and Wildlife, the Snake River primarily supports a warm-water fishery, with smallmouth bass the species most sought after. Based on their creel census, they believe the few trout that may be present in the river during spring were washed out of the Owyhee River.

E. Recreation

Owyhee Wild and Scenic River. A total of 192 miles of the Owyhee River system have been found qualified and recommended for the National Wild and Scenic River System. The qualified portion of the Owyhee consists of the East Fork from the western boundary to the Duck Valley Indian Reservation downstream to the South Fork to its confluence with the North and Middle Forks at Three Forks to form the mainstem, and finally down the mainstem to the slack waters of Lake Owyhee. The 14 miles from China Gulch to Crooked Creek qualify as scenic, the remaining 128 miles qualify as wild. The Owyhee River from Wildhorse Reservoir in Nevada to Lake Owyhee is in free-flowing condition. At present the recommendation to classify the Owyhee River as a National Wild and Scenic River is pending in Congress.

Power Boating/Waterskiing. Lake Owyhee is extensively used by water skiers and power boaters. The Bureau of Reclamation (now Water and Power Resource Service) estimated that the lake had 3,300 visits and 13,910 visitor days, and Lake Owyhee State Park had 15,256 daytime visits during the 1975-76 use season.

Float Boating. The Owyhee River from the Three Forks to the slack water of Lake Owyhee is rated for its challenging white water for rafters and kayakers. It is also rated for its scenery, wildlife, and primitive state. Best use is between March and June, with May being the best month.

Bathing. Swimming in Owyhee Basin occurs mainly in the reservoirs and at the city recreational pools. The summer low flows high fecal coliform densities associated with irrigation return waters, and muddy bottoms, generally make swimming unsuitable in the lower Owyhee River. The upper Owyhee River and its tributaries are suitable for swimming, provided sufficient water depth is present.

F. Conclusions

Based on the two-year study of water quality in the Owyhee Basin by the Malheur County Planning Office and the fish population surveys on the lower Owyhee River conducted by the Oregon Department of Fish and Wildlife, the following conclusions are drawn:

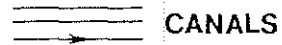
1. The present listing of beneficial uses for the Owyhee Basin streams is too general. It assumes that all uses apply to the entire basin.
2. Cold water fish species such as trout do not occur in the Snake River, in the Owyhee Reservoir, and in the lower 18 miles of Owyhee River.
3. Water contact recreation in the lower Owyhee River is unsuitable because of summer low flows, high fecal coliform densities, and muddy river bottom.

G. Recommendation

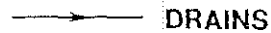
The beneficial uses in the Owyhee River Basin should be refined as shown in Table 3. These uses would reflect the present and highest future uses of the river system. Adoption of this list would not alter land uses, would not further jeopardize existing aquatic life, would not require changes in water quality standards, and would not result in any degradation in water quality.



MANMADE WATERWAYS



CANALS



DRAINS

• SEWAGE TREATMENT PLANTS



RESERVOIRS

Figure 1. Schematic Diagram of Owyhee River Irrigation Systems and Interbasin Transfer of Water to Malheur River Basin.

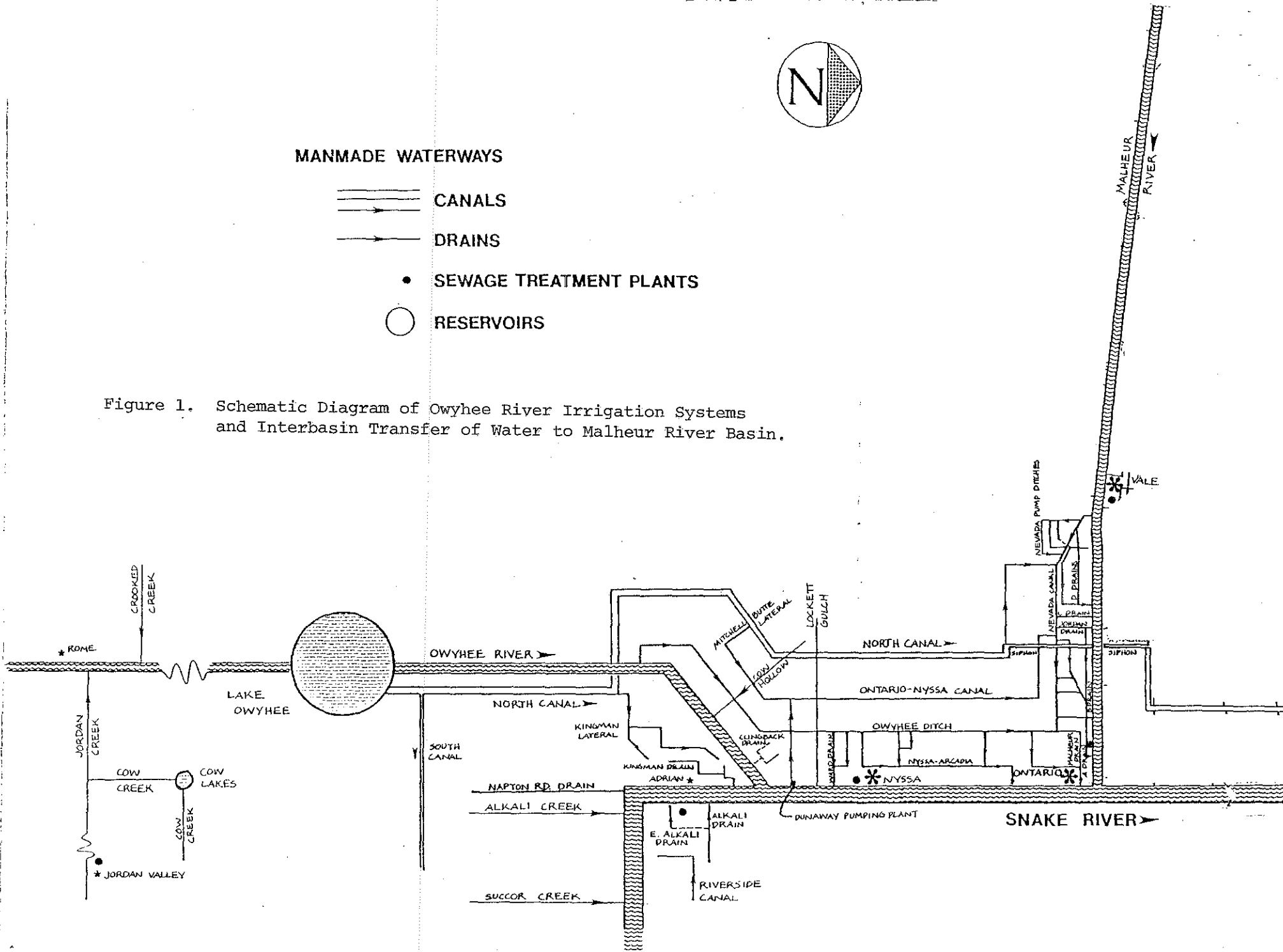


Table 1
 (Existing Beneficial Uses for Owyhee Basin)

TABLE 16
 (340-41-842)

<u>Beneficial Uses</u>	<u>Snake R. (RM395 to 409)</u>	<u>Owyhee Basin Streams</u>
Public Domestic Water Supply ^{1/}	X	X
Private Domestic Water Supply ^{1/}	X	X
Industrial Water Supply	X	X
Irrigation	X	X
Livestock Watering	X	X
Salmonid Fish Rearing	X	X
Salmonid Fish Spawning	X	X
Resident Fish & Aquatic Life	X	X
Wildlife & Hunting	X	X
Fishing	X	X
Boating	X	X
Water Contact Recreation	X	X
Aesthetic Quality	X	X

^{1/} With adequate pretreatment and where natural quality meets drinking water standards.

ELQ:g
 TG3154
 1/27/84

33/

TABLE 2
Owyhee River
Fish Species Abundance by Stream Section ^{1/}

FISH SPECIES	STREAM SECTIONS								
	Mouth - R.M. 7			R.M. 7-Owyhee Ditch			O. Ditch - Snively H.S.		
Game Fish	Coll	Obs.	Total	Coll.	Obs.	Total	Coll.	Obs.	Total
Black crappie	5	2	7	26	87	113	19	9	28
Bluegill	6	40	46	71	525	596	4	200	204
Brown bullhead		1	1						
Bullfrog		1	1						
Channel catfish	4	6	10	4	1	5			
Crayfish		2	2		2	2		1	1
Largemouth bass	1	3	4	30	58	88	3	30	33
Smallmouth bass				12	10	22	5	10	15
Warmouth bass				3		3			
<u>Rough Fish</u>									
Bridgelip sucker	15		15+	40		40+	20		20+
Carp	13	292	205	10	280	290	11	92	103
Chiselmouth	2		2	8		8	6	35	41
Coarscale sucker	31		31+	18		18+	28		28+
Dace							3	150	153
Redside shiner	8	70	78	10		10	21	410	431
Squawfish	1		1			1	13	75	88
Unidentified suckers		602	602		775	775		505	505

^{1/} After Bower et al., 1979.

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Beneficial Uses Proposed for Owyhee Basin to Replace Existing Table

TABLE 16
(340-41-842)

Beneficial Uses	<u>Intense Irrigation</u>		<u>Moderate Irrigation</u>	<u>Light Irrigation</u>	
	<u>Snake R. RM 395-409</u>	<u>Owyhee R. (RM 0-18)</u>	<u>Owyhee R. (RM 18-Dam)</u>	<u>Owyhee Reservoir</u>	<u>Owyhee River and tributaries Upstream from Owyhee Reservoir</u>
Public Domestic Water Supply ^{1/}	X		X	X	X
Private Domestic Water Supply ^{1/}	X		X	X	X
Industrial Water Supply	X		X	X	X
Irrigation	X	X	X	X	X
Livestock Watering	X	X	X	X	X
Salmonid Fish (<u>Trout</u>) Rearing			X		X
Salmonid Fish (<u>Trout</u>) Spawning			X		X
Resident Fish & Aquatic Life	X	X	X	X	X
Wildlife & Hunting	X	X	X	X	X
Fishing	X	X	X	X	X
Boating	X			X	X
Water Contact Recreation	X		X	X	X
Aesthetic Quality	X	X	X	X	X

^{1/} With adequate pretreatment and where natural quality meets drinking water standards.

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Historical Development of Oregon's Water Quality Standards

Over the course of nearly 40 years, Oregon's Water Quality Standards have evolved from the general to the specific. General water quality standards were first adopted in Oregon by the State Sanitary Authority in November 1947. Since then four major successive reviews of standards have been conducted. Changes suggested by studies, data, and experience have shaped the standards to protect the beneficial uses of water.

The first set of standards contained two numerical limits (dissolved oxygen content and pH range) and six descriptive standards. Each descriptive standard grouped classes of nuisance and toxic conditions that may be offensive to our senses, injurious to public health, or deleterious to other uses of water including: fish and related forms of aquatic life, domestic water supplies, shellfish propagation, bathing and recreation, irrigation, livestock watering, navigation, and industry.

In determining the degree of treatment required for municipal and sanitary sewage, the waters of Oregon were classified in three divisions -- Classes A, B, and C. Municipal waste was required to provide the equivalent of secondary treatment for discharges to Class A waters, and primary treatment for discharges to Class B waters. Both classes of water could be used for: public water supplies, swimming and recreation, irrigation, propagation of game and commercial fish, or propagation of shellfish. The distinguishing feature between Class A and Class B waters was stream flow adequate to dilute the treated waste. Temporary discharge of raw waste could be permitted in Class C waters, provided the discharge was not detrimental to any reasonable use of the water.

In 1967, the Sanitary Authority adopted general water quality standards which apply to all waters of the state. In addition, special water quality standards were adopted in 1967 for interstate waters, which included Goose Lake, marine and estuarine waters, and these rivers: Grande Ronde, Walla Walla, Snake, Columbia, Klamath, and Willamette. Special standards included more numerical limits for selected physical, chemical, and biological parameters. These standards also delineated the beneficial uses broadly for these waters.

From October 1969 to March 1970 the Sanitary Authority and Environmental Quality Commission adopted additional special water quality standards for selected intrastate river basins. These included the Rogue, Umpqua, Deschutes, and Sandy Basins, as well as the Clackamas, Molalla, Santiam, McKenzie, and Tualatin subbasins within the Willamette Basin. Again, the beneficial uses were listed to apply broadly across the basin waters for the present and the future.

In December 1976, the Department completed an overall Water Quality Management Plan for Oregon on a basin-by-basin basis. This plan was developed in response to requirements of Section 303(e) of Public Law 92-500 and in accordance with applicable provisions of Oregon Law (ORS Chapter 468).

The overall aim of this plan was to set forth a program to preserve and enhance water quality and to provide for beneficial uses of the water resource, while preserving environmental quality and the health and general welfare of the people. This plan is primarily a water pollution prevention program entailing the following objectives:

1. To identify and delineate recognized beneficial uses of Oregon's public waters for water quality management purposes.
2. To establish water quality standards which will describe the quality necessary to serve all recognized beneficial uses to the greatest possible extent.
3. To protect existing water quality where such quality is higher than the established standards.
4. To guide logical and orderly planning and implementation of such waste treatment capabilities and waste controls that may be necessary to accommodate planned future growth and development without sacrificing water quality.
5. To identify water quality deficiencies and standards non-compliance and to propose and implement the necessary corrective action to resolve the problems.

Until 1970, only five river basins, one interstate lake, and six interstate rivers had special water quality standards and delineated beneficial uses. For the remainder of the basins, the general water quality standards and the beneficial uses declared by the Water Policy Review Board applied. In developing the individual basin plans, the Department consolidated the general and special water quality standards applicable to the basin, evaluated their adequacy based on available data, and proposed changes where data suggested changes were necessary. For a number of basins, more stringent standards were proposed to replace the existing general standards which were considered insufficiently protective of beneficial uses. The process used to identify the beneficial uses for these basins was to distinguish the parent river(s) from the remaining basin waters, placing each under separate headings. All uses were assumed to occur or could occur somewhere in the basin.

The last statewide review of standards occurred in 1979. Amendments were made to clarify Oregon's Water Quality Standards for: Temperature, Turbidity, Fecal Coliform, Total Dissolved Gas, Antidegradation Policy and Toxic Substances.

Edison L. Quan:g
TG3176
2/2/84

ATTACHMENT 3

Existing Beneficial Uses for Malheur River Basin

TABLE 15
(340-41-802)

<u>Beneficial Uses</u>	<u>Snake R. Main Stem RM 335 to 395</u>	<u>Malheur R. & Tributaries to Malheur & Snake Rivers</u>
Public Domestic Water Supply ^{1/}	X	X
Private Domestic Water Supply ^{1/}	X	X
Industrial Water Supply	X	X
Irrigation	X	X
Livestock Watering	X	X
Salmonid Fish (Trout) Rearing	X	X
Salmonid Fish (Trout) Spawning	X	X
Resident Fish & Aquatic Life	X	X
Wildlife & Hunting	X	X
Fishing	X	X
Boating	X	X
Water Contact Recreation	X	X
Aesthetic Quality	X	X

^{1/} With adequate pretreatment and where natural quality meets drinking water standards.

ELQ:g
TG3154
2/3/84

ATTACHMENT 4

Existing Beneficial Uses for Owyhee River Basin

TABLE 16
(340-41-842)

<u>Beneficial Uses</u>	<u>Snake R. (RM395 to 409)</u>	<u>Owyhee Basin Streams</u>
Public Domestic Water Supply <u>1/</u>	X	X
Private Domestic Water Supply <u>1/</u>	X	X
Industrial Water Supply	X	X
Irrigation	X	X
Livestock Watering	X	X
Salmonid Fish Rearing	X	X
Salmonid Fish Spawning	X	X
Resident Fish & Aquatic Life	X	X
Wildlife & Hunting	X	X
Fishing	X	X
Boating	X	X
Water Contact Recreation	X	X
Aesthetic Quality	X	X

1/ With adequate pretreatment and where natural quality meets drinking water standards.

ELQ:g
TG3154
2/3/844

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Beneficial Uses Proposed for Malheur River Basin to Replace Existing Table

TABLE 15
(340-41-802)

Beneficial Uses	<u>Intensive Irrigation</u>		<u>Moderate Irrigation</u>		<u>Reservoirs</u>	<u>Light Irrigation</u>
	Snake R. Main Stem RM 335 - 395	Malheur R. (Namorf to Mouth) Willow Cr. (Brogan to Mouth) Bully Cr. (Reservoir to Mouth)	Willow Cr. (Malheur Reservoir to Brogan)	Malheur R. (Beulah Dam and Warm Springs Dam to Namorf)	Antelope Malheur Bully Creek Beulah Cow Cr. Warm Springs	Malheur River and Tributaries Upstream From Reservoirs
Public Domestic Water Supply ^{1/}	X			X	X	X
Private Domestic Water Supply ^{1/}	X			X	X	X
Industrial Water Supply	X			X	X	X
Irrigation	X	X	X	X	X	X
Livestock Watering	X	X	X	X	X	X
Salmonid Fish (Trout) Rearing			X		X	X
Salmonid Fish (Trout) Spawning			X			X
Resident Fish & Aquatic Life	X	X	X	X	X	X
Wildlife & Hunting	X	X	X	X	X	X
Fishing	X	X	X	X	X	X
Boating	X				X	X
Water Contact Recreation	X				X	X
Aesthetic Quality	X	X	X	X	X	X

^{1/} With adequate pretreatment and where natural quality meets drinking water standards.

ELQ:g
TG3155.A
2/3/84

Beneficial Uses Proposed for Owyhee Basin to Replace Existing Table

TABLE 16
(340-41-842)

Beneficial Uses	Intense Irrigation		Moderate Irrigation		Light Irrigation
	Snake R. RM 395-409	Owyhee R. (RM 0-18)	Owyhee R. (RM 18-Dam)	Owyhee Reservoir	Owyhee River and tributaries Upstream from Owyhee Reservoir
Public Domestic Water Supply <u>1/</u>	X		X	X	X
Private Domestic Water Supply <u>1/</u>	X		X	X	X
Industrial Water Supply	X		X	X	X
Irrigation	X	X	X	X	X
Livestock Watering	X	X	X	X	X
Salmonid Fish (<u>Trout</u>) Rearing			X		X
Salmonid Fish (<u>Trout</u>) Spawning			X		X
Resident Fish & Aquatic Life	X	X	X	X	X
Wildlife & Hunting	X	X	X	X	X
Fishing	X	X	X	X	X
Boating	X			X	X
Water Contact Recreation	X		X	X	X
Aesthetic Quality	X	X	X	X	X

1/ With adequate pretreatment and where natural quality meets drinking water standards.

ELQ:g
TG3155.A
1/30/84

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

**Changes in Water Quality Standards
(OAR Chapter 340, Division 41)**

Date Prepared: February 3, 1984
Hearing Date:
Record Closed:

**WHO IS
AFFECTED:**

Anyone who has an interest in the development of Water Quality Standards.

**WHAT IS
PROPOSED:**

The Department proposes to add, replace, and clarify language in existing Water Quality Standards contained in OAR Chapter 340, Division 41.

**WHAT ARE THE
HIGHLIGHTS:**

The Department proposes to: (a) add language to tables on beneficial uses in eleven basins which cautions by footnote that public and private domestic water supplies are beneficial uses with pretreatment and where natural quality meets drinking water standards; (b) refine the beneficial uses tables for the Malheur River and Owyhee River Basins to reflect the present and highest future uses of waters in these basins; and (c) to invite comments and suggestions for proposing future amendments to present standards.

**HOW TO
COMMENT:**

Public Hearing(s)

**WHAT IS THE
NEXT STEP:**

After the hearing record has been evaluated, the rules as proposed or revised will be presented for Commission approval.

Edison L. Quan:g
TG3184
229-6978
February 10, 1984



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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Agenda Item H, February 24, 1984, EQC Meeting

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(7), this statement provides information on the Environmental Quality Commission's intended action to adopt and amend rules.

(1) Legal Authority

ORS 468.735 provides that the Commission by rule may establish standards of quality and purity for waters of the state in accordance with the public policy set forth in ORS 468.710. ORS 183.545 requires a review every three years of state agency Administrative Rules to minimize the economic effect these rules may have on businesses. ORS 183.550 requires, among other factors, that public comments be considered in the review and evaluation of these rules. The Clean Water Act (Public Law 92-500, as amended) requires the states to hold public hearings, at least once every three years, to review applicable water quality standards.

(2) Need for the Rule

The need for specific proposed changes to Water Quality Standards contained in OAR Chapter 340, Division 41 are summarized below:

1. Beneficial Uses Tables. Proposed changes to eleven basin tables on beneficial uses are to:
 - a. Add language to identify one table.
 - b. Add language to clarify that public and private domestic water supplies are beneficial uses applicable with adequate pretreatment and where natural quality meets Drinking Water Standards.
2. Beneficial Uses Tables for Malheur River and Owyhee River Basins.

Recent studies completed in these basins provide sufficient data to refine the uses to reflect the present and highest future uses of water.

(3) Principal Documents Relied Upon in this Rulemaking

Clean Water Act amended in 1977.

Federal Register, Vol. 48, No. 217, November 8, 1983, Water Quality Standards Regulation.

Two-year Sampling Program, Malheur County Water Quality Management Plan, 1981.

Stream Surveys of the Lower Owyhee and Malheur Rivers, 1979, Department of Fish and Wildlife (Bowers et al).

ORS 468.735; ORS 468.710; ORS 183.545; and ORS 183.550.

(4) Fiscal and Economic Impact

The proposed modifications mentioned above are not expected to have any adverse fiscal impact on individuals, small businesses, or local governments.

(5) Land Use Consistency

The Department has concluded that the proposal conforms with the Statewide Planning Goals and Guidelines.

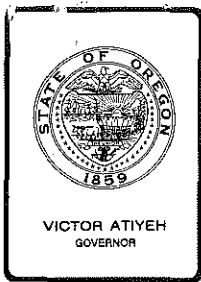
Goal 6 (Air, Water and Land Resources Quality): This proposal is designed to improve and maintain water quality by providing additional recognition of public and private domestic water supplies in Tables on Beneficial Uses for 11 basins and amending the Beneficial Uses Tables for the Malheur and Owyhee River Basins.

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 manner as 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 appropriate conflicts brought to our attention by local, state or federal authorities.

Edison L. Quan:g
229-6978
February 10, 1984
TG3182



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 H, February 24, 1984, EQC Meeting

Public Hearing and Proposed Adoption of Open Field
Burning Rules, OAR 340-26-001 through 340-26-050.

Background

As stated in the January 6, 1984, staff report (Attachment IV), revisions to the rules regulating open field burning in the Willamette Valley are proposed to 1) generally simplify the rules and clarify and update various provisions to reflect improved practices, 2) revise the way in which civil penalties are determined and mitigated, 3) address several problem areas through a "tightening" of certain provisions, and 4) add a measure of flexibility to various criteria which govern day-to-day decisions on burning.

Among the minor, substantive revisions which would tighten certain provisions of the current rules is one which would extend "priority area" status to areas along both sides of major highways and to the Cascade Highway between Silverton and Stayton. This is intended to underscore and affirm the need for extra grower and permit agent caution when burning on either side of heavily travelled highways. Several smoke related accidents have occurred on Cascade Highway in recent years.

Other revisions would disallow any burning under extremely poor dispersion conditions; reduce the amount of acreage allowed to be experimentally burned each year from 7,500 to 5,000; and restrict individual propane operations which cause a public nuisance or safety hazard.

Among the minor, substantive revisions which would relax certain criteria and allow the Department greater flexibility in making daily burn decisions is one which would allow the Department to waive "drying day" requirements following rainfall if dry fields



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are available as a result of unusually high evaporation conditions. Because such conditions are more likely to occur in July and early August, this is intended to remove one impediment to burning early in the summer when fields are in optimum burning condition.

Other revisions would allow test fires before minimum humidities are achieved; change slightly the range of wind directions under which the humidity restrictions apply; and remove restrictions on the time of day in which burning could be allowed.

On January 6, 1984, at its regularly scheduled meeting, the Environmental Quality Commission (EQC) approved a request for authorization to conduct a public hearing on the proposed open field burning regulations, with the period for receiving testimony to extend through to the scheduled public hearing, before the Commission, at the February 24, 1984, EQC meeting. Public testimony received as of this writing (February 1, 1984) are reviewed in the Alternatives and Evaluation section of this report.

A "Statement of Need for Rulemaking" is attached (Attachment I).

Alternatives and Evaluation

Notice of the proposed open field burning rule revisions has been distributed to local, state and federal agencies (including affected fire districts) as part of the federally mandated coordinated review process.

1. Summary of Testimony

The City of Eugene and the Oregon Seed Council have been instrumental in assisting the rule development process. Both parties have submitted written comments on the proposed rule revisions.

In its testimony, the City of Eugene expressed support for the proposed rule revisions, but commented on two general concerns. One was that removing restrictions on night time burning may indeed be worthwhile provided that it does not result in illegal burning or problems of enforcement. It was suggested that the rule be approved and the Department re-evaluate the rule after two seasons for any problems of compliance. The second concern was that extending priority area status to both sides of the major highways is also worthwhile, but may not be enough to ensure that safe driving conditions can always be maintained. It was suggested that the Department take a more comprehensive look at the general problem of burning in priority areas.

In its comments, the Seed Council also indicated general support for the proposed rules, emphasizing the need for a streamlining and simplification of rule language and for greater flexibility in daily smoke management operations. A few areas of disagreement were also identified (refer to Attachment III):

- a. Page 6, 340-26-010(6). The Council commented regarding an existing requirement that growers "actively extinguish" their fires when prohibition conditions are imposed, noting that this can often be dangerous or impossible to do. The Council suggested that the requirement is not in the best interest of smoke management and that farmers should often be required to "expedite" their burning, instead of extinguishing active flames and smoke.
- b. Page 5, 340-26-005(40). The Council noted that the revised definition for "validation number" (used by permit agents when issuing field burning permits) makes reference to "a specific acreage...in a specific location..." even though a location identifier is not provided for in the three-part validation number. The Council stated that requiring that a specific field be identified in the validation number (i.e., the permit) limits the flexibility of the farmer to change his mind and burn a different field than the one actually permitted.
- c. Page 4, 340-26-005(27)(e). The Council suggested that including Oregon Cascade Highway as a priority area could severely restrict or effectively ban burning (on the west side of the highway) unless the Department is willing to begin allowing the fields along the west side to be burned under north or north-easterly winds.
- d. Page 19, 340-26-045(2). The Council expressed opposition to the provision prohibiting any propane flaming operation which "creates a public nuisance or public safety hazard", suggesting that to do so would be contrary to previous efforts to encourage the use of propaning as a recognized alternative to open field burning. It was also suggested that regulating a farming activity (such as propaning) on the basis of public nuisance abatement may be contrary to the so called "right to farm bill" (ORS 30.930-.945).

Pursuant to ORS 468.460, the Department also requested Oregon State University (OSU) to comment on the proposed open field burning rules and has subsequently received their testimony. In general, OSU indicated support for the proposed revisions, but has expressed some concern on two particular items. The first concern was that the proposed reduction of the amount of acreage allowed for experimental burning each year (from 7,500 acres to 5,000 acres) could possibly interfere with any future large scale experimental burning projects. It was suggested that the EQC retain the option of making a special exception to this rule at some future date if ever such a project is warranted.

The second concern was that restricting individual propane operations on the basis of nuisance could deter the practice of propane flaming in general. It was suggested that restrictions on propaning be kept to a minimum and that an effort be made to define "public nuisance or public safety hazard" so that growers can better understand the limitations in place.

No other written testimony on the proposed open field burning rules has been received as of this writing.

The Environmental Protection Agency (EPA) is currently reviewing the proposed rule revisions, but have provided no response as of this writing.

2. Proposed Rule Changes in Response to Testimony

2.1 Response to General Comments

The City of Eugene's comments concerning the potential difficulties of enforcing burning regulations for burning allowed after dark are well taken. Under the proposed rule, night burning could occur on those rare occasions when suitable meteorological conditions exist, but it would still be subject to the usual smoke management considerations and all other established authorization criteria. The Department's air monitoring network would continue to operate, providing staff with real-time information on wind flows and smoke concentrations; various other sources of data used to supplement this monitoring information would also continue to be available. Every effort would be made to continue effective aerial and ground surveillance as well. But if the Department finds, after some experience, that effective surveillance is not possible, and that illegal burning does in fact become a problem, then night burning would have to be curtailed and the rule subsequently reconsidered. Therefore, the Department recommends no change to the proposed rule.

The comment submitted by OSU concerning limits on experimental burning is also well taken. Little or no experimental burning has been conducted in recent years and none is presently planned. However, it is conceivable that an experimental program involving large amounts of acreage could someday be warranted. It is the Department's view that any such large scale effort should first be reviewed and approved by the Commission anyway, and that a temporary rule allowing increased experimental acreage could be considered at such time. Therefore, the Department recommends no change to the proposed rule.

2.2 Response to Specific Comments

a. "Actively Extinguish":

The Seed Council's comments on the existing requirement that growers "actively extinguish" their fires when prohibition conditions are imposed have been reviewed by staff. It is the Department's view that relaxing this rule would have serious negative consequences on the Department's general ability to enforce the regulations and operate an effective smoke management program. Staff recognizes both the difficulties and dangers involved in attempting to extinguish active burns. These are taken into

consideration on a case-by-case basis when reviewing violations where burning continues a short while after the "fires-out" time, particularly when the "stop-burning" order was imposed suddenly. In most instances, however, the fires-out time is established and announced to the growers before burning begins. The grower then has the opportunity, and the responsibility in the Department's view, to refrain from initiating any burn which has little chance of meeting the pre-announced fires-out time.

In addition, "actively extinguish" is an easily defined and enforceable term. It requires that the grower take some affirmative action to help prevent a smoke problem. Even at that, the rule does not assure that the smoke will stop, just that the grower work on putting it out. Requiring growers to simply "expedite" their burning, as suggested, is considered so broad as to be unenforceable. It could, for example, allow no action on the grower's part or even additional burning. This would reward the late burner to the detriment of the prudent one and the program as a whole.

Late burning can be a particularly serious problem because it takes place precisely at the time when dispersion conditions are most inappropriate. Presently, program staff try to take advantage of every reasonable burning opportunity, confident that when a stop-burning order must be issued, growers will generally respond and comply with that order. If, on the other hand, the rule language were to be relaxed, then staff would be forced to be more conservative when allowing burning in the first place, compensating for the "straggler" burns that would undoubtedly continue to generate smoke. Therefore, the Department recommends no change to the existing rule.

b. "Validation Number":

The Seed Council expressed opposition to the rule revision specifying that the specific location of acreage (i.e., specific field) authorized for burning be identified as part of the permit validation number. Actually, the Department proposed the revision as only a clarification of what it considers to be an existing requirement that a given permit apply to a given field. Admittedly, the language of the current rules is not precise, but has always been interpreted by staff to support the "one permit/one field" concept. For example:

"(14) "Validation number" means.....which validates a specific open field burning permit for a specific acreage of a specific day... (OAR 340-26-005(14))."

It is staff's contention that this rule was not intended to allow growers to apply a given permit to "any" field up to a

certain acreage amount, but to a specific field. If the looser interpretation was indeed intended, then the proper wording would have been:

"...for a specific acreage amount of a specific day."

Other excerpts:

"(2) (a) No person shall conduct open field burning within the Willamette Valley without first obtaining a..... validation number from the local fire permit issuing agency for any given field for the day that the field is to be burned (OAR 340-26-010(2) (a))."

"(2) (b) Open field burning permits issued by the Department are not valid until.....a validation number is obtained from the appropriate local fire permit issuing agency for each field on the day that the field is to be burned..... (OAR 340-26-010(2) (b))."

Furthermore, permitting procedures that were in place for many years required that the grower actually take the written permit (showing each registered field) to the agent on the day of the burn so that the agent could validate that specific field for burning. The agent would write the validation number on the form across from the specific field authorized. And while validation numbers are now generally issued to the grower over the phone, there are a number of reasons why, in the Department's view, permits should continue to apply to specific fields.

First, the switching of fields by the grower without the agent's approval can undermine the "ready list" districts use in equitably prioritizing the order in which fields are selected for burning. Secondly, burning is often restricted to certain zones within a fire district, or to certain crop types, or to a certain number of fires allowed to be going at a given time. It is the permit agent, and not the grower, who is both capable of and responsible for carrying out such restrictions through a coordinated permitting process. The importance of this was underscored recently when an automobile accident resulted from the apparent misdirection between an agent and a grower over which exact field was to be burned. Similar misdirections could, and probably do, result in increased incidences of smoke impacts from burning around populated areas. Finally, it is the Department's view that the general enforceability of the burning regulations would be impaired if the "one permit/one field" requirement is not clearly established by rule and implemented in practice. This is supported by discussions with the Department's legal counsel concerning the need for a general tightening of the permitting process.

Therefore, the Department recommends that the definition for "validation number" be revised to clearly and specifically include identification of the particular field to which the burning permit applies (see Attachment III, page 5, subsection 340-26-005(40)).

c. "Priority Areas":

Staff recognizes the concerns expressed by both the Seed Council and the City of Eugene regarding priority areas. Burning in priority areas, especially around major highways, is a daily dilemma. For some areas, the need to protect both the adjacent highway and the downwind populations from smoke severely limits the number of wind-flow scenarios under which burning can be satisfactorily accomplished. During the course of a typical season, a limited amount of burning is allowed in these hard-to-burn areas. This is done usually under light surface winds and westerly flow aloft, allowing the smoke to lift safely off the ground and slowly drift out of the Valley. Some priority burns are accomplished successfully, others eventually impact downwind populations, and still others jeopardize traffic safety. A more comprehensive analysis of the problems and potential solutions concerning priority area burning may indeed be warranted as suggested by the City of Eugene.

For the present, though, with regard to the Council's specific concerns over burning opportunities along the west side of Cascade Highway, if designated a priority area, staff must continue to be resistant to burning in this area upwind of Lebanon and the Valley's general population. Rather, staff would apply the same criteria used to consider burning in the other priority areas which are in the same situation. With a close monitoring effort and the assistance of the Seed Council in organizing and coordinating growers and fire districts in the area, reasonable burning opportunities could be expected. The Department recommends no change to the proposed rule.

d. "Propane Flaming":

The issue of public nuisance as it relates to air pollution is a complex one because the term is so difficult to define. The Department's legal counsel is reviewing the agency's statutory authority to regulate pollutant sources on the basis of nuisance abatement. Preliminary indications are that such authority does exist, but it is doubtful this would extend to farming practices such as propaning.

The proposed rule was intended to grant staff the authority to require that particularly troublesome propane operations, for example those causing a significant number of citizen complaints, be temporarily halted until more suitable conditions exist. When properly conducted, propaning is a preferred alternative to open field burning.

It is encouraged through the absence of any of the restrictions that apply to field burning; propaning can be done on any day, at any time, and without a DEQ permit or payment of fees. In the Department's view, the practice is increasing each year and the number of particularly troublesome propane operations is likely to rise. And while the problem is not considered to be serious at this time, staff would not rule out the need for some future form of control.

Based on these considerations and the testimony submitted by the Seed Council and OSU, the Department recommends removing the public nuisance provision from the proposed rule (OAR 340-26-045). Staff would hope that the Seed Council and the grower community at large continue to assist and cooperate with the Department in its efforts to minimize problems of propaning.

e. Other Rule Changes

With regard to the proposed rule (originally subsection 340-26-025(4)) limiting the Hearing Officer's authority to reduce penalties below certain minimum amounts, staff has reevaluated this complex issue of penalty mitigation and now proposes to withdraw that particular provision from these rules. It is the Department's view, however, that a broad-based review of penalty reduction policies and their impact on enforcement in general is in order.

Additional minor revisions are proposed by staff: a slight rewording of subsection 340-26-012(1)(b) concerning late registration and 340-26-025(1) concerning intentional or negligent rule infractions, which more accurately reflect statutory language; a change to subsection 340-26-015(6)(c) allowing the Department to restrict burning on the basis of crop type, which is authorized by statute; and single-word changes to subsections 340-26-003(1) and 340-26-005(15) to improve clarity.

3. Submittal of Proposed Rules for State Implementation Plan Revision

The proposed rules, if adopted, would be submitted along with any necessary supporting documentation to the EPA. It is the Department's view that the proposed revisions are no more or less restrictive than current rules contained in the current SIP and should therefore have little difficulty receiving approval.

Summation

Revisions to the rules regulating open field burning in the Willamette Valley have been proposed to:

1. Generally reorganize and restructure the rules in order to simplify them and make them easier to use.
2. Clarify and update various terms, procedures and practices which have become important elements of the present smoke management control program.
3. Revise the way in which civil penalties are determined and mitigated.

4. Extend priority area status to areas along both sides of major highways, including the Oregon Cascade Highway between Silverton and Stayton.
5. Establish a "no-burn" rule under extremely poor meteorological dispersion conditions and revise slightly the conditions under which only test-fires could be allowed.
6. Reduce the amount of acreage allowed to be experimentally burned each year from 7,500 acres to 5,000 acres.
7. Prohibit propane flaming operations which create a public nuisance or public safety hazard.
8. Allow the burning of test-fires before minimum humidity criteria are achieved, and increase slightly the range of wind directions under which the 65% minimum humidity restriction applies.
9. Allow the Department additional authority to waive "drying-day" requirements when it determines that dry fields are available as a result of unusually high evaporative weather conditions.
10. Remove restrictions on the times of day in which burning could be allowed.

Written testimony received to date has generally supported the proposed rule revisions, with the following specific exceptions. The City of Eugene expressed some concerns over 1) the possibilities of enforcement difficulties if night burning is allowed, and 2) the general issue of burning in priority areas around highways. It was suggested that a more comprehensive review of priority area burning be made.

The Oregon Seed Council submitted comments 1) suggesting a change to the current rules requiring growers to actively extinguish their fires when a "stop-burning" order is issued by the Department, 2) opposing a proposed rule (clarification) requiring that permits apply to specific fields, 3) suggesting that if Oregon Cascade Highway is declared a priority area, that the Department allow burning in that area under northerly winds, and 4) opposing restrictions on propane flaming based on public nuisance or public safety hazards.

Oregon State University expressed some concerns over 1) the reduction in acreage allowed for experimental burning each year, and 2) restrictions on propane flaming on the basis of public nuisance or public safety hazard.

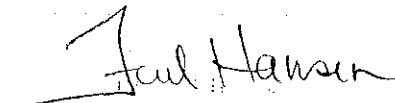
Based on the public testimony received to date, and other staff comments, additional rule changes are proposed to:

1. Modify proposed subsection 340-26-005(40) regarding "validation numbers" to clarify and provide for identification of the specific field to which each burning permit applies.
2. Modify proposed subsection 340-26-045(2) regarding propane flaming to eliminate restrictions on propane operations on the basis of public nuisance or public safety hazard.
3. Eliminate a provision limiting the Hearing Officer's authority to reduce penalties below certain minimum amounts.
4. Make minor changes to subsections 340-26-012(1)(b) regarding late registration and 340-26-025(1) regarding intentional or negligent rule infractions, to reflect statutory language; to subsection 340-26-015(6)(c) regarding daily burning authorization criteria to allow the Department to limit burning on the basis of crop type; and to subsections 340-26-003(1) and 340-26-005(15) to improve clarity.

If adopted, the proposed rules and any necessary supporting documentation would be submitted to the EPA immediately.

Director's Recommendation

Based upon the Summation and subject to the testimony submitted in the public hearing before the Commission, it is recommended that the Commission adopt as permanent rules the proposed rules, OAR 340-26-001 through 340-26-050, as set forth in Attachment III, and instruct staff to submit adopted rules to the Environmental Protection Agency as a revision to the Oregon State Implementation Plan.


Fred Hansen

Attachments: (4)

- I. Draft Statement of Need for Rulemaking
- II. Draft Hearings Notice
- III. Proposed Amendments and Additions to the Rules
OAR 340-26-001 through 340-26-050
- IV. Director's January 6, 1984, staff report to the Environmental Quality Commission requesting authorization to conduct a public hearing on the proposed open field burning rules.

Sean K. O'Connell:pd
686-7837
February 1, 1984

Agenda Item H, February 24, 1984, EQC Meeting.

STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority

Legal authority for this action is ORS 468.460(1).

Need for the Rule

The proposed amendments and additions are needed to simplify, clarify, update and revise the regulations pertaining to open field burning in the Willamette Valley.

Principal Documents Relied Upon

ORS 468.450 through 468.495, OAR Chapter 340 Division 23 Rules for Open Burning, and the existing rules have been relied on.

Fiscal and Economic Impact Statement

There should be no significant adverse economic impact on small businesses.

Land Use Consistency Statement

Portions of the proposed rules appear to affect land use and will be consistent with Statewide Planning Goals and Guidelines.

Goal 6 (Air, Water and Land Resources Quality): The proposal is designed to improve and maintain air quality in the affected area and is consistent with the Goal.

Goal 11 (Public Facilities and Services) is deemed unaffected by the rules.

The proposal 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 manner as 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 appropriate conflicts brought to our attention by local, state or federal authorities.

Sean K. O'Connell:pd
686-7837
February 1, 1984

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

PROPOSED REVISIONS TO OPEN FIELD BURNING RULES
NOTICE OF PUBLIC HEARING

Date Prepared: 1/09/84
Hearing Date: 2/24/84
Comments Due: 2/24/84

WHO IS AFFECTED: Those who conduct or permit open field burning within the Willamette Valley and the general public at risk of exposure to field burning smoke.

WHAT IS PROPOSED: The Department of Environmental Quality is proposing to amend OAR OAR 340-26-001 through 340-26-050, rules for open field burning (agricultural burning) in the Willamette Valley.

WHAT ARE THE HIGHLIGHTS: The Department of Environmental Quality is proposing changes and additions to the open field burning rules. Interested parties should request a copy of the complete proposed rule package. Some highlights are:

- Rule revisions which restructure and reorganize the rules for simplification and easier use.
- Rule revisions and additions for the purpose of clarifying, updating and making minor changes to the current regulations.

HOW TO COMMENT: Copies of the complete proposed rule package may be obtained from the DEQ Field Burning Program in Eugene (1244 Walnut St.). For further information contact Sean O'Connell at (503) 686-7837.

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

10:00 a.m.
February 24, 1984
Harris Hall
Lane County Courthouse
125 East Eighth St.
Eugene, Oregon

Oral and written comments will be accepted at the public hearing. Written comments may be sent to the DEQ Field Burning Program at 1244 Walnut St., Eugene, OR 97403, but must be received no later than 5:00 p.m., February 22, 1984.

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:**

Immediately following the 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 a revision of the State Clean Air Act Implementation Plan.

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

DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 340

DIVISION 26

[~~AGRICULTURAL-OPERATIONS~~]
[~~Agricultural-Burning~~]

RULES FOR OPEN FIELD BURNING
(Willamette Valley)

Introduction

340-26-001(1) These rules apply to the open burning of all perennial and annual grass seed and cereal grain crops or associated residue within the Willamette Valley, hereinafter referred to as "open field burning." The open burning of all other agricultural waste material (referred to as "fourth priority agricultural burning") is governed by Oregon Administrative Rules (OAR) Chapter 340, Division 23, Rules for Open Burning.

(2) Organization of rules.

(a) OAR 340-26-003 is the policy statement of the Environmental Quality Commission setting forth the goals of these rules.

(b) OAR 340-26-005 contains definitions of terms which have specialized meanings within the context of these rules.

(c) OAR 340-26-010 lists general provisions and requirements pertaining to all open field burning with particular emphasis on the duties and responsibilities of the grower registrant.

(d) OAR 340-26-012 lists procedures and requirements for registration of acreage, issuance of permits, collection of fees, and keeping of records, with particular emphasis on the duties and responsibilities of the local permit issuing agencies.

(e) OAR 340-26-013 establishes acreage limits and methods of determining acreage allocations.

(f) OAR 340-26-015 establishes criteria for authorization of open field burning pursuant to the administration of a daily smoke management control program.

(g) OAR 340-26-025 establishes civil penalties for violations of these field burning rules.

(h) OAR 340-26-030 establishes special provisions pertaining to field burning by public agencies for official purposes, such as "training fires."

(i) OAR 340-26-035 establishes special provisions pertaining to open field burning for experimental purposes.

(j) OAR 340-26-040 establishes special provisions and procedures pertaining to emergency open field burning and emergency cessation of burning.

(k) OAR 340-26-045 establishes provisions pertaining to approved alternative methods of burning, such as "propane flaming."

(l) OAR 340-26-050 establishes provisions and procedures pertaining to tax credits for approved alternative facilities.

Policy

340-26-003 In the interest of public health and welfare, pursuant to ORS 468.455, it is the declared public policy of the State of Oregon to control, reduce, and prevent air pollution from open field burning by smoke management. In developing and carrying out a smoke management control program it is the policy of the Environmental Quality Commission:

(1) To provide for a maximum level of burning with a minimum level of smoke impact on the public, recognizing:

(a) The importance of flexibility and judgement in the daily decision-making process, within established and necessary limits;

(b) The need for operational efficiency within and between each organizational level;

(c) The need for effective compliance with all regulations and restrictions.

(2) To study, develop and encourage the use of reasonable and economically feasible alternatives to the practice of open field burning.

Definitions

340-26-005 As used in [~~this general order, regulation and schedule,~~] these rules, unless otherwise required by context:

[~~1~~]-Burning seasons-

(a)-"Summer burning season"-means the four-month period from July 1 through October 31-

(b)-"Winter burning season"-means the eight-month period from November 1 through June 30-]

(1) "Actively extinguish" means the direct application of water or other fire retardant to an open field fire.

(2) [~~20~~] "Approved alternative method(s)" means any method approved by the Department to be a satisfactory alternative field sanitation method to open field burning.

(3) [~~22~~] "Approved alternative facilities" means any land, structure building, installation, excavation, machinery, equipment, or device approved by the Department for use in conjunction with an approved alternative method [~~or an approved interim alternative method for field sanitation~~].

(4) [~~10~~] "Commission" means the Environmental Quality Commission.

(5) [~~27~~] "Cumulative hours of smoke intrusion in the Eugene-Springfield area" means the average of the totals of cumulative hours of smoke intrusion recorded for the Eugene site and the Springfield site. Provided the Department determines a smoke intrusion to have been significantly contributed to by field burning, it shall record for each hour of the intrusion which causes the nephelometer hourly reading to exceed background levels (the average of the three hourly readings immediately prior to the intrusion) by:

(a) 5.0×10^{-4} b-scat units or more, two hours of smoke intrusion;

(b) 4.0×10^{-4} b-scat units or more, for intrusions after September 15 of each year, two hours of smoke intrusion;

(c) 1.8×10^{-4} b-scat units or more but less than the applicable value in subsection (a) or (b) above, one hour of smoke intrusion.

(6) [~~2~~] "Department" means the Department of Environmental Quality.

(7) "Director" means the Director of the Department or delegated employe representative pursuant to ORS 468.045(3).

(8) "District allocation" means the total amount of acreage sub-allocated annually to the fire district, based on the district's pro rata share of the maximum annual acreage limitation, representing the maximum amount for which burning permits may be issued within the district, subject to daily authorization. District allocation is defined by the following identity:

$$\text{District Allocation} = \frac{\text{Maximum annual acreage limit}}{\text{Total acreage registered in the Valley}} \times \frac{\text{Total acreage registered in the District}}{\text{Total acreage registered in the District}}$$

(9) ~~[(23)]~~ "Drying day" means a 24-hour period during which the relative humidity reached a minimum less than 50% and no rainfall was recorded at the nearest reliable measuring site.

(10) ~~[(26)]~~ "Effective mixing height" means either the ~~[maximum]~~ actual height of [aetua±] plume rise as determined by aircraft measurement or the calculated or estimated mixing height as determined by the Department, whichever is greater.

(11) "Field-by-field burning" means burning on a limited or restricted basis in which the amount, rate, and area authorized for burning is closely controlled and monitored. Included under this definition are "training fires" and experimental open field burning.

(12) "Field reference code" means a unique four-part code which identifies a particular registered field for mapping purposes. The first part of the code shall indicate the grower registration (form) number, the second part the line number of the field as listed on the registration form, the third part the crop type, and the fourth part the size (acreage) of the field (e.g., a 35 acre perennial field registered on line 2 of registration form number 1953 would be 1953-2-P-35)

(13) "Fire district" or "district" means a fire permit issuing agency.

(14) ~~[(13)]~~ "Fire permit" means a permit issued by a local fire permit issuing agency pursuant to ORS 477.515, 477.530, 476.380, or 478.960.

(15) "Fires-out time" means the time announced by the Department at which all flames and major smoke sources associated with open field burning should be out, and prohibition conditions are scheduled to be imposed.

(16) "Fluffing" means a mechanical method of stirring or tending crop residues for enhanced fuel bed aeration and drying, thereby improving the field's combustion characteristics.

(17) "Grower allocation" means the amount of acreage sub-allocated annually to the grower registrant, based on the grower registrant's pro rata share of the maximum annual acreage limitation, representing the maximum amount for which burning permits may be issued, subject to daily authorization. Grower allocation is defined by the following identit

$$\text{Grower Allocation} = 1.10 \times \frac{\text{Maximum annual acreage limit}}{\text{Total acreage registered in the Valley}} \times \frac{\text{Total acreage registered by grower registrant}}{\text{Total acreage registered by grower registrant}}$$

(18) "Grower registrant" means any person who registers acreage with the Department for purposes of open field burning.

(19) ~~[(3)]~~ "Marginal conditions" means conditions defined in ORS 468.450(1) under which permits for ~~[agricultura±]~~ open field burning may be issued in accordance with ~~[this-regulation-and-schedule-]~~ these rules and other restrictions set forth by the Department.

(20) "Nephelometer" means an instrument for measuring ambient smoke concentrations.

(21) ~~[(4)]~~ "Northerly winds" means winds coming from directions from 290° to 90° in the north ~~[half]~~ part of the compass, ~~(at-the-surface and-aloft-]~~ averaged through the effective mixing height.

(22) ~~[(15)]~~ "Open field burning" means the burning of any perennial ~~[grass-seed-field-]~~ or annual grass seed ~~[field-]~~ or cereal grain ~~[field]~~ crop, or associated residue, in such manner that combustion air and combustion products are not effectively controlled.

(23) ~~[(12)]~~ "Open field burning permit" means a permit issued by the Department pursuant to ORS 468.458.

(24) ~~[(11)]~~ "~~Local-fire~~ Permit issuing agency" or "permit agent" means the county court or board of county commissioners, or fire chief or a rural fire protection district or other person authorized to issue fire permits pursuant to ORS 477.515, 477.530, 476.380, or 478.960.

(25) "Preparatory burning" means controlled burning of portions of selected problem fields for the specific purpose of reducing the fire hazard potential or other conditions which would otherwise inhibit rapid ignition burning when the field is subsequently open burned.

(26) "Priority acreage" means acreage located within a priority area.

(27) ~~[(5)]~~ "Priority areas" means the following areas of the Willamette Valley:

(a) Areas in or within 3 miles of the city limits of incorporated cities having populations of 10,000 or greater.

(b) Areas within 1 mile of airports servicing regularly scheduled airline flights.

(c) Areas in Lane County south of the line formed by U.S. Highway 126 and Oregon Highway 126.

(d) Areas in or within 3 miles of the city limits of the City of Lebanon.

(e) Areas on the west and east sides of and within 1/4 mile of these highways: U.S. Interstate 5, 99, 99E, [and] 99W, and Oregon Cascade Highway between Silverton and Stayton. Areas on the south and north sides of and within 1/4 mile of U.S. Highway 20 between Albany and Lebanon, Oregon Highway 34 between Lebanon and Corvallis, Oregon Highway 228 from its junction south of Brownsville to its rail crossing at the community of Tulsa.

(28) ~~[(6)]~~ "Prohibition conditions" means [atmospheric] conditions under which ~~[all-agricultural]~~ open field burning is ~~[prohibited-(except where-an-auxiliary-fuel-is-used-such-that-combustion-is-nearly-complete, or-an-approved-sanitizer-is-used, or-burning-is-specifically-authorized by-the-Department-for-experimental-purposes-pursuant-to-rule-340-26-013(6) or-for-the-purpose-of-confirming-forecasted-atmospheric-dispersion conditions)-]~~ not allowed except for individual burns specifically authorized by the Department pursuant to subsection 340-26-015(2).

(29) "Propane flaming" means an approved alternative method of burning which employs a mobile flamer device utilizing an auxiliary fuel such that combustion is nearly complete and emissions significantly reduced.

(30) ~~[(24)]~~ "~~Basic~~ Quota" means an amount of acreage established by the Department for each ~~[permit-jurisdiction, including fields located in priority areas,]~~ fire district for use in authorizing daily burning limits in a manner to provide, as reasonably as practicable, an equitable opportunity ~~[to-burn]~~ for burning in each area.

(31) ~~[(18)-"Perimeter-burning"]~~ "Rapid ignition techniques" means a method of burning ~~[fields]~~ in which all sides of the field are ignited as rapidly as practicable in order to maximize plume rise. Little or no preparatory backfire burning shall be done.

(32) "Residue" means straw, stubble and associated crop material generated in the production of grass seed and cereal grain crops.

(33) "Responsible person" means each person who is in ownership, control, or custody of the real property on which open field burning occurs, including any tenant thereof, or who is in ownership, control or custody of the material which is burned, or the grower registrant.

Each person who causes or allows open field burning to be maintained shall also be considered a responsible person.

(34) "Small-seeded seed crops requiring flame sanitation" means small-seeded grass, legume, and vegetable crops, or other types approved by the Department, which are planted in early autumn, are grown specifically for seed production, and which require flame sanitation for proper cultivation. For purposes of these rules, clover and sugar beets are specifically included. Cereal grains, hairy vetch, or field peas are specifically not included.

(35) "Smoke management" means a system for the daily (or hourly) control of open field burning through authorization of the times, locations, amounts and other restrictions on burning, so as to provide for suitable atmospheric dispersion of smoke particulate and to minimize impact on the public.

(36) [~~+7~~] "Southerly winds" means winds coming from directions from 90° to 290° in the south [~~half~~] part of the compass, [~~at-the-surface and-a-left-~~] averaged through the effective mixing height.

(37) "Test fires" means individual field burns specifically authorized by the Department for the purpose of determining or monitoring atmospheric dispersion conditions.

(38) "Training fires" means individual field burns set by or for a public agency for the official purpose of training personnel in fire-fighting techniques.

(39) "Unusually high evaporative weather conditions" means a combination of meteorological conditions following periods of rain which result in sufficiently high rates of evaporation, as determined by the Department, where fuel (residue) moisture content would be expected to approach about 12 percent or less.

(40) [~~+14~~] "Validation number" means a unique [~~three~~] five-part number issued by a [~~local-fire~~] permit issuing agency which validates a specific open field burning permit for a specific acreage [~~of~~] in a specific location on a specific day. The first part of the validation number shall indicate the grower registration (form) number, the second part the line number of the field as listed on the registration form, the third part the number of the month and the day of issuance, the [~~second~~] fourth part the hour [~~of-authorized~~] burning authorization was given based on a 24-hour clock, and the [~~third~~] fifth part shall indicate the size of acreage to be burned (e.g., a validation number issued August 26 at 2:30 p.m. for a 70-acre burn for a field registered on line 2 of registration form number 1953 would be 1953-2-0826-1430-070).

(41) [~~+8~~] "Ventilation Index (VI)" means a calculated value used as a criterion of atmospheric ventilation capabilities. The Ventilation Index as used in these rules is defined by the following identity:

$$VI = \frac{\text{(Effective mixing height (feet))}}{1000} \times \text{(Average wind speed through the effective mixing height (knots))}$$

(42) [~~+9~~] "Willamette Valley" means the areas of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties lying between the Crest of the Coast Range and the crest of the Cascade Mountains, and includes the following:

(a) "South Valley," the areas of jurisdiction of all fire permit issuing agents or agencies in the Willamette Valley portion of the Counties of Benton, Lane or Linn.

(b) "North Valley," the areas of jurisdiction of all other fire permit issuing agents or agencies in the Willamette Valley.

~~(16) "Backfire burning" means a method of burning fields in which the flame front does not advance with the existing surface winds. The method requires ignition of the field only on the downwind side.~~

~~(17) "Into the wind strip burning" means a modification of backfire burning in which additional lines of fire are ignited by advancing directly into the existing surface wind after completing the initial backfires. The technique increases the length of the flame front and therefore reduces the time required to burn a field. As the initial burn nears approximately 85% completion, the remaining acreage may be burned using headfiring techniques in order to maximize plume rise.~~

~~(19) "Regular headfire burning" means a method of burning fields in which substantial preparatory backfiring is done prior to ignition of the upwind side of the field.~~

~~(21) "Approved interim alternative method" means any interim method approved by the Department as an effective method to reduce or otherwise minimize the impact of smoke from open field burning.~~

~~(25) "Priority area quota" means an amount of acreage established for each permit jurisdiction, for fields in priority areas, in a manner to provide, as reasonably as practicable, an equitable opportunity to burn.~~

(Note: existing OAR 340-26-010 "General Provisions", which is presented for reference in Appendix A, is deleted and replaced in entirety by the following new language)

General [Provisions] Requirements

340-26-010 (1) No person shall cause or allow open field burning on any acreage unless said acreage has first been registered and mapped pursuant to subsection 340-26-012(1), the registration fee has been paid, and the registration (permit application) has been approved by the Department.

(2) No person shall cause or allow open field burning without first obtaining (and being able to readily demonstrate) a valid open field burning permit and fire permit from the appropriate permit issuing agent pursuant to subsection 340-26-012(2).

(3) No person shall open field burn cereal grain acreage unless that person first issues to the Department a signed statement, and then acts to insure, that said acreage will be planted in the following growing season to a small-seeded seed crop requiring flame sanitation for proper cultivation, as defined in subsection 340-26-005(34).

(4) No person shall cause or allow open field burning which is contrary to the Department's announced burning schedule specifying the times, locations and amounts of burning permitted, or to any other provision announced or set forth by the Department or these rules.

(5) Each responsible person open field burning shall monitor the Department's burn schedule announcements at all times while open field burning.

(6) Each responsible person open field burning shall actively extinguish all flames and major smoke sources when prohibition conditions are imposed by the Department or when instructed to do so by an agent or employe of the Department.

(7) No person shall open field burn priority acreage on the west side of and abutting U.S. Interstate 5 without first providing a non-combustible strip at least 8 feet in width between the combustible materials of said field and the freeway right-of-way, to serve as fire-guard for safety purposes.

(8) Each responsible person open field burning within a priority area around a designated city, airport or highway shall refrain from burning and promptly extinguish any burning if it is likely that the resulting smoke would noticeably affect the designated city, airport or highway.

(9) Each responsible person open field burning shall make every reasonable effort to expedite and promote efficient burning and prevent excessive emissions of smoke through employment of rapid ignition techniques on all acreage where there are no imminent fire hazards or public safety concerns.

(10) Each responsible person open field burning shall attend the burn until effectively extinguished.

(11) Open field burning in compliance with the rules of this Division does not exempt any person from any civil or criminal liability for consequences or damages resulting from such burning, nor does it exempt any person from complying with any other applicable law, ordinance, regulation, rule, permit, order or decree of the Commission or any other government entity having jurisdiction.

(12) Any revisions to the maximum acreage to be burned, allocation or permit issuing procedures, or any other substantive changes to these rules affecting open field burning for any year shall be made prior to June 1 of that year. In making rule changes, the Commission shall consult with Oregon State University.

(Note: existing OAR 340-26-011 "Certified Alternative to Open Field Burning", which is presented for reference in Appendix B, is deleted and replaced in entirety by new section OAR 340-26-045)

(Note: existing OAR 340-26-012 "Registration and Authorization of Acreage to Be Open Burned", which is presented for reference in Appendix C, is deleted and replaced in entirety by the following new language)

Registration [~~and Authorization of Acreage to Be Open Burned~~], Permits, Fees, Records

340-26-012 In administering a field burning smoke management program, the Department may contract with Counties or fire districts to administer registration of acreage, issuance of permits, collection of fees and keeping of records for open field burning within their permit jurisdictions. The Department shall pay said authority for these services in accordance with the payment schedule provided for in ORS 468.480.

(1) Registration of acreage.

(a) On or before April 1 of each year, all acreage to be open burned under these rules shall be registered with the Department or its authorized permit agent on registration forms provided by the Department. Said acreage shall also be delineated on specially provided registration map materials and identified using a unique field reference code. Registration and mapping shall be completed according to the established procedures of the Department. A non-refundable registration fee of \$1.00 for each acre registered shall be paid at the time of registration. A complete registration (permit application) shall consist of a fully executed registration form, map and fee.

(b) Registration of acreage after April 1 of each year shall require the prior approval of the Department and an additional \$1.00 per acre late registration fee if the late registration is due to the fault of the late registrant or one under his control.

(c) Copies of all registration forms and fees shall be forwarded to the Department promptly by the permit agent. Registration map materials shall be made available to the Department at all times for inspection and reproduction.

(d) The Department shall act on any registration application within 60 days of receipt of a completed application. The Department may deny or revoke any registration application which is incomplete, false or contrary to state law or these rules.

(e) It is the responsibility of the grower registrant to insure that the information presented on the registration form and map is complete and accurate.

(2) Permits.

(a) Permits for open field burning shall be issued by the Department, or its authorized permit agent, to the grower registrant in accordance with the established procedures of the Department, and the times, locations, amounts and other restrictions set forth by the Department or these rules.

(b) A fire permit from the local fire permit issuing agency is also required for all open burning pursuant to ORS 477.515, 477.530, 476.380, 478.960.

(c) A valid open field burning permit shall consist of:

(A) An open field burning permit issued by the Department which specifies the permit conditions in effect at all times while burning and which identifies the acreage specifically registered and annually allocated for burning;

(B) A validation number issued by the local permit agent on the day of the burn identifying the specific acreage allowed for burning and the date and time the permit was issued; and

(C) Payment of the required \$2.50 per acre burn fee.

(d) Open field burning permits shall at all times be limited by and subject to the burn schedule and other requirements or conditions announced or set forth by the Department.

(e) No person shall issue open field burning permits for open field burning of:

(A) More acreage than the amount sub-allocated annually to the District by the Department pursuant to subsection 340-26-013(2) of these rules;

(B) Priority acreage located on the upwind side of any city, airport or highway within the same priority area.

(f) It is the responsibility of each local permit issuing agency to establish and implement a system for distributing open field burning permits to individual grower registrants when burning is authorized, provided that such system is fair, orderly and consistent with state law, these rules and any other provisions set forth by the Department.

(3) Fees.

(a) Permit agents shall collect, properly document and promptly forward all required registration and burn fees to the Department.

(4) Records.

(a) Permit agents shall at all times keep proper and accurate records of all transactions pertaining to registrations, permits, fees, allocations, and other matters specified by the Department, according

to the established procedures of the Department. Such records shall be kept by the permit agent for a period of at least five years and made available for inspection by the appropriate authorities.

(b) Permit agents shall submit to the Department on specially provided forms weekly reports of all acreage burned in their permit jurisdictions. These reports shall cover the weekly period of Monday through Sunday, and shall be mailed and post-marked no later than the first working day of the following week.

Acreage Limitations [and], Allocations [of Acreage to Be Open Burned]
340-26-013 (1) Limitation of Acreage.

(a) ~~[(1)]~~ Except for acreage ~~[to be]~~ open burned ~~[under 340-26-013(6) and (7)]~~ pursuant to sections 340-26-035, 340-26-040 and 340-26-045, the maximum acreage to be open burned annually in the Willamette Valley under these field burning rules shall not exceed 250,000 acres.

(b) The maximum acreage allowed to be open burned under these rules on a single day in the south Valley under southerly winds shall not exceed 46,934 acres.

(c) Other limitations on acreage allowed to be open burned are specified in subsections 340-26-015(7) and 340-26-035(1) of these rules.

~~[(2)-Any revisions to the maximum acreage to be burned, allocation procedures, permit issuing procedures or any other substantive changes to these rules affecting the open field burning program for any year shall be made prior to June 1 of that year. In making these rule changes the Commission shall consult with Oregon State University (OSU) and may consult with other interested agencies.~~

~~[(3)-Acres burned on any day by approved alternative methods shall not be applied to open field burning acreage allocations or quotas, and such operations may be conducted under either marginal or prohibition conditions.]~~

(2) Allocation of Acreage.

(a) ~~[(4)]~~ In the event that total registration as of April 1 is less than or equal to the maximum acreage allowed to be open burned ~~[under section (1) of this rule, all registrants shall be allocated 100 percent of their registered acres.]~~ annually, pursuant to subsection (1)(a) above, the Department shall sub-allocate to each grower registrant and each district (subject to daily burn authorization) 100 percent of their respective registered acreage.

(b) ~~[(5)]~~ In the event that total registration as of April 1 exceeds the maximum acreage allowed to be open burned ~~[under section (1) of this rule]~~ annually, pursuant to subsection (1)(a) above, the Department may ~~[issue acreage allocations]~~ sub-allocate to growers ~~[totaling]~~ on a pro rata share basis not more than 110 percent of the maximum acreage ~~[allowed under section (1) of this rule. The Department shall monitor burning and shall cease to issue burning quotas when the total acreage reported burned equals the maximum acreage allowed under section (1) of this rule.]~~ limit, referred to as "grower allocation". In addition,

~~[(6)-Each year the Department shall sub-allocate 110 percent of the total acreage allocation established by the Commission, as specified in section (1) of this rule, to the respective growers on a pro rata basis of the individual acreage registered as of April 1 to the total acreage registered as of April 1.]~~

~~(b)] the Department shall sub-allocate [the-total-acre-allocation established-by-the-Commission,as-specified-in-section-(1)-of-this-rule] to [the] each respective fire [permit-issuing-agencies-on-a] district, its pro rata share [basis] of the maximum acreage limit based on acreage registered within [each-fire-permit-issuing-agency's-jurisdiction-as-of-April-1-to-the-total-acreage-registered-as-of-April-1.] the district, referred to as "district allocation."~~

~~(c) In [an-effort] order to insure [that-permits-are-available in-areas-of-greatest-need,--to-coordinate-completion-of-burning,--and to-achieve-the-greatest-possible] optimum permit utilization, the Department may adjust [7-in-cooperation-with-the] fire district[s] allocations [of-the-maximum-acreage-allowed-in-section-(1)-of-this-rule].~~

~~(d) Transfers of allocations for farm management purposes may be made within and between fire districts and between grower registrants on a one-in/one-out basis under the supervision of the Department. [Transfer-of-allocations-between-growers-are-not-permitted-after-the maximum-acres-specified-in-section-(1)-of-this-rule-have-been-burned within-the-Valley.]~~

~~(e) Except for additional acreage allowed to be burned by the Commission as provided for in section (6) and (7) of this rule, no fire district shall allow acreage to be burned in excess of their allocations assigned pursuant to subsection (5)(b), (c), and (d) of this rule.~~

~~(6) Notwithstanding the acreage limitations under 26-013(1), the Department may allow experimental open burning pursuant to ORS 468.490. Such experimental open burning shall be conducted only as may be specifically authorized by the Department and will be conducted for gathering of scientific data, or training of personnel or demonstrating specific practices. The Department shall maintain a record of each experimental burn and may require a report from any person conducting an experimental burn stating factors such as:~~

- ~~1. Date, time and acreage of burn.~~
- ~~2. Purpose of burn.~~
- ~~3. Results of burn compared to purpose.~~
- ~~4. Measurements used, if any.~~
- ~~5. Future application of results of principles featured.~~

~~(a) Experimental open burning, exclusive of that acreage burned by experimental open field sanitizers, shall not exceed 7,500 acres annually.~~

~~(b) For experimental open burning the Department may assess an acreage fee equal to that charged for open burning of regular acres. Such fees shall be segregated from other funds and dedicated to the support of smoke management research to study variations of smoke impact resulting from differing and various burning practices and methods. The Department may contract with research organizations such as academic institutions to accomplish such smoke management research.~~

~~(7) Pursuant to ORS 468.475 the Commission may permit the emergency open burning under the following procedures:~~

~~(a) A grower must submit to the Department an application form for emergency field burning requesting emergency burning for one of the following reasons:~~

(A) - Extreme hardship documented by:

An analysis and signed statement from a CPA, public accountant, or other recognized financial expert which established that failure to allow emergency open burning as requested will result in extreme financial hardship above and beyond mere loss of revenue that would ordinarily accrue due to inability to open burn the particular acreage for which emergency open burning is requested. The analysis shall include an itemized statement of the applicant's net worth and include a discussion of potential alternatives and probably related consequences.

(B) - Disease outbreak, documented by:

An affidavit or signed statement from the County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists due to a disease outbreak that can only be dealt with effectively and practicably by open burning.

The statement must also include at least the following:

- i) -- time field investigation was made,
- ii) -- location and description of field,
- iii) -- crop,
- iv) -- infesting disease,
- v) -- extent of infestation (compared to normal),
- vi) -- necessity and urgency to control,
- vii) -- availability, efficacy and practicability of alternative control procedures,
- viii) -- probable damages or consequences of non-control.

(C) - Insect infestation, documented by:

Affidavit or signed statement from the County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists due to an insect infestation that can only be dealt with effectively and practicably by open burning. The statement must also include at least the following:

- i) -- time field investigation was made,
- ii) -- location and description of field,
- iii) -- crop,
- iv) -- infesting insect,
- v) -- extent of infestation (compared to normal),
- vi) -- necessity and urgency to control,
- vii) -- availability, efficacy, and practicability of alternative control procedures,
- viii) -- probable damages or consequences of non-control.

(D) - Irreparable damage to the land documented by:

An affidavit or signed statement from the County Agent, State Department of Agriculture, or other public agricultural expert authority that, based on his personal investigation, a true emergency exists which threatens irreparable damage to the land and which can only be dealt with effectively and practicably by open burning. The statement must also include at least the following:

- i) -- time of field investigation,
- ii) -- location and description of field,
- iii) -- crop,
- iv) -- type and characteristics of soil,
- v) -- slope and drainage characteristics of field,
- vi) -- necessity and urgency to control,
- vii) -- availability, efficacy and practicability of alternative control procedures,
- viii) -- probable damages or consequences of non-control.

~~(b) -- Upon receipt of a properly completed application form and supporting documentation the Commission shall within 10 days, return to the grower its decision.~~

~~(c) -- An open field burning permit, to be validated subject to daily quota releases and payment of the required fees, shall be issued by the Department for that portion of the requested acreage which the Commission has approved.~~

~~(d) -- Application forms for emergency open field burning provided by the Department must be used and may be obtained from the Department either in person, by letter or by telephone request.~~

~~(8) -- The Department shall act, pursuant to this section, on any application for a permit to open burn under these rules within 60 days of registration and receipt of the fee provided in ORS 468.480.~~

~~(9) -- The Department may by fire district or other area basis, issue limitations more restrictive than those contained in these regulations when in their judgment it is necessary to attain and maintain air quality.]~~

[Willamette Valley Summer Burning Season Regulations] Daily Burning Authorization Criteria

340-26-015 As part of the smoke management program provided for in ORS 468.470 the Department shall [schedule] set forth the [time, places, and amounts] types and extent of open field burning to be allowed each day according to the [following] provisions [] established in this section and these rules.

[(1) As provided for in ORS 468.450 atmospheric conditions will be classified as marginal or prohibition conditions under the following criteria:

(a) Marginal Class N conditions: -- Forecast northerly winds and a ventilation index greater than 12.5.

(b) Marginal Class S conditions: -- Forecast southerly winds and a ventilation index greater than 12.5.]

(1) During the active field burning season and on an as needed basis, the Department shall announce the field burning schedule over the field burning radio network operated specifically for this purpose. The schedule shall specify the times, locations, amounts and other restrictions in effect for open field burning. The Department shall notify the State Fire Marshal of the burning schedule for dissemination to appropriate Willamette Valley agencies.

(2) [(e)] Prohibition conditions [: -- A ventilation index of 12.5 or less].

(a) Prohibition conditions shall be in effect at all times unless specifically determined and announced otherwise by the Department.

(b) Under prohibition conditions, no permits shall be issued and no open field burning shall be conducted in any area except for individual burns specifically authorized by the Department on a limited extent basis. Such limited burning may include field-by-field burning, preparatory burning, or burning of test fires, except that:

(A) No open field burning shall be allowed:

(i) In any area subject to a ventilation index of less than 10.0, except for experimental burning specifically authorized by the Department pursuant to section 340-26-035;

(ii) In any area upwind, or in the immediate vicinity, of any area in which, based upon real-time monitoring, a violation of federal or state air quality standards is projected to occur.

(B) Only test-fire burning may be allowed:

(i) In any area subject to a ventilation index of between 10.0 and 15.0, inclusive, except for experimental burning specifically authorized by the Department pursuant to section 340-26-035;

(ii) When relative humidity at the nearest reliable measuring station exceeds 50 percent under forecast northerly winds or 65 percent under forecast southerly winds.

(3) Marginal conditions.

(a) The Department shall announce that marginal conditions are in effect and open field burning is allowed when, in its best judgement and within the established limits of these rules, the prevailing atmospheric dispersion and burning conditions are suitable for satisfactory smoke dispersal with minimal impact on the public, provided that the minimum conditions set forth in subsections (2) (b) (A) and (B) of this section are satisfied.

(b) Under marginal conditions, permits may be issued and open field burning may be conducted in accordance with the times, locations, amounts, and other restrictions set forth by the Department and these rules.

(4) [~~(2)~~-Limitations-on-burning] Hours of burning.

(a) Burning hours shall be limited to those specifically authorized by the Department each day[-] and may be changed at any time

[~~(b)~~-Unless-otherwise-specifically-limited-by-the-Department, burning-hours-may-begin-at-9:30-a.m.-PDT, under-marginal-conditions but-no-open-field-burning-may-be-started-later-than-one-half-hour before-sunset-or-be-allowed-to-continue-later-than-one-half-hour after-sunset-

[~~(c)~~-The-Department-may-alter-burning-hours-according-to-atmospheric-ventilation-conditions] when necessary to attain and maintain air quality.

(b) [~~(d)~~] Burning hours may be reduced by the fire chief or his deputy, and burning may be prohibited by the State Fire Marshal, when necessary to [~~protect-from~~] prevent danger [by] to life or property from fire, pursuant to ORS 478.960.

(5) [~~(3)~~-Limitations-on] Locations [and-amounts] of [field] burning [emissions].

(a) Locations of burning shall at all times be limited to those areas specifically authorized by the Department, except that:

(A) No priority acreage shall be burned upwind of any city, airport, or highway within the same priority area;

(B) No south Valley priority acreage shall be burned upwind of the Eugene-Springfield non-attainment area.

(6) [~~(a)~~-Use-of-acreage-quotas-] Amounts of burning.

(a) [~~(A)~~] In order to [~~assure-a-timely~~] provide for an efficient and equitable distribution of burning, daily authorizations of acreage[s] shall be issued by the Department in terms of single[7] or multiple[7-or-fractional-basic-quotas-or-priority-area] fire district quotas. [~~as listed-in-Table-1, and-incorporated-by-reference-into-this-regulation and-schedule-~~

[~~(B)~~-Willamette-Valley-permit-agencies-or-agents-not-specifically-named-in-Table-1-shall-have-a-basic-quota-and-priority-area-quota--of-50-acres-only-if-they-have-registered-acreage-to-be-burned-within-their-jurisdiction-

~~(C)-The-Department-may-designate-additional-areas-as-Priority Areas] The Department shall establish quotas for each fire district and may adjust the [basic-acreage-quotas-or-priority-area] quotas of any [permit-jurisdiction-where] district when conditions in its judgement warrant such action.~~

~~(b) Unless otherwise specifically announced by the Department, a one quota limit shall be considered in effect for each district authorized for burning.~~

~~(c) The Department may issue more restrictive limitations on the amount, density or frequency of burning in any area or on the basis of crop type, when conditions in its judgement warrant such action.~~

~~[(b)-Distribution-and-limitation-of-burning-under-various-classifications-of-atmospheric-conditions-~~

~~(A)-Prohibition--Under-prohibition-conditions, no fire permits or validation numbers for agricultural open burning shall be issued and no burning shall be conducted, except where an auxiliary liquid or gaseous fuel is used such that combustion is essentially completed, an approved field sanitizer is used, or where burning is specifically authorized by the Department for determining atmospheric dispersion conditions or for experimental burning pursuant to section 26-013(6) of this regulation.~~

~~(B)-Marginal-Class-N-Conditions--Unless specifically authorized by the Department, on days classified as Marginal-Class-N burning shall be limited to the following:-~~

~~(i)-North-Valley--one basic quota may be issued in accordance with Table-1 except that no acreage located within the permit jurisdictions of Aumsville, Brakes-Crossing, Marion-County-District-1, Silverton, Stayton, Sublimity, and the Marion-County-portion of the Clackamas-Marion-Forest-Protection-District shall be burned upwind of the Eugene-Springfield non-attainment area.-~~

~~(ii)-South-Valley--one priority area quota for priority area burning may be issued in accordance with Table-1.~~

~~(C)-Marginal-Class-S-Conditions--Unless specifically authorized by the Department on days classified as Marginal-Class-S conditions, burning shall be limited to the following:~~

~~(i)-North-Valley--one basic quota may be issued in accordance with Table-1 in the following permit jurisdictions--Aumsville, Brakes-Crossing, Marion-County-District-1, Silverton, Stayton, Sublimity, and the Marion-County-portion of the Clackamas-Marion-Forest-Protection-District.--One priority area quota may be issued in accordance with Table-1 for priority area burning all other North Valley jurisdictions.-~~

~~(ii)-South-Valley--one basic quota may be issued in accordance with Table-1.-~~

~~(D)-In no instance shall the total acreage of permits issued by any permit except as provided for jurisdictions with 50-acre quotas or less as follows when all the acreage in one field providing that field does not exceed 100 acres and provided further that no other permit is issued for that day.--Permits shall not be so issued on two consecutive days.]~~

~~(7) [(e)-Restrictions] Limitations on burning based [upon] on air quality.~~

~~(a) [(A)] The Department shall establish the minimum allowable effective mixing height required for burning based upon cumulative hours of smoke intrusion[s] in the Eugene-Springfield area as follows:~~

(A) Except as provided in subsection (B) below, burning shall not be permitted ~~on a marginal day~~ whenever the effective mixing height is less than the minimum allowable height specified in Table 211 attached and ~~incorporated~~ by reference ~~into this regulation~~ made a part of these rules.

(B) Notwithstanding the effective mixing height restrictions of (A) above, the Department may authorize burning of up to 1000 acres total per day for the Willamette Valley, ~~each marginal day on a field-by-field-or-area-by-area-basis~~ consistent with smoke management considerations and these rules.

~~(B) The total acreage burned in the south Valley under southerly winds shall not exceed on a single day, 46,934 acres.~~

~~(C) The Department shall prohibit burning if, based upon real-time monitoring, a violation of federal or state air quality standards is projected to occur.~~

~~(D) The Department may on field-by-field-or-area-by-area-basis prohibit the burning of fields which result in excessive low-level smoke.~~

~~(d) Special restrictions on priority area burning:~~

~~(A) No priority acreage may be burned on the upwind side of any city, airport, or highway within the same priority area.~~

~~(B) No south priority acreage shall be burned upwind of the Eugene--Springfield non-attainment area.~~

~~(C) All priority acreage to be burned on the west side of and abutting U.S. Interstate 5 shall maintain a bare soil margin at least 8 feet in width between said acreage and the Interstate right-of-way to serve as a non-combustible fireguard for safety purposes.~~

~~(e) Restrictions on burning techniques:~~

~~(A) The Department shall require the use of into-the-wind strip-lighting on annual grass seed and cereal crop fields when fuel conditions or atmospheric conditions are such that use of into-the-wind strip-lighting as determined by observation of test fires or prior general burning would reduce ground-level smoke concentrations.~~

~~(B) The Department shall require the use of perimeter burning on all fields where no severe fire hazard conditions exist and where strip-lighting is not required. -- "Severe fire hazards" for purposes of this subsection means where adjacent and vulnerable timber, brush, or buildings exist next to the field to be burned.~~

~~(C) The Department shall require regular headfire burning on all fields where a severe fire hazard exists.~~

(8) ~~(f) Restrictions~~ Limitations on burning ~~due to~~ based on rainfall ~~and relative humidity~~.

(a) ~~(A)~~ Burning shall not be permitted in an area for one drying day ~~up to a maximum of four consecutive drying days~~ for each 0.10 inch ~~increment~~ of rainfall received per day at the nearest reliable measuring station ~~up to a maximum of four consecutive drying days~~.

(b) ~~(B)~~ The Department may ~~on a field-by-field-or-area-by-area basis~~ waive the restrictions of ~~paragraph A~~ subsection (a) above when dry fields are available ~~through~~ as a result of special field preparation or ~~unusual~~ condition, irregular rainfall patterns, ~~and wind direction and dispersion conditions are appropriate for burning with minimum smoke impact.~~ or unusually high evaporative weather condition

~~(C) Burning shall not be permitted in an area when relative humidity at the nearest measuring station exceeds 50 percent under forecast northerly winds or 65 percent under forecast southerly winds.~~

~~(g) - Restrictions on burning due to field condition. -- The Department shall on an area selective, crop selective, or Valley-wide basis require mechanical fluffing of straw residue on fields which in the judgement of the Department, contain a fuel load which is of such conditions that open burning without such treatment would result in an unacceptably slow burn rate or in excessive low level smoke.]~~

~~(9) Other discretionary provisions and restrictions.~~

~~(a) The Department may require special field preparations before burning, such as, but not limited to, mechanical fluffing of residues, when conditions in its judgement warrant such action.~~

~~(b) The Department may designate specified periods following permit issuance within which time active field ignition must be initiated and/or all flames must be actively extinguished before said permit is automatically rendered invalid.~~

~~(c) The Department may designate additional areas as priority areas when conditions in its judgement warrant such action.~~

[Winter Burning Season Regulations-

340-26-020(1)-Classification of atmospheric conditions:-

~~(a) - Atmospheric conditions resulting in computed air pollution index values in the high range, values of 90 or greater, shall constitute prohibition conditions.~~

~~(b) - Atmospheric conditions resulting in computed air pollution index values in the low and moderate ranges, values less than 90, shall constitute marginal conditions.~~

~~(2) - Extent and Type of Burning. --~~

~~(a) - Burning hours. -- Burning hours for all types of burning shall be from 9:00 a.m. until 4:00 p.m., but may be reduced when deemed necessary by the fire chief or his deputy. -- Burning hours for stumps may be increased if found necessary to do so by the permit issuing agency. All materials for burning shall be prepared and the operation conducted, subject to local fire protection regulation to insure that it will be completed during the allotted time. --~~

~~(b) - Certain Burning Allowed Under Prohibition Conditions. -- Under prohibition conditions no permits for agricultural open burning may be issued and no burning may be conducted, except where an auxiliary liquid or gaseous fuel is used such that combustion is essentially complete, or an approved field sanitizer is used.~~

~~(c) - Priority for burning on marginal days. -- Permits for agricultural open burning may be issued on each marginal day in each permit jurisdiction in the Willamette Valley, following the priorities set forth in ORS 468.450 which gives perennial grass seed fields used for grass seed production first priority, annual grass seed fields used for grass seed production second priority, grain fields third priority and all other burning fourth priority.]~~

Civil Penalties

340-26-025 In addition to any other penalty provided by law:

(1) Any person who intentionally or negligently causes or [permits] allows open field burning contrary to the provisions of ORS 468.450, 468.455, 468.480, 476.380 and 478.960 or these rules shall be assessed by the Department a civil penalty of at least \$20, but not more than \$40 for each acre so burned.

(2) In lieu of any per-acre civil penalty assessed pursuant to ~~[section]~~ subsection (1) ~~[of this rule]~~ above, the Director may assess a specific civil penalty for any open field burning violation ~~[pertaining to agricultural burning operations]~~ by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be ~~[determined]~~ established consistent with the following schedule:

(a) ~~[\$1500]~~ Not less than \$500 nor more than \$10,000 upon any person who:

(A) ~~[Conducts]~~ Causes or allows open field burning on any acreage which has not been registered with the Department for such purposes.

(B) ~~[Conducts]~~ Causes or allows open field burning on any acreage without first obtaining and readily demonstrating a valid open field burning permit for all acreage so burned.

(b) ~~[\$1000]~~ Not less than \$300 nor more than \$10,000 upon any person who:

~~{A}--Fails to report with reasonable accuracy all acreage burned in association with or as a direct result of a permitted open field burning operation.~~

~~{B}-F] fails to actively extinguish all flames and major smoke sources when prohibition conditions are imposed by the Department or when instructed to do so by an agent or employe of the Department.~~

(c) Not less than \$200 nor more than \$10,000 upon any person who:

(A) ~~{E}]~~ Conducts burning using an approved alternative [burning] method contrary to any specific conditions or provisions governing such [operation] method.

~~{E}-\$500 upon any person who:~~

~~{A}-Initiates an open field burn after expiration of the designated permit period.~~

~~{B}-Conducts an agricultural open burning operation which does not comply with any specific restrictions established by the Department related to required burning techniques, field and fuel conditions, or field and fuel treatments.~~

~~{D}-\$300 upon any person who:~~

(B) ~~{A}]~~ Fails to readily demonstrate at the site of the burn operation the capability to monitor the Department's field burning schedule broadcasts.

(d) ~~{E}]~~ Not less than \$50 nor more than \$10,000 upon any person who commits any other violation pertaining to ~~[agricultural burning operations or]~~ the rules of this Division.

~~{F}-The civil penalty for each repeat offense which occurs within five years of a previous violation shall be at a minimum, double the amount previously assessed but not more than \$10,000.~~

(3) In establishing a civil penalty greater than the minimum amount specified in subsections (1) and (2) above, the Director may consider any mitigating and aggravating factors as provided for in OAR 340-12-045.

(4) [(3)] Any person planting contrary to the restrictions of subsection (1) of ORS 468.465 pertaining to the open burning of cereal grain acreage shall be assessed by the Department a civil penalty of \$25 for each acre planted contrary to the restrictions.

Burning by Public Agencies (Training Fires)

340-26-030 Open field burning on grass seed or cereal grain acreage by or for any public agency for official purposes, including the training of fire-fighting personnel, may be permitted by the Department on a prescheduled basis consistent with smoke management considerations and subject to the following conditions:

(1) Such burning must be deemed necessary by the official local authority having jurisdiction and must be conducted in a manner consistent with its purpose.

(2) Such burning must be limited to the minimum number of acres and occasions reasonably needed.

(3) Such burning must comply with the provisions of sections 340-26-010 through 340-26-013 of these rules.

Experimental Burning

340-26-035 The Department may allow open field burning for demonstration or experimental purposes pursuant to the provisions of ORS 468.490, consistent with smoke management considerations and subject to the following conditions:

(1) Acreage experimentally open burned shall not exceed 5,000 acres annually.

(2) Acreage experimentally open burned shall not apply to the district allocation or to the maximum annual acreage limit specified in subsection 340-26-013(1)(a) of these rules.

(3) Such burning must comply with the provisions of sections 340-26-010 and 340-26-012 of these rules, except that the Department may elect to waive all or part of the \$2.50 per acre burn fee.

Emergency Burning, Cessation

340-26-040 (1) Pursuant to ORS 468.475 and upon a finding of extreme hardship, disease outbreak, insect infestation or irreparable damage to the land, the Commission may by order, and consistent with smoke management considerations and these field burning rules, permit the emergency open burning of more acreage than the maximum annual acreage limitation specified in subsection 340-26-013(1)(a) of these rules. The Commission shall act upon emergency burning requests within 10 days of receipt of a properly completed application form and supporting documentation.

(a) Emergency open burning on the basis of extreme financial hardship must be documented by an analysis and signed statement from a CPA, public accountant, or other recognized financial expert which establishes that failure to allow emergency open burning as requested will result in extreme financial hardship above and beyond mere loss of revenue that would ordinarily accrue due to inability to open burn the particular acreage for which emergency open burning is requested. The analysis shall include an itemized statement of the applicant's net worth and include a discussion of potential alternatives and probable related consequences.

(b) Emergency open burning on the basis of disease outbreak or insect infestation must be documented by an affidavit or signed statement from the County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists that can only be dealt with effectively and practicably by open burning. The statement shall also specify: time of field investigation; location and description of field, crop and infestation; extent of infestation (compared to normal) and the necessity for urgent control; availability, efficacy, and practicability of alternative control procedures, and; probable consequences of non-control.

(c) Emergency open burning on the basis of irreparable damage to the land must be documented by an affidavit or signed statement from the County Agent, State Department of Agriculture, or other public agricultural expert authority that, based on his personal investigation, a true emergency exists which threatens irreparable damage to the land and which can only be dealt with effectively and practicably by open burning. The statement shall also specify: time of field investigation; location and description of field, crop, and soil and slope characteristics; necessity for urgent control; availability, efficacy, and practicability of alternative control procedures, and; probably consequences of non-control.

(2) Pursuant to ORS 468.475 and upon finding of extreme danger to public health or safety, the Commission may order temporary emergency cessation of all open field burning in any area of the Willamette Valley.

Approved Alternative Methods of Burning (Propane Flaming)

340-26-045(1) The use of propane flammers, mobile field sanitizing devices, and other methods specifically approved by the Department are considered alternatives to open field burning pursuant to the provisions of ORS 468.472 and 468.480, provided that:

(a) The field has first been:

(A) Previously open burned and the appropriate fees paid; or

(B) Flail-chopped, mowed, or otherwise cut close to the ground and the loose straw removed to reduce the straw fuel load as much as practicable;

(b) The remaining field stubble will not sustain an open fire; and

(c) A fire permit has been obtained from the local fire permit issuing agency.

(2) Propane flaming and other approved alternative burning methods may be conducted on any day during daylight hours and are exempt from sections 340-26-010 through 340-26-015 of these rules and are therefore not subject to open field burning requirements related to registration, permits, fees, limitations, allocations and daily burning authorization criteria.

Tax Credits for Approved Alternative Methods [~~7-Approved-Interim Alternative-Methods-Or~~] and Approved Alternative Facilities

340-26-0[3]50 As provided in ORS 468.150, approved alternative methods or approved alternative facilities are eligible for tax credit as pollution control facilities as described in ORS 468.155 through 468.190.

(2) Approved alternative facilities eligible for pollution control facility tax credit shall include:

(a) Mobile equipment including but limited to:

(A) Straw gathering, densifying and handling equipment.

(B) Tractors and other sources of motive power.

(C) Trucks, trailers, and other transportation equipment.

(D) Mobile field sanitizers and associated fire control equipment.

(E) Equipment for handling all forms of processed straw.

(F) Special straw incorporation equipment.

(b) Stationary equipment and structures including but not limited to:

(A) Straw loading and unloading facilities.

(B) Straw storage structures.

(C) Straw processing and in-plant transport equipment.

(D) Land associated with stationary straw processing facilities.

(E) Drainage tile installations which will result in a reduction of acreage burned.

(3) Equipment and facilities included in an application for certification for tax credit under this rule will be considered at their current depreciated value and in proportion to their actual use to reduce open field burning as compared to their total farm or other use.

(4)(a) Procedures for application and certification of approved alternative facilities for pollution control facility tax credit:

(A) A written application for preliminary certification shall be made to the Department prior to installation or use of approved alternative facilities in the first harvest season for which an application for tax credit certification is to be made. Such application shall be made on a form provided by the Department and shall include but not be limited to:

(i) Name, address and nature of business of the applicant;

(ii) Name of person authorized to receive Department requests for additional information;

(iii) Description of alternative method to be used;

(iv) A complete listing of mobile equipment and stationary facilities to be used in carrying out the alternative methods and for each item listed include:

(I) Date or estimated future date of purchase;

(II) Percentage of use allocated to approved alternative methods and approved interim alternative methods as compared to their total farm or other use;

(v) Such other information as the Department may require to determine compliance with state air, water, solid waste, and noise laws and regulations and to determine eligibility for tax credit.

(B) If, upon receipt of a properly completed application for preliminary certification for tax credit for approved alternative facilities the Department finds the proposed use of the approved alternative facilities are in accordance with the provisions of ORS 468.175, it shall, within 60 days, issue a preliminary certification of approval. If the proposed use of the approved alternative facilities are not in accordance with provisions of ORS 468.175, the Commission shall, within 60 days, issue an order denying certification.

(b) Certification for pollution control facility tax credit:

(A) A written application for certification shall be made to the Department on a form provided by the Department and shall include but not be limited to the following:

(i) Name, address and nature of business of the applicant.

(ii) Name of person authorized to receive Department requests for additional information.

(iii) Description of the alternative method to be used;

(iv) For each piece of mobile equipment and/or for each stationary facility, a complete description including the following information as applicable:

(I) Type and general description of each piece of mobile equipment;

(II) Complete description and copy of proposed plans or drawings of stationary facilities including buildings and contents used for straw storage, handling or processing of straw and straw products or used for storage of mobile field sanitizers and legal description of real property involved;

(III) Date of purchase or initial operation;

(IV) Cost when purchased or constructed and current value;

(V) General use as applied to approved alternative methods and approved interim alternative methods;

(VI) Percentage of use allocated to approved alternative methods and approved interim alternative methods as compared to their farm or other use.

(B) Upon receipt of a properly completed application for certification for tax credit for approved alternative facilities or any subsequently requested additions to the application, the Department shall return within 120 days the decision of the Commission and certification as necessary indicating the portion of the cost of each facility allocable to pollution control.

(5) Certification for tax credits of equipment or facilities not covered in sections (1) through (4) of this rule shall be processed pursuant to the provisions of ORS 468.165 through 468.185.

(6) Election of type and tax credit pursuant to ORS 468.170(5):

(a) As provided in ORS 468.170(5), a person receiving the certification provided for in subsection (4)(b) shall make an irrevocable election to take the tax credit relief under ORS 316.097, 317.072, or the ad volorem tax relief under ORS 307.405 and shall inform the Department of his election within 60 days of receipt of certification documents on the form supplied by the Department with the certification documents.

(b) As provided in ORS 468.170(5) failure to notify the Department of the election of the type of tax credit relief within 60 days shall render the certification ineffective for any tax relief under ORS 307.405, 316.097 and 317.072.

NOTE: TABLE I IS BEING DELETED IN ITS ENTIRETY
FROM THESE RULES

TABLE I
FIELD BURNING ACREAGE QUOTAS
NORTH VALLEY AREAS

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Clackamas County</u>		
Canby RFPD	50	0
Clackamas County #54	50	0
Clackamas-Marion FPA	100	0
Estacada RFPD	75	0
Molalla RFPD	50	0
Monitor RFPD	50	0
Scotts Mills RFPD	50	0
	—	—
Total	425	0
<u>Marion County</u>		
Aumsville RFPD	100	0
Aurora-Donald RFPD	50	50
Drakes Crossing RFPD	100	0
Hubbard RFPD	50	0
Jefferson RFPD	225	50
Marion County #1	200	50
Marion County Unprotected	50	50
Mt. Angel RFPD	50	0

TABLE I
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Marion County (continued)</u>		
St. Paul RFPD	125	0
Salem City	50	50
Silverton RFPD	600	0
Stayton RFPD	300	0
Sublimity RFPD	500	0
Turner RFPD	50	50
Woodburn RFPD	125	50
	<hr/>	<hr/>
Total	2575	350
 <u>Polk County</u>		
Spring Valley RFPD	50	0
Southeast Rural Polk	400	50
Southwest Rural Polk	125	50
	<hr/>	<hr/>
Total	575	100
 <u>Washington County</u>		
Cornelius RFPD	50	0
Forest Grove RFPD	50	0
Forest Grove, State Forestry	50	0

TABLE I
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Washington County (continued)</u>		
Hillsboro	50	50
Washington County RFPD #1	50	50
Washington County FPD #2	50	50
	—	—
Total	300	150
<u>Yamhill County</u>		
Amity #1 RFPD	125	50
Carlton RFPD	50	0
Dayton RFPD	50	50
Dundee RFPD	50	0
McMinnville RFPD	150	75
Newberg RFPD	50	50
Sheridan RFPD	75	50
Yamhill RFPD	50	50
	—	—
Total	600	325
<u>North Valley Total</u>	4475	925

TABLE I
(continued)
SOUTH VALLEY AREAS

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>South Valley Counties</u>		
<u>Benton County</u>		
County Non-District & Adair	350	175
Corvallis RFPD	175	125
Monroe RFPD	325	50
Philomath RFPD	125	100
Western Oregon FPD	100	50
	1075	500
<u>Lane County</u>		
Coburg RFPD	175	50
Creswell RFPD	75	100
Eugene RFPD (Zumwalt RFPD)	50	50
Junction City RFPD	325	50
Lane County Non-District	100	50
Lane County RFPD #1	350	150
Santa Clara RFPD	50	50
Thurston-Waltermville	50	50
West Lane FPD	50	0
	1225	550
Total	1225	550

TABLE I
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>South Valley Counties</u>		
<u>Linn County</u>		
Albany RFPD (inc. N. Albany, Palestine, Co. Unprotected Areas)	625	125
Brownsville RFPD	750	100
Halsey-Shedd RFPD	2050	200
Harrisburg RFPD	1350	50
Lebanon RFPD	325	325
Lyons RFPD	50	0
Scio RFPD	175	50
Tangent RFPD	925	325
	<hr/>	<hr/>
Total	6250	1225
 <u>South Valley Total</u>	 8550	 2275

TABLE [2] I

MINIMUM ALLOWABLE EFFECTIVE MIXING HEIGHT
 REQUIRED FOR BURNING BASED UPON THE CUMULATIVE HOURS
 OF SMOKE INTRUSION IN THE EUGENE-SPRINGFIELD AREA

Cumulative Hours of Smoke Intrusion
 in the Eugene-Springfield Area

Minimum Allowable Effective
 Mixing Height (feet)

0 - 14	no minimum height
15 - 19	4,000
20 - 24	4,500
25 and greater	5,500

APPENDIX A

(NOTE: THIS SECTION IS BEING DELETED IN ENTIRETY FROM THESE RULES AND REPLACED BY NEW SECTION 340-26-010 "GENERAL REQUIREMENTS")

General Provisions

340-26-010 The following provisions apply during both summer and winter burning seasons in the Willamette Valley unless otherwise specifically noted:

(1) Priority for burning. On any marginal day, priorities for agricultural open burning shall follow those set forth in ORS 468.450 which give perennial grass seed fields used for grass seed production first priority, annual grass seed fields used for grass seed production second priority, grain fields third priority, and all other burning fourth priority.

(2) Permits required:

(a) No person shall conduct open field burning within the Willamette Valley without first obtaining a valid open field burning permit from the Department and a fire permit and validation number from the local fire permit issuing agency for any given field for the day that the field is to be burned.

(b) Applications for open field burning permits shall be filed on Registration Application forms provided by the Department, and shall include graphic delineation of all acreage so registered upon map materials provided by the Department and on file with the local permit issuing agency.

(c) Open field burning permits issued by the Department are not valid until acreage fees are paid pursuant to ORS 468.480(1)(b) and a validation number is obtained from the appropriate local fire permit issuing agency for each field on the day that the field is to be burned. The Department may specify that open field burning permits shall be valid for a designated period of time following the time of issuance and shall expire thereafter if the permitted field burn is not initiated within that designated period.

(d) As provided in ORS 468.465(1), permits for open field burning of cereal grain crops shall be issued only if the person seeking the permits submits to the issuing authority a signed statement under oath or affirmation that the acreage to be burned will be planted to seed crops (other than cereal grains, hairy vetch, or field pea crops) which require flame sanitation for proper cultivation.

(e) Any person granted an open field burning permit under these rules shall maintain a copy of said permit at the burn site or be able to readily demonstrate authority to burn at all times during the burning operation and said permit shall be made available for at least one year after expiration for inspection upon request by appropriate authorities.

(f) At all times proper and accurate records of permit transactions and copies of all permits shall be maintained by each agency or person involved in the issuance of permits, for inspection by the appropriate authority.

(g) Open field burning permit issuing agencies shall submit to the department, on forms provided, weekly summaries of field burning activities in their permit jurisdiction during the period July 1 to October 15. Weekly summaries shall be mailed and postmarked no later than the first working day of the following week.

(3) Fuel conditions shall be limited as follows:

(a) All debris, cuttings, and prunings shall be dry, cleanly stacked, and free of dirt and green material prior to being burned, to insure as nearly complete combustion as possible.

(b) No substance or material which normally emits dense smoke or noxious odors may be used for auxiliary fuel in the igniting of debris, cuttings or prunings.

(4) In accordance with ORS 468.450, the Department shall establish a schedule which specifies the extent and type of burning to be allowed each day. During the time of active field burning, the Department shall broadcast this schedule over the Oregon Seed Council radio network operated for this purpose, on an as needed basis, depending on atmospheric and air quality conditions:

(a) Any person open burning or preparing to open burn under these rules shall conduct the burning operation in accordance with the Department's burning schedule.

(b) Any person open burning or preparing to open burn fields under these rules shall monitor the Department's field burning schedule broadcasts and shall conduct the burning operations in accordance with the announced schedule.

(5) Any person open field burning under these rules shall actively extinguish all flames and major smoke sources when prohibition conditions are imposed by the Department.

APPENDIX B

(NOTE: THIS SECTION IS DELETED IN ENTIRETY FROM THESE RULES AND REPLACED BY NEW SECTION 340-26-045 "APPROVED ALTERNATIVE METHODS OF BURNING (PROPANE FLAMING)")

Certified Alternative to Open Field Burning

340-26-011 (1) The Department may certify approved alternative methods of field sanitation and straw utilization and disposal on a permanent or interim basis provided the applicant for such certification:

(a) Provides information adequate to determine compliance with such rules and emissions standards as may be developed pursuant to section (2) of this rule as well as other state air, water, solid waste, and noise laws and regulations; and

(b) Conducts the approved alternative method and operates any associated equipment subject to sections (2) and (3) of this rule.

(2) Pursuant to ORS 468.472, the Commission shall establish rules and emission standards for alternative methods to open field burning. Such standards shall be set to insure an overall improvement in air quality as a result of the use of the alternative as compared to the open field burning eliminated by such use.

(3) Mobile field sanitizers and other alternative methods of field sanitation specifically approved by the Department, and propane flammers are considered alternatives to open field burning for the purposes of fee refunds pursuant to ORS 468.480 and may be used subject to the following provisions:

(a) Open fires away from the machines shall be actively extinguished.

(b) Adequate water supply shall be available to extinguish open fires resulting from the operation of field sanitizers.

(4) Propane flammers may be used as an approved alternative to open field burning provided that all of the following conditions are met:

(a) Field sanitizers are not available or otherwise cannot accomplish the burning.

(b) The field stubble will not sustain an open fire.

(c) One of the following conditions exists:

(A) The field has been previously open burned and appropriate fees paid;

(B) The field has been flail-chopped, mowed, or otherwise cut close to the ground and loose straw has been removed to reduce the straw fuel load as much as practicable.

APPENDIX C

(NOTE: THIS SECTION IS DELETED IN ENTIRETY FROM THESE RULES AND REPLACED BY NEW SECTION 340-26-012 "REGISTRATION, PERMITS, FEES, RECORDS")

Registration and Authorization of Acreage to Be Open Burned

340-26-012 (1) On or before April 1 of each year, all acreages to be open burned under this rule shall be registered with the local fire permit issuing agency or its authorized representative on forms provided by the Department. A nonrefundable \$1 per acre registration fee shall be paid at the time of registration. At the time of registration, all registered acreage shall be delineated and specifically identified on map materials provided by the Department using a unique four-part reference code defined as follows: registration number-line number-crop type P (perennial), A (annual), C (cereal) — acreage. In addition, the symbol "X" shall be appended to this reference code for fields which, because of their location with respect to particularly sensitive smoke receptors or severe fire hazards, should not be burned under normally preferred windflow patterns.

(2) Registration of acreage after April 1 of each year shall require:

(a) Approval of the Department.

(b) An additional late registration fee of \$1.00 per acre if the late registration is determined by the Department to be the fault of the late registrant.

(3) Copies of all Registration/Application forms and registration map materials shall be forwarded to the Department promptly by the local fire permit issuing agency.

(4) The local fire permitting agency shall maintain a record of all registered acreage by assigned field number, location, type of crop, number of acres to be burned, and status of fee payment for each field, and in addition shall maintain a copy of the registration map materials prepared pursuant to section (1) of this rule showing each registered field complete with field reference code.

(5) Burn authorizations shall be issued by the local fire permit issuing agency up to daily quota limitations established by the Department and shall be based on registered fee-paid acres and shall be issued in accordance with the priorities established by section (1) of rule 340-26-010, except that fourth priority burning shall not be permitted from July 15 to September 15 of any year unless specifically authorized by the Department.

(6) No local fire permit issuing agency shall authorize open field burning of more acreage than may be sub-allocated annually to the District by the Department pursuant to section (5) of rule 340-26-013.



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: Acting Director
 SUBJECT: Agenda Item E , January 6, 1983, EQC Meeting

Request for Authorization to Conduct a Public
 Hearing on Proposed Open Field Burning Rules,
 OAR 340-26-001 through 340-26-050.

Background and Problem Statement

The Willamette Valley agricultural burning rules are the product of many years of piece-meal changes and additions, often the result of highly charged legal, political, and emotional debates. Some rule provisions were instituted without the opportunity for careful study or the benefit of prior experimentation. The regularity in which the rules were being revised and the rapid evolution of smoke management operations and capabilities effectively precluded until now a deliberate review and simplification of the regulations.

As a result of the problems noted above, portions of the current field burning regulations suffer from being poorly organized, redundant, vague, impractical or obsolete. It is sometimes difficult for a "user" of the rules, be it the grower who is regulated, the fire district agent actively involved in issuing permits, or a member of the public, to ascertain what exactly the requirements and responsibilities are, and who they apply to. The letter and intent of certain rules have become difficult to interpret and administer.

Three burning seasons have passed since the rules were last updated. Some provisions, because they've been tried and disproven, or effectively replaced by a better method, simply no longer belong in today's smoke management program. Other provisions need adjustment in order to more accurately reflect current practices. And still others may tend to unduly restrict the Department's decision-making flexibility, ultimately working against the stated public policy and objective of maximizing the burning with minimum smoke impact on the public.

With these considerations in mind, the Department has recently reviewed the field burning rules and has drafted proposed revisions intended to clarify and modernize the regulations and make them easier to use. In addition, some minor substantive changes are proposed, characterized as "fine-tuning" adjustments to existing controls. No major substantive changes are proposed.



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Alternatives and Evaluation

1. Alternatives to Open Field Burning

There are currently no known "reasonable or economically feasible" alternatives to open field burning, except for propane flaming which is sometimes employed by growers as a suitable but expensive substitute method of sanitizing perennial grass seed fields. The effort to develop Meadowfoam as a commercially viable alternate crop is in progress but is not considered to be a near-term solution. Results from a five-year study of the effects of burning grass fields on a less-than-annual basis will be available in the coming months and evaluated for evidence of any suitable alternatives, however none are apparent at the present time.

2. Alternatives to Rule Revision

Alternatives to the proposed rule revision include the options of taking no action, or either considerably reducing or increasing the scope of the changes proposed.

Foregoing a revision of the rules at this time would preserve the numerous regulatory deficiencies which now exist. The near-term consequences of this would vary, depending on the burning season, from little or no effect to a range of possibly significant negative effects including reduced burning and increased risk of public smoke impacts. In the long term, maintaining the status quo would work to constrain the continued development and use of new or better methods of smoke management.

The alternative of proceeding with rule revisions, but limiting the changes to only the most critical needs, would only partially address the current deficiencies without a recognizable net benefit over the proposed approach.

The other alternative of expanding the scope of the revisions merits some discussion. Such an approach might entail a complete restructuring of the regulations to the extent that only the essential provisions (i.e., those required by statute or for compliance with the Clean Air Act) would be written into rule; The remaining administrative/procedural provisions and details perhaps relegated to a "procedures document" similar to an operating manual now available for permit agents. One result of this kind of approach would be a more concise set of regulations whose limits are sufficiently broad as to allow operational flexibility and improvements without the delays or time-consuming demands of the formal rule revision process. There are, of course, a number of possible drawbacks to such an approach including the perception that it would tend to limit public review and input into the program. It might also tend to reduce the enforceability of some provisions. In staff's opinion, a formal independent and comprehensive analysis of the smoke management program, including its goals, structure and functions, should someday be considered to address such alternatives.

3. Proposed Rule Revisions

In developing the proposed rule revisions, Department staff have drawn upon the experiences of three burning seasons since the last significant regulatory review. This has been a period of relative stability and success. Suggestions have been received and considered from a variety of sources including representatives of the grass seed industry, city of Eugene, Lane Regional Air Pollution Authority, the Department's own staff (Regional Operations, meteorologist), legal counsel, and others. In drafting amendments, an effort was made to be consistent in format with other Department rules.

Brief summaries of the major elements of the proposed rule revisions are provided below.

3.1 Rule Revisions for Organizational Purposes

Regulations pertaining to general agricultural ("fourth priority") burning in the Willamette Valley would be transferred to the Open Burning Rules (Division 23) because domestic and fourth-priority types of burning are administered by the Department and administered by the local permit issuing agencies similarly. Consequently, Division 26 rules would become titled "Rules for Open Field Burning (Willamette Valley)."

A new section, "001-Introduction" is proposed to serve as a user's index to the field burning rules. Subsequent sections are restructured accordingly. Section "010-General Requirements" would apply principally to growers. The next section, "012-Registration, Permits, Fees, Records", is a consolidation of the duties and responsibilities primarily pertaining to the permit agents. The remaining sections apply specifically to the Department or relate to special categories of field burning (i.e., training-fires, experimental and emergency burning, propane flaming).

Section "050" relating to field burning tax credits is scheduled to be reviewed by staff at a later date for incorporation into the Department's tax credit rule package now being developed pursuant to changes in tax credit statutes.

It is proposed that Table 1 listing quotas for the Willamette Valley fire districts be excluded from the rules as an unnecessary encumbrance. Quotas are frequently adjusted just prior to the burn season to reflect shifts in registered acreage or boundaries of permit jurisdictions or burning zones. Quota adjustments are made in consultation with the Oregon Seed Council and affected fire districts.

3.2 Rule Revisions for Purposes of Clarification and Modernization

A number of rule revisions are proposed to clarify existing provisions or to reflect useful new terms, methods, and practices which have evolved over the last several years.

January 6, 1984

Page 4

A new section, "003-Policy", is proposed in keeping with the format of other rules of the Department. This section sets forth the policies of the State (according to Statute) and of the Commission pertaining to field burning smoke management and research.

In section "005-Definitions", a number of commonly used terms have been added or modified. The terms "summer burning season" and "winter burning season" have been eliminated. The distinction in burn seasons applies principally to fourth-priority agricultural burning, regulations for which would be transferred to Division 23. The more significant definition changes are discussed in section 3.3 of this report in connection with the operational change they pertain to

In section "010-General Requirements", new provisions are added to advise growers of their responsibilities, among other things, to attend their fires until effectively extinguished and to exercise restraint when authorized to burn within a priority area should it appear that a wind change, for example, would cause the smoke to drift toward the nearby city, highway or airport. Another provision would require growers to make every effort to expedite their burning through the use of rapid ignition burning techniques. This replaces existing provisions requiring certain ignition techniques (i.e., strip-lighting, backfiring, headfiring) under certain conditions, which has proven to be impractical and difficult to enforce.

In section "012-Registration, Permits, Fees, Records", a new provision is added to clarify the permit issuing agency's responsibility and authority for establishing its own procedures for issuing permits pursuant to the Departments daily burning authorizations. A variety of methods are already successfully employed by most districts to reflect local conditions and considerations.

In section "015-Daily Burning Authorization Criteria", the basis for declaring "Prohibition Conditions" and "Marginal Conditions", and their meaning, would be changed to reflect current discretionary practices. When general burning is deemed permissible the Department would announce that marginal conditions are in effect for the specified areas. When no burning or only limited localized burning is deemed permissible, then prohibition conditions would remain in effect, with authorization for such burning to be made on a field-by-field basis. Presently, such terms are rigidly defined by rule based on a ventilation index number, which ignores the many other interrelated factors that must be evaluated before general burning can be allowed. Similarly, guidelines prescribed by rule for the distribution of burning (quotas) in various sections of the Valley would be eliminated. Such provisions were developed many years ago and have since been replaced in practice by a discretionary approach wherein burning is more intensively managed on a real-time, localized basis as atmospheric conditions warrant.

Clarifying language pertaining to the Eugene/Springfield Performance Standard would also be added in section 015, however, no substantive changes in the Standard are proposed.

A new section, "030-Burning by Public Agencies (Training Fires)", would be added to establish regulations pertaining to the special case of field burning for the official purpose of training fire district personnel. For many years, such burning was considered exempt from field burning controls. An Attorney General opinion in 1981, however, declared that training-fires are not exempt from field burning regulations. The proposed rule would formalize the approach employed operationally by the Department for the last three years.

3.3 Rule Revisions for Operational Change

Several minor rule changes are proposed which would affect day-to-day field burning activities, decisions and enforcement. Some of the proposed changes would slightly tighten existing provisions and are intended to address problems not currently regulated by rule. Others would slightly relax existing provisions and are intended to provide a measure of discretionary flexibility in selected criteria now considered to be unnecessarily rigid. On balance, however, the combined net effect of these proposed changes is not expected to substantially alter the overall level of controls on open field burning.

Included among the revisions which would amount to a tightening of restrictions is a change in the definition of priority areas. Burning in priority areas requires extra caution by the agent and grower due to the close proximity of a city, airport, or highway. Currently, priority areas include those areas completely surrounding major cities (3 mile radius) and airports (1 mile radius), and areas within a 1/4 mile wide strip along but one side of the major highways; the side immediately "upwind" of the highway under wind patterns typical for general burning. Limiting priority area status to just the one side along the highways, however, ignores the potential for aberrant winds to pose a similar public safety threat from burning on the other ("downwind") side. Such a problem does occasionally arise. The proposed change would extend priority area status to the strips along both sides of the major highways, affirming the need for cautious discretion when burning on either side. It is also proposed to extend new priority area status to areas along Cascade Highway between Silverton and Stayton, which has in recent years been the location of several smoke-related traffic accidents. No new controls on burning within priority areas are proposed.

Another proposed revision would establish minimum ventilation criteria (a ventilation index of less than 10.0) below which no burning could be allowed, except for experimental field burning specifically authorized by the Department. This would constitute extremely poor dispersion (e.g., a mixing height of 2000' and winds averaging 5 knots or less) and is considered unsuitable for burning. There are currently no minimum ventilation criteria below which burning cannot be authorized.

Similarly, another revision would slightly increase the ventilation index criteria below which only test fires could be authorized, again except for experimental burning. When ventilation is in the "below average" range (between 10.0 and 15.0) burning would be restricted only to that which is necessary for determining atmospheric conditions and trends. Currently, the ventilation index below which only test-fires can be authorized is 12.5

In other proposed revisions, the limit on the amount of acreage allowed to be experimentally burned each year would be reduced from 7,500 to 5,000 acres, and a new provision would be added restricting propane flaming operations when a public nuisance or safety hazard results.

Included among the revisions which would add flexibility to present restrictions is a slight change in the definition of "southerly" winds. Under the revision, southerly wind directions would include the entire south half of the compass plus another 20° to the west-northwest (90° through 290°). The intent of this change would be to allow burning under the less-restrictive 65 percent humidity limit when winds are forecast to be southerly or westerly. Currently, a slight shift from southerly to westerly winds (i.e., directions greater than 270°) would require that burning suddenly be halted until a 50 percent humidity is achieved. Such a technicality would unnecessarily prevent otherwise suitable opportunities for burning. Northerly wind directions would be redefined to include the remaining portion of the compass.

Another revision would allow burning of test fires before the necessary minimum humidity (65 percent under southerly winds, 50 percent under northerly winds) is actually achieved. This would reflect current practices and is designed to clarify the existing rule which is admittedly unclear.

Another proposed revision would expand the criteria under which the Department can waive the drying-day requirements following periods of rain. Currently, a certain number of drying days are required following rainfall (the number depending on the amount of rain). The Department can currently elect to waive this requirement only if dry fields are available due to irregular rain patterns or the use of "fluffing" to expedite drying. The proposed change would also allow a waiver when weather conditions are exceptionally warm and dry, sufficiently so to dry out field residue down to about 12 percent moisture content. Such conditions are most likely to occur early in the summer burning season when field conditions and meteorological conditions tend to be best for burning. While somewhat broad and discretionary, this provision is intended to serve only in the interim until more specific evaporation criteria can be developed and tested.

Another proposed revision would remove arbitrary limits on the times of day permissible for burning, thereby allowing the Department to set the times in accordance with smoke management considerations and the other authorization criteria established by rule. Current rules are somewhat vague concerning burning hours but are taken to disallow any burning after 1/2 hour following sunset. Under most conditions, evening burning is unsuitable due to the rapid deterioration of the atmosphere's dispersion capabilities. However, a combination of conditions do rarely occur in which burning past sunset would be suitable. Such a situation arose one day in 1982 and resulted in the single best day of burning that year.

Finally, changes are proposed in the rules pertaining to the assessment of civil penalties for field burning violations. Presently, the Director may assess a penalty in the range of \$20 to \$40 for each acre illegally burned or, alternatively, according to a flat penalty schedule.

The schedule specifies fairly severe penalties, ranging from \$300 to \$1500 depending on the particular violation, and provides for a doubling of the amount for each repeat infraction. The schedule was established in 1981 in an effort to deter and reduce what had become a serious problem of illegal burning. In staff's opinion, the schedule has been effective in helping to deter illegal burning, however, it has also proven to be too restrictive in many cases where a lesser penalty would be more appropriate. In addition, the field burning staff feels that reductions of penalties by the Hearings Officer after contested case hearings further diminishes the full deterrent effect of the existing schedule.

Therefore, changes are proposed which would replace the schedule of flat penalties with much reduced minimum penalties. The minimum amounts would range from \$200 for illegal propaning or for failure to monitor the burn announcements, up to \$500 for burning without registration or permit. The Director could choose to assess according to the \$20-\$40 per acre method, or he could assess a penalty above these minimum amounts based on consideration of any mitigating and aggravating factors. In that way the penalty would be adjusted to match the severity of the infraction. However, under the present draft, only the Commission could reduce penalties below the minimum amounts specified. Such an approach would allow more flexibility and fairness in the process for determining penalties without sacrificing the deterrent values represented by an absolute minimum amount which could only be changed through appeal to the Commission itself.

Although the proposal as presented would reserve mitigation authority to the Commission, the purpose is to promote Commission discussion of whether or not it wishes to share that authority with the Hearings Officer.

Summation

The Department proposes for Commission adoption, after public hearing, revisions to rules governing open field burning in the Willamette Valley. The proposed rules would:

1. Simplify and make the field burning rules easier to use through restructuring and reorganization.
2. Clarify and update various terms, procedures and practices which have evolved in recent years as essential elements of the present smoke management control program.
3. Extend priority area status to areas along both sides of major highways, including the Oregon Cascade Highway between Silverton and Stayton.
4. Establish a "no-burn" rule under extremely poor dispersion conditions and revise slightly the conditions under which only test-fires could be allowed.
5. Reduce the amount of acreage allowed to be experimentally burned each year from 7,500 acres to 5,000 acres, and restrict propane flaming operations which create a public nuisance or public safety hazard.

6. Allow the burning of test-fires before minimum humidity criteria are achieved, and increase slightly the range of wind directions under which the 65 percent minimum humidity restriction applies.
7. Allow the Department additional authority to waive "drying-day" requirements when it determines that dry fields are available as a result of unusually high evaporative weather conditions.
8. Remove restrictions on the times of day in which burning could be allowed.
9. Revise the way in which civil penalties are determined and mitigated.

Director's Recommendation

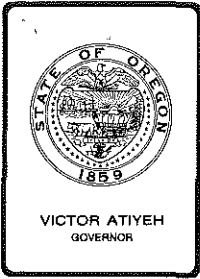
Based on the summation above, it is recommended that the Environmental Quality Commission authorize the Department to schedule a public hearing on the attached proposed rules at its February 24, 1984 meeting before the Commission.

Michael J. Downs
Acting Director

Attachments: (3)

1. Draft Hearing's Notice
2. Statement of Need for Rulemaking
3. Proposed Amendments and Additions to the Rules
340-26-001 to 340-26-050

Sean K. O'Connell:pd
686-7837
December 13, 1983



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. I, February 24, 1984, EQC Meeting

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

Background

At its January 6, 1984, meeting, the Commission considered a proposed schedule of fees for Solid Waste Disposal Permits. The schedule included fees related to the regulation of solid waste disposal and a separate set of fees related to new recycling responsibilities assigned to the Department of Environmental Quality by the 1983 Legislature.

The Commission tentatively approved the recycling fees. However, in response to testimony from the Metropolitan Service District (Metro), the Commission asked the Department to explore possible revisions of the disposal compliance schedule for the largest disposal sites. After further consideration, the Department concluded that the fees were most equitable as proposed and that no changes were warranted. These findings were presented to the Commission at a special meeting on January 12, 1984. The Commission voted unanimously to approve the attached proposed fee schedule and to forward it to the Legislature's Emergency Board for concurrence. On February 3, 1984, the fees were presented to the Emergency Board as two separate items, divided between disposal compliance and recycling. The Emergency Board approved both proposed sets of fees without changes.

The Department now requests adoption of the proposed fee schedule (Attachment 1). The Commission is authorized to adopt such a rule by ORS 459.170, 459.235 and 468.065, in accordance with HB 2236 and SB 405, 1983 Legislative Assembly. Statements of Need, Statutory Authority, Fiscal Impact and Principal Documents Relied Upon are included in Attachment 2. A Land Use Consistency Statement is Attachment 3.

Alternatives and Evaluation

The alternatives and issues relating to this proposal were discussed at the Commission's meetings on January 6 and 12, 1984. Foremost is the matter of how to most equitably distribute the fees for control of solid waste disposal among the various types and sizes of disposal sites. The



Contains
Recycled
Materials

Department has prepared a schedule of fees that it believes represents the best compromise. As noted above, both the Commission and the Emergency Board have now approved this proposed fee schedule.

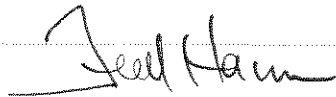
For your added information, the Legislative Fiscal Analyst recommended to the Emergency Board that the Department augment its timekeeping practices to refine estimates for establishing future fees for disposal control purposes. Although this was not adopted, it is the Department's intention to follow through on this recommendation and make appropriate changes.

Summation

1. On January 6, 1984, the Commission considered the Department's proposed fee schedule and tentatively approved the recycling fees portion, but asked the Department to explore possible revisions to the fees for control of disposal for the largest sites.
2. On January 12, 1984, the Commission unanimously approved the proposed fee schedule.
3. On February 3, 1984, the Legislature's Emergency Board approved the proposed schedule.
4. The Department now requests adoption of this schedule.
5. The Commission is authorized to adopt a schedule of fees for Solid Waste Disposal Permits by ORS 459.170, 459.235 and 468.065, in accordance with HB 2236 and SB 405, 1983 Legislative Assembly.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the proposed Solid Waste Disposal Permit fee schedule, OAR 340-61-115.



Fred Hansen

- Attachments
1. Proposed Fee Schedule, OAR 340-61-115
 2. Statements of Need, Statutory Authority, Fiscal Impact and Principal Documents Relied Upon
 3. Statement of Land Use Consistency

William H. Dana:c
SC1410
229-6266
February 3, 1984

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

PERMIT FEES

340-61-115 (1) Beginning July 1, 1984, each person 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, each disposal site 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; but the term does not include:

- (a) Sewage sludge or septic tank and cesspool pumpings.
- (b) Building demolition or construction wastes and land clearing debris, if delivered to disposal sites that are not open to the general public.
- (c) Yard debris, if delivered to disposal sites that receive no other residential wastes.

(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, each disposal site shall be assigned to a category in Table A based upon the amount of solid waste received and upon the complexity of each disposal site. Each disposal site which falls into more than one category shall pay whichever fee is higher. The Department shall assign a site to a category on the basis of estimated annual tonnage or gallonage of solid waste received unless the actual amount received is known. Estimated annual tonnage for domestic waste disposal sites will be based on one ton per resident in the service area of the disposal site, unless the permittee demonstrates a more accurate estimate. Loads of solid waste consisting exclusively of soil, rock, concrete rubble or asphalt shall not be included when calculating the annual amount of solid waste received.

(5) Modifications of existing, unexpired permits which are instituted by the Department due to changing conditions or standards, receipt 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 before the Department has granted or denied preliminary approval or, if no preliminary approval has been granted or denied, the Department has approved or denied the application.

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

WHD:c
SC1326
12/20/83

TABLE A

PERMIT FEE SCHEDULE

1. Filing Fee. A filing fee of \$50 shall accompany each 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 \$25 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. A new facility (including substantial expansion of an existing facility):

(A) Major facility ¹	.....	\$ 1,000
(B) Intermediate facility ²	.....	\$ 500
(C) Minor facility ³	.....	\$ 175

 - b. Preliminary feasibility only (Note: the amount of this fee may be deducted from the complete application fee listed above):

(A) Major facility	.....	\$ 600
(B) Intermediate facility	.....	\$ 300
(C) Minor facility	.....	\$ 100

¹Major Facility Qualifying Factors:

- (a) Received more than 25,000 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 as determined by the Department.

²Intermediate Facility Qualifying Factors:

- (a) Received at least 5,000 but not more than 25,000 tons of solid waste per year; or
- (b) Received less than 5,000 tons of solid waste and more than 25,000 gallons of sludge per month.

³Minor Facility Qualifying Factors:

- (a) Received less than 5,000 tons of solid waste per year; and
- (b) Received less than 25,000 gallons of sludge per month.

All tonnages based on amount received in the immediately preceding fiscal year, or in a new facility the amount to be received the first fiscal year of operation.

6

c. Permit renewal (including new operational plan, closure plan or improvements):

(A) Major facility	\$ 500
(B) Intermediate facility	\$ 250
(C) Minor facility	\$ 75

d. Permit renewal (without significant change):

(A) Major facility	\$ 200
(B) Intermediate facility	\$ 100
(C) Minor facility	\$ 50

e. Permit modification (including new operational plan, closure plan or improvements):

(A) Major facility	\$ 500
(B) Intermediate facility	\$ 250
(C) Minor facility	\$ 75

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

All categories	\$ 25
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g. Permit modification (Department initiated):

All categories	no fee
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3. Annual Compliance Determination Fee (In any case where a facility fits into more than one category, the permittee shall pay only the highest fee):

a. Domestic Waste Facility:

(A) A landfill which received 500,000 tons or more of solid waste per year:	\$60,000
(B) A landfill which received at least 400,000 but less than 500,000 tons of solid waste per year:	\$48,000
(C) A landfill which received at least 300,000 but less than 400,000 tons of solid waste per year:	\$36,000
(D) A landfill which received at least 200,000 but less than 300,000 tons of solid waste per year:	\$24,000
(E) A landfill which received at least 100,000 but less than 200,000 tons of solid waste per year:	\$12,000
(F) A landfill which received at least 50,000 but less than 100,000 tons of solid waste per year:	\$ 6,000
(G) A landfill which received at least 25,000 but less than 50,000 tons of solid waste per year:	\$ 3,000

- (H) A landfill which received at least 10,000 but less than 25,000 tons of solid waste per year: \$ 1,200
- (I) A landfill which received at least 5,000 but not more than 10,000 tons of solid waste per year: \$ 500
- (J) A landfill which received at least 1,000 but not more than 5,000 tons of solid waste per year: \$ 100
- (K) A landfill which received less than 1,000 tons of solid waste per year: \$ 50
- (L) A transfer station, incinerator, resource recovery facility and each other facility not specifically classified above which received more than 10,000 tons of solid waste per year: \$ 500
- (M) A transfer station, incinerator, resource recovery facility and each other facility not specifically classified above which received less than 10,000 tons of solid waste per year: \$ 50

b. Industrial Waste Facility:

- (A) A facility which received 10,000 tons or more of solid waste per year: \$ 1,000
- (B) A facility which received at least 5,000 tons but less than 10,000 tons of solid waste per year: \$ 500
- (C) A facility which received less than 5,000 tons of solid waste per year: \$ 100

c. Sludge Disposal Facility:

- (A) A facility which received 25,000 gallons or more of sludge per month: \$ 100
- (B) A facility which received less than 25,000 gallons of sludge per month: \$ 50

d. Closed Disposal Site:

Each landfill which closes after July 1, 1984: 10% of the fee which would be required, in accordance with Subsections 3a, 3b, and 3c above, if the facility were still in operation or \$50 whichever is greater.

e. Facility with Monitoring Well:

In addition to the fees described above, each facility with one or more wells for monitoring groundwater or methane, surface water sampling points, or any other structures or locations requiring the collection and analysis of samples by the Department, shall be assessed a fee. The amount of the fee shall depend on the number of wells (each well in a multiple completion well is considered to be a separate well) or sampling points as follows:

- (A) A facility with six or less monitoring wells or sampling points: \$ 1,000
- (B) A facility with more than six monitoring wells or sampling points: \$ 2,000

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

- a. A disposal site which received 500,000 tons or more of solid waste per year: \$19,000
- b. A disposal site which received at least 400,000 but less than 500,000 tons of solid waste per year: \$15,200
- c. A disposal site which received at least 300,000 but less than 400,000 tons of solid waste per year: \$11,400
- d. A disposal site which received at least 200,000 but less than 300,000 tons of solid waste per year: \$ 7,600
- e. A disposal site which received at least 100,000 but less than 200,000 tons of solid waste per year: \$ 3,800
- f. A disposal site which received at least 50,000 but less than 100,000 tons of solid waste per year: \$ 1,900
- g. A disposal site which received at least 25,000 but less than 50,000 tons of solid waste per year: \$ 950
- h. A disposal site which received at least 10,000 but less than 25,000 tons of solid waste per year: \$ 375
- i. A disposal site which received at least 5,000 but less than 10,000 tons of solid waste per year: \$ 175
- j. A disposal site which received at least 1,000 but less than 5,000 tons of solid waste per year: \$ 30
- k. A disposal site which received less than 1,000 tons of solid waste per year: \$ 15

Before the Environmental Quality Commission
of the State of Oregon

In the Matter of the Adoption of	)	Statutory Authority,
Solid Waste Disposal Permit Fees,	)	Statement of Need,
OAR Chapter 340, Section 61-115	)	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.

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.

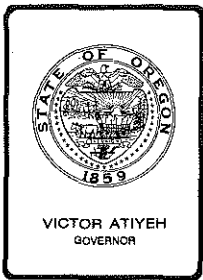
Public comment on these proposals is invited and may be submitted in the manner described in the accompanying NOTICE OF PUBLIC HEARING.

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
2/3/84



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. J, February 24, 1984, EQC Meeting

Proposed Adoption of Amendments to Rules Which Require Surety Bonds for Construction and Operation of Private Sewerage Systems, OAR 340-15-020.

Background

Oregon Revised Statute (ORS 454.425) requires a surety bond for construction and operation of a privately owned sewage collection, treatment, and/or disposal system. The statute limits the size of bond to a maximum of \$25,000. It authorizes the Environmental Quality Commission to adopt rules exempting certain facilities and to accept a substitution of security when appropriate. The surety bond must remain in effect as long as the facility is privately owned and in use.

The Commission adopted rules in 1975 which exempt the following from the surety bond requirements: (OAR 340-15-015)

- (1) Any subsurface, alternative, or other sewage disposal system which treats not more than 5,000 gallons per day.
- (2) Any subsurface, alternative, or other sewage disposal system, regardless of size, used to serve any food handling establishment, mobile home or recreation park, tourist and traveler's facilities, or other development operated by a public entity or under valid license or certificate of sanitation issued by the State Health Division or Department of Commerce.
- (3) Any sewage collection, treatment, or disposal facility owned and operated by a state or federal agency, city, county, county service district, sanitary authority, sanitary district or other public body, including, but not limited to, a school district or port district.



Contains
Recycled
Materials

- (4) Any sewage collection, treatment, or disposal facilities of an industrial plant or commercial development having a valid NPDES Waste Discharge permit or Water Pollution Control Facilities Permit issued by the Department pursuant to ORS 468.740, provided such facilities serve only employees or customers but no permanent residences.

The rules specify the type of security to be (1) a Perpetual Surety Bond issued by a Surety Company licensed by the Insurance Commissioner of Oregon; (2) an insured savings account assigned to the Department; or (3) other security as specifically approved by the Commission.

The rules also establish the amount of the surety bond or other approved equivalent security as \$1.00 per gallon per day of installed sewage treatment or disposal capacity, with a minimum sum not to be less than \$2,000, or shall be of some other sum specifically approved by the Commission, except that in no case shall the maximum sum exceed \$25,000.

The Perpetual Bonds required by EQC rules are very difficult to get. Companies which provide the bonds are unwilling to commit themselves to a non-cancellable, Perpetual Bond unless an equivalent amount of cash is put up by the principal. There has been at least one case where the principal has refused to pay bond premiums but the Surety could not cancel the bond because of its perpetual nature.

For most new developments the current bond requirement is considered to be a reasonable requirement because the Department needs to have some assurance that there is sufficient financial backing to complete and operate a new project. If the owner can't get a bond or put up the cash deposit, perhaps it's better the development does not take place.

Significant problems arise when someone tries to solve problems at an existing development by building a sewage treatment facility. The owner often cannot get a perpetual bond and all their available assets are tied up in construction costs.

Problems also occur when a facility changes ownership and the new owner is unable to get a bond.

A Statement of Need is attached to this report.

Alternatives and Evaluation

This problem was brought before the Commission last July. The Department was directed to investigate the possibility of amending the surety bond rules to allow a combination of insured savings account and cancellable bond in those instances where a Perpetual Bond cannot be acquired for existing facilities.

At the November 18, 1983, EQC meeting, a proposed rule modification was presented to the Commission along with a request to hold a public hearing on the proposed rules.

The proposed rules allow for a cash deposit of 20 percent of the required amount of security. This would be accompanied by a cancellable bond for the remaining 80 percent. Each year, thereafter, the principal would be required to increase the cash deposit by another 20 percent. Over a 5 year period the cash deposit would equal the required amount of security and there would be no need for a bond. This rule change should provide a way for those persons who have been unable to acquire a perpetual surety bond to come up with the required amount of security.

A public hearing on the proposed rule modification was advertised December 1, 1983. A hearing was held January 4, 1984. Although there were a few requests for copies of the proposed rules, no one appeared at the hearing. There were also no written comments received regarding the proposed rules. There were some phone calls requesting clarification.

The rule modification is now back before the Commission for formal adoption.

Summation

1. ORS 454.425 requires a surety bond or equivalent security for construction, operation, and maintenance of private sewerage systems.
2. The Commission has adopted rules which allow cash deposits via an assigned savings account in lieu of a bond and exempted certain facilities from the bond requirement.
3. The Department may permit the substitution of other security for the bond upon approval by the Commission, the form of which shall be approved by the Attorney General.
4. Because of the required perpetual nature of the bond, it is very difficult to obtain.
5. At the July EQC meeting, the Commission directed the Department to investigate the possibility of a combination of cash deposit and cancellable bond.
6. A rule modification was drafted which provides for a combination of cash deposit and cancellable bond. At the November 18, 1983, EQC meeting, the Commission authorized a public hearing to be held on the proposed rule modification.
7. Nothing surfaced during the public participation process which indicates that the proposed rules would not be satisfactory.
8. The modified rule is back before the Commission for formal adoption.

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt the modified rule as proposed.



Fred Hansen
Director

Attachments: (4)

1. Existing Rules
2. Draft Rule (OAR 340-15-020)
3. Hearing Notice
4. Statement of Need

Charles K. Ashbaker:l
WL3019
229-5325
January 27, 1984

DIVISION 15

SURETY BONDS OR OTHER APPROVED
EQUIVALENT
SECURITY FOR CONSTRUCTION, OPERA-
TION, AND
MAINTENANCE OF SEWAGE COLLECTION,
TREATMENT
OR DISPOSAL FACILITIES

Statement of Purpose

340-15-005 These rules, adopted pursuant to ORS 454.425, prescribe the requirements and procedures for the filing, maintenance, and termination of surety bonds or other approved equivalent security for the construction, operation, maintenance of sewage collection, treatment, or disposal facilities.

Stat. Auth.: ORS Ch.

Hlst: DEQ 82, f. 1-30-75, ef. 2-25-75

Definitions

340-15-010 As used in these rules, unless the context requires otherwise:

(1) "Alternative sewage disposal system" has the same meaning as in ORS 454.605(2).

(2) "Commission" means the Environmental Quality Commission.

(3) "Construct" or "Construction" includes installation, repair, and major modification or addition.

(4) "Department" means the Department of Environmental Quality.

(5) "NPDES waste discharge permit" means a waste discharge permit issued in accordance with requirements and procedures of the National Pollutant Discharge Elimination System required by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) and of OAR 340-45-005 through 340-45-065.

(6) "Person" means any person as defined in ORS 174.100 but does not include, unless the context specifies otherwise, any public officer acting in his official capacity or any political subdivision, as defined in ORS 237.410.

(7) "Subsurface sewage disposal system" has the same meaning as in ORS 454.605(14).

Stat. Auth.: ORS Ch.

Hlst: DEQ 82, f. 1-30-75, ef. 2-25-75; DEQ 99(Temp), f. & ef. 10-1-75; DEQ 102, f. & ef. 12-18-75

Surety Bond Required

340-15-015 (1) Every person proposing to construct facilities for the collection, treatment, or disposal of sewage shall file with the Department a surety bond, or other approved equivalent security, of a sum determined under rule 340-15-025 of these rules.

(2) The following shall be exempt from the provision of section (1) of this rule:

(a) Any subsurface, alternative, or other sewage disposal system or systems designed or used to treat or dispose of a sewage flow of not more than 5,000 gallons (18.925 cubic meters) per day;

(b) Any subsurface, alternative, or other sewage disposal system or systems, regardless of size, used to serve any food handling establishment, mobile home or recreation park, tourist and travelers facilities, or other development operated by a public entity or under a valid license or certificate of sanitation issued by the State Health Division or Department of Commerce;

(c) Any sewage collection, treatment, or disposal facility owned and operated by a state or federal agency, city, county, county service district, sanitary authority, sanitary district, or other public body, including, but not limited to, a school district or port district;

(d) Any sewage collection, treatment, or disposal facilities of an industrial plant or commercial development having a valid NPDES Waste Discharge Permit or Water Pollution Control Facilities Permit issued by the Department pursuant to ORS 468.740 provided such facilities serve only employees or customers but no permanent residences.

Stat. Auth.: ORS Ch.

Hlst: DEQ 82, f. 1-30-75, ef. 2-25-75; DEQ 99(Temp) f. & ef. 10-1-75; DEQ 102, f. & ef. 12-18-75

Type of Security

340-15-020 The type of security to be furnished pursuant to ORS 454.425 may be:

(1) Perpetual surety bond executed in favor of the State of Oregon on a form approved by the Attorney General and provided by the Department, such bond to be issued by a Surety Company licensed by the Insurance Commissioner of Oregon;

(2) Insured savings account assigned to the Department with interest earned by such account made payable to the assignor; or

(3) Other security in such form and amount as specifically approved by the Commission.

Stat. Auth.: ORS Ch.

Hlst: DEQ 82, f. 1-30-75, ef. 2-25-75

Amount of Bond or Other Security

340-15-025 The amount of the surety bond or other approved equivalent security filed with the Department shall be equal to \$1.00 per gallon per day of installed sewage treatment or disposal capacity with the minimum sum not to be less than \$2,000, or shall be of some other sum specifically approved by the Commission, except that in no case shall the maximum sum exceed \$25,000.

Stat. Auth.: ORS Ch.

Hlst: DEQ 82, f. 1-30-75, ef. 2-25-75

Transfer of Facilities

340-15-030 The ownership of the sewage disposal facilities shall not be transferred without the prior written approval of the Department and the surety bond or other approved equivalent security filed pursuant to ORS 454.425 shall remain in full force and effect notwithstanding any subsequent ownership transfer without such prior written approval.

Stat. Auth.: ORS Ch.

Hlst: DEQ 82, f. 1-30-75, ef. 2-25-75

Maintenance and Termination of Security

340-15-035 The surety bond or other approved equivalent security filed pursuant to ORS 454.425 shall remain in force and effect until such time as a state or federal agency, city, county, county service district, sanitary authority, sanitary district, or other public body acquires ownership or assumes full liability and responsibility for operation and maintenance of the sewage disposal facilities with the prior written approval of the Department pursuant to rule 340-15-030.

Stat. Auth.: ORS Ch.

Hlst: DEQ 82, f. 1-30-75, ef. 2-25-75

Proposed Rule Modifications
OAR 340-15-020

Type of Security

340-15-020 The type of security to be furnished pursuant to ORS 454.425 may be:

(1) Perpetual surety bond executed in favor of the State of Oregon on a form approved by the Attorney General and provided by the Department, such bond to be issued by a Surety Company licensed by the Insurance Commissioner of Oregon;

(2) Insured savings account assigned to the Department with interest earned by such account made payable to the assignor; or

(3) When it is not possible to acquire a perpetual surety bond or insured savings account for the total amount of security as required by OAR 340-15-025, a combination of insured savings account and a non-perpetual surety bond may be approved if the following conditions are met:

(a) Evidence must be provided that a perpetual surety bond cannot be acquired. This evidence shall consist of denial letters from at least two surety companies.

(b) A minimum insured savings account for at least 20% of the total required security must be provided. The remainder of the required security may be covered by a renewable, non-perpetual bond, on a form provided by the Department.

(c) The surety bond shall not be cancellable during construction of the facility and one full year of operation.

(d) Each year thereafter the insured savings account shall be increased by at least 20% of the total required security until such time as the savings account is equal to the total required security. The renewable bond may be decreased equivalent to the savings account increase until it is no longer required.

(e) At all times the combination of the savings account and the surety bond must be equal to the total amount of security required by OAR 340-15-025, unless specifically approved otherwise by the Commission.

[(3)] (4) Other security in such form and amount as specifically approved by the Commission.

Stat. Auth.: ORS Ch.
Hist. DEQ 82, f. 1-30-75, ef. 2-25-75

CKA:1
WL2842
November 18, 1983

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

CHANGE IN SURETY BOND RULES
(OAR 340, Division 15)

Notice Issued: 12/1/83
Hearing Date: 1/4/84
Record Closes: 1/4/84

WHO IS AFFECTED: The persons who construct or operate private sewage disposal systems with a capacity of more than 5,000 gallons per day.

WHAT IS PROPOSED: In order to provide a means for persons who are unable to secure a perpetual surety bond for construction and operation of private sewage treatment plants or disposal systems, a modification of the surety bond rules is proposed. The rule modification will allow a combination of insured savings account and cancellable bond for those who cannot provide either a savings account covering the entire amount or a perpetual surety bond. The cancellable bond must eventually be replaced with an insured savings account.

Note: Copies of the rule modification are available upon request.

HOW TO COMMENT:

PUBLIC HEARING

DEQ Headquarters, 14th Floor Conference Room
522 S. W. Fifth Avenue, Portland, Oregon
Wednesday, January 4, 1984 -- 10 a.m.

Written comments should be sent to DEQ Water Quality Division, P.O. Box 1760, Portland, OR 97207. The comment period will end Wednesday, January 4, 1984 at 5 p.m.

Any questions or requests for information should be directed to Kent Ashbaker of the Water Quality Division, 229-5325 or toll free 1-800-452-4011.

WHAT IS THE NEXT STEP: Once the public testimony has been received and evaluated, the rules will be revised, if necessary, and then go before the Environmental Quality Commission for adoption.

FISCAL AND ECONOMIC IMPACT: The rule modification will make it easier for private individuals or small businesses to qualify for the security necessary for the operation of private sewage treatment and disposal facilities. Without this rule modification, many would be unable to qualify.

LAND USE CONSISTENCY: This rule modification has no direct bearing on land use.

WL2846



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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Statement of Need for Rulemaking

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

(1) Legal Authority

ORS 454.425(3) authorizes the Commission to permit the substitution of other security for the surety bond required by ORS 454.425(1).

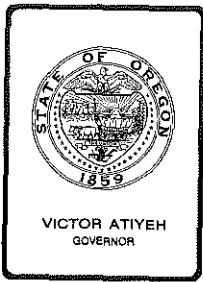
(2) Need for the Rule

Pursuant to ORS 454.425(1), every person proposing to construct or operate sewage disposal facilities must have a perpetual surety bond. However, at the present time, the insurance companies are not willing to provide perpetual bonds for most individuals and small businesses. Therefore, the rules need to be changed to allow for some flexibility on the type of security which is acceptable. This rule change does that.

(3) Principal Documents Relied Upon in This Rulemaking

- a. ORS 454.425
- b. OAR 340, Division 15

CKA:1
WL2847
October 25, 1983



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. K, February 24, 1984, EQC Meeting

Request for a Variance Extension from OAR 340-35-035 for Log Loader Noise at Murphy Company, Myrtle Point, Coos County

Background

A request for a variance extension has been received from The Murphy Company for their mill located in Myrtle Point in Coos County. Strict compliance with DEQ noise pollution control regulations for industry and commerce requires that stationary mill equipment and associated mobile equipment operate within noise emission limits of Table 7 of OAR 340-35-035. The Murphy Company has requested a variance extension to allow the operation of two log loaders that exceed these noise standards.

In 1976, the Department received complaints of excessive noise generated by The Murphy Company in Myrtle Point. Staff investigation found the mill in violation of noise emission standards due to several contributing stationary sources for processing logs as well as two mobile diesel log loaders. On July 16, 1979, The Murphy Company proposed a noise abatement program which would bring noise levels due to all sources, except the log loaders, into compliance with daytime noise standards.

On October 1, 1979, The Murphy Company requested a variance which would allow operation of two log loaders to exceed noise pollution standards. During the November 16, 1979 EQC meeting, the Commission granted this request with stipulations that a feasibility study for compliance achievement be submitted to the Department by April, 1980, and that operation of the loaders be restricted by administrative controls between the hours of 6 a.m. to 8 a.m. and 8 p.m. to 12:30 a.m. The administrative controls required that log loaders be operated on the middle and west portions of the log yard during the specified hours away from residential property on the north and east. Between 8 a.m. and 8 p.m., the log loaders could operate on any part of the Company's property. Between 12:30 a.m. and 6 a.m., the Commission required compliance with the Department's nighttime noise standards, thereby effectively prohibiting operation of the



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log loaders. On April 2, 1980, the Department received the feasibility study prepared by Murphy's consultants concerning diesel log loader noise abatement. The following conclusions were offered:

1. No currently manufactured log loaders would provide noise compliance at the Murphy's Myrtle Point mill.
2. It was not presently technically feasible to comply because of performance restrictions, maintenance requirements, and the state-of-the-art of quieting mobile diesel log loaders.
3. The Murphy Company's log loaders appeared to have as quiet a noise rating as any new (1980) unit produced in the United States.

The Department's investigation of these conclusions confirmed these findings. While aftermarket firms claimed they could significantly reduce existing log loader noise emissions, those firms declined to give estimates of the noise attenuation, the possibility of compliance attainment, or the costs of such modification without the necessary engineering tests and studies.

Upon review of the feasibility study, on June 20, 1980, the Commission granted an extension of the variance for the log loader noise. The staff report to the EQC dated June 20, 1980 is included here as Attachment 1. That variance expired on July 1, 1982. During the time period between the variance expiration and this request for extension, the Department understood this facility was not operating and thus a variance was not necessary.

On December 8, 1983, the Department received another request (Attachment 2) for an extension of the variance from Seton, Johnson and Odell, Inc., consultants to The Murphy Company. In this request and in a September 21, 1983 letter (Attachment 3), the following justification for variance extension was presented:

1. Retrofit equipment or alternative systems for the log loaders are not available or technically feasible to achieve noise compliance.
2. The "residential" mufflers presently being used on Murphy log loaders are comparable to the best units available.
3. The noise reduction devices on this equipment have been maintained in good working order.

Subsequent to this request, staff again performed its own investigation regarding the availability of new quiet log loaders or retrofit noise reduction kits for the Murphy log loaders. The conclusions reached were essentially the same as reached during the last investigation and confirm the conclusions submitted by The Murphy Company. Staff found that the quietest new log loaders of the same type have similar noise ratings to those reported from the Murphy loaders. It was also reported to staff by

several industry representatives that impetus toward quieter mobile diesel equipment was halted when EPA cancelled its proposed regulations which were scheduled to be effective in 1981.

During the period of the Murphy Company's variance, the Department has not received any further noise complaints. Discussions with the City of Myrtle Point indicate the City has not received any recent complaints.

The Commission has legal authority to grant a variance from the noise control rules pursuant to ORS 467.060 and OAR 340-35-100.

Alternatives and Evaluation

The Murphy Company is requesting a variance extension from the noise emission standards for its two log loaders on the basis of technical feasibility. They claim that strict compliance with noise emission standards may be unreasonable, unduly burdensome or impractical, and that no alternative facility or method of handling of logs has been shown to be available to transport logs about the Myrtle Point log yard for processing. Based upon conversations with the Company and their agents, staff believes if use of the loaders were discontinued to afford strict compliance, it would result in substantial curtailment of their Myrtle Point mill's operation.

Alternatives available to The Murphy Company which the Commission may consider include the following:

1. Authorize a continued noise variance for the two log loaders between 6 a.m. and 12:30 a.m. the following morning until July 1, 1987 and require the continuation of the administrative controls between 6 a.m. to 8 a.m. and from 8 p.m. to 12:30 a.m. that restrict loader operations to certain areas of the yard.
2. Require the purchase of new, replacement log loaders with the highest and best practicable noise reduction techniques applied. The noise reduction benefit of this action is unclear because the Company's present loaders appear to be nearly as quiet as the quietest new corresponding loaders that are available. In addition, the quietest new loaders would not afford noise pollution compliance at this mill.
3. Require a noise reduction retrofit program for the two existing log loaders. Additional noise reduction would be achieved but there would be no assurance of the significant reductions needed to attain strict compliance. According to previously submitted information, noise reduction measures applied to existing loaders would result in operational limitations, increased engine heating problems, and maintenance difficulties. The feasibility of this alternative is also questionable due to the limited life expectancy of these "older" loaders.

4. Discontinue use of the two log loaders at the Company's Myrtle Point mill. No alternative means of handling logs have been proposed or are known by the Department that would lend itself to use in the Murphy log yard. The Company has stated that without the log loaders, there would be a substantial curtailment of activity at this mill.

The noise control statute, ORS 467.060, provides that the Commission may issue or modify a variance as follows:

- "(1) . . . only if it finds that strict compliance with the rule or standard is inappropriate because: . . .
- (b) Special circumstances render strict compliance unreasonable, unduly burdensome or impractical due to special physical conditions or cause;
 - (c) Strict compliance would result in substantial curtailment or closing down of a business, plant or operations; or
 - (d) No other alternative facility or method of operating is yet available."

The Department proposes an extension of the existing variance from the noise emission limits of OAR 340-35-035, Table 7 for The Murphy Company at Myrtle Point. This variance would allow continued operation of the two log loaders between 6 a.m. and 12:30 a.m. the following morning until July 1, 1987 in excess of the allowable statistical noise standards. Administrative control of the location of the log loader operation would continue to be required from 6 a.m. to 8 a.m. and 8 p.m. to 12:30 a.m. The Department further proposes that the variance include the following requirements:

1. The Department shall be consulted prior to replacement or major overhaul of either of the existing log loaders.
2. The Department shall approve the "noise emission" specifications prior to the placement of an order for replacement or major overhaul of either or both log loaders. This requirement would provide for evaluation of retrofit noise reduction possibilities in the event a major overhaul of either or both log loaders is proposed.
3. The Murphy Company shall maintain all noise reduction equipment including residential mufflers in good working order.

In formulating this proposal, the Department has considered the equities involved and the advantages and disadvantages to the nearby residents. If this proposal is adopted, there would be the disadvantages of sleep disturbance, speech interference, and possible task disruption during the Company's operating hours that would not exceed 6 a.m. to 12:30 a.m. The impacts due to the log loaders would be moderated by the administrative

controls that would be imposed from 6 a.m. to 8 a.m. and from 8 p.m. to 12:30 a.m. The advantage of this proposal is that strict compliance is required for all sources including log loaders from 12:30 a.m. to 6 a.m. providing protection from sleep disturbance.

Summation

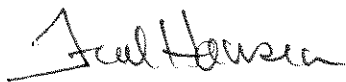
1. The Murphy Company owns and operates a mill in Myrtle Point, Oregon. Due to the close proximity of adjacent residences, the mill has had difficulties resolving a noise pollution problem.
2. The Company has successfully attenuated noise emissions from all of the primary noise sources in the mill operation except for two mobile diesel log loaders.
3. A variance granted on November 16, 1979 exempted log loader noise from 6 a.m. to 12:30 a.m. the following day. This variance required that certain administrative controls regulate the loader's operation. The purpose of this variance was to provide Murphy Company time to prepare a feasibility study which would determine whether compliance could be achieved by retrofit or replacement of the existing units.
4. On April 12, 1980, the Department received a report prepared by Seton, Johnson and Odell, Inc. This report indicates that equipment manufacturers neither produce quieter equipment for sale in the United States nor offer retrofit kits which may be implemented on existing units.
5. Staff solicited response from local firms specializing in noise reduction on diesel equipment indicates that the desired retrofit may be possible, but the cost and magnitude of attenuation could not be determined prior to further testing and study.
6. On May 7, 1980, The Murphy Company requested an extension of the existing log loader variance. On June 20, 1980, the Commission granted a variance extension, subject to the administrative controls currently in effect.
7. On December 8, 1983, The Murphy Company again requested an extension of the variance for log loader noise, subject to the same administrative controls in effect.
8. The purpose of the requested variance is to allow operation of existing log loaders until it can be established that retrofit or replacement will allow Murphy log loader operations to comply with noise standards.

9. In consideration of impacts to nearby residents, operation of the Company under the proposed variance extension would allow some noise impacts from log loaders that would be moderated from 6 a.m. to 8 a.m. and 8 p.m. to 12:30 a.m. Strict noise compliance would be required between 12:30 a.m. to 6 a.m.
10. The Department supports this request with some minor amendments.
11. The Commission should find that strict compliance with the noise emission standards is inappropriate because, at this time, substantially quieter log loaders do not appear to be reasonably available and that strict compliance would otherwise result in substantial curtailment of operations at this plant.

Director's Recommendation

Based upon the findings in the summation, it is recommended that The Murphy Company, Myrtle Point mill, be granted an extension of the previous variance from strict compliance with OAR 340-35-035, due to operation of two diesel log loaders, until July 1, 1987. This variance shall only apply between 6 a.m. and 12:30 a.m. the following morning. This variance shall be subject to the following conditions:

1. Operation of the log loaders shall be limited by administrative controls from 6 a.m. to 8 a.m. and 8 p.m. to 12:30 a.m. to mitigate noise pollution impacts. During these hours, the log loaders shall be limited to operation on the middle and west side of Murphy property keeping loaders at least 150 feet from noise sensitive buildings facing Maple Avenue and at least 200 feet from noise sensitive buildings facing 4th Street on the north and east sides of Murphy property. From 8 a.m. to 8 p.m., the log loaders may operate on any part of the Murphy Company log yard.
2. The Murphy Company shall consult with the Department prior to the replacement or major overhaul of either of the existing log loaders.
3. The Murphy Company shall obtain Department approval of "noise emission" specifications prior to the placement of an order for replacement or major overhaul of either or both log loaders.
4. The Murphy Company shall maintain all noise reduction equipment including residential mufflers in good working order.



Fred Hansen

Attachments:

1. Staff Report to EQC for Variance Extension for June 20, 1980 Meeting.
2. Variance Extension request dated December 8, 1983.
3. Consultant's Letter dated September 21, 1983.

Gerald Wilson:ahe
229-5365
January 26, 1984
NZ539



Attachment 1
Agenda Item K
February 24, 1984
EQC Meeting

Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. L, June 20, 1980 EQC Meeting

OK
Approved
-10

Request for the Extension of a Variance from OAR 340-35-035
for Log Loader Noise at Murphy Company - Myrtle Point

Background

The Murphy Company owns and operates a veneer mill in Myrtle Point. In 1976, the Department received complaints of excessive noise generated by this facility. Staff investigation confirmed the mill was in violation of noise standards and identified several residences located adjacent to the log yard as being severely impacted by the noise. The excessive noise resulted from a number of contributing sources, including the debarker, cut-off saw, bark hog, lilly pad chipper, veneer and core chipper, outside conveyor, air pressure release line, and two mobile diesel log loaders.

In a letter dated July 16, 1979 (Attachment 1), the Murphy Company outlined noise abatement measures which would bring the noise levels due to all sources, except the log loaders, into compliance with daytime noise standards. The Company then requested a variance which would both exempt the loader noise from compliance with noise standards and allow the remaining noise levels to exceed nighttime standards during specific hours.

At the August 31, 1979 meeting, the EQC granted a variance to allow noise levels resulting from mill operations to exceed nighttime standards during the hours of 6 am to 7 am and 10 pm to 12:30 am. The variance was granted based upon the feasibility and operational difficulties of enclosing the outside conveyors which were needed to meet nighttime noise standards. The Commission declined to allow exceedances of daytime standards. This variance will expire July 1, 1980, 1981

On October 1, 1979, Murphy Company requested a second variance which would temporarily allow operation of the log loaders to exceed noise standards. During this time, the feasibility of either purchasing new equipment or retrofitting the existing loaders would be analyzed.

At the November 16, 1979 meeting, the Commission granted this variance with stipulations that a feasibility study for compliance achievement be submitted to the Department by April 1, 1980, and that operation of the loaders shall be restricted to certain areas in the log yard between the hours of 6 am to 8 am and 8 pm to 12:30 am, as specified in the Murphy letter of September 25, 1979 (Attachment 2).

On April 2, 1980, the Department received a report prepared by Murphy consultants, Seton, Johnson and Odell, Inc. (Attachment 3). This report summarized information from four major diesel equipment manufacturers (Caterpillar, Ford, Pettibone, and GM) concerning a) the availability of exterior noise abatement programs, b) factory noise emission data for log loader equipment, c) availability and effectiveness of retrofit kits, d) the feasibility of manufacturing comparable equipment which would comply with DEQ noise standards, e) performance restrictions which would be associated with a quieter unit, and f) cost to consumer of either retrofit or new equipment. The manufacturers' responses included the following:

- a) Three of the manufacturers pursued active exterior noise abatement programs.
- b) No units currently manufactured would provide compliance at the Murphy mill. Furthermore, it appears that the Murphy log loaders are as quiet as any new unit in the U.S.
- c) Manufacturer produced retrofit kits are not available for this type of equipment.
- d) Pettibone considered it possible to manufacture a unit capable of meeting Oregon noise standards; the other three firms did not.
- e) Caterpillar indicated that performance restrictions would include cooling, fire hazard, maintenance and operating cost. The other firms either did not know or did not respond to this question.
- f) Caterpillar estimated the cost of a new unit with improved noise emission levels would be 12-16 percent over the current price. They referred to a quieter model sold in France which generated 7-9 dBA less, but has associated performance restrictions. The other firms either did not know or did not respond.

Subsequent to this report, staff requested three local firms, which specialize in noise level reduction of mobile diesel equipment, to respond to the questions that Murphy's consultant asked the manufacturers (Attachment 4). Two firms responded and both indicated that, although they knew of no retrofit kit currently available, they believed the technology is available and their firm could significantly reduce the existing log loader noise emissions. The firms declined to give absolute estimates of the extent of attenuation possible, or the costs of such modification, without the necessary engineering tests and studies.

To date, the Murphy Company has satisfactorily implemented all of the noise abatement measures that were specified in previous compliance agreements.

The Commission may grant an extension of the existing variance under authority granted by statute in ORS 467.060 and in Commission rule OAR 340-35-100.

Alternatives and Evaluation

The company believes an extension of the existing log loader variance should be granted as strict compliance may be "unreasonable, unduly burdensome, or impractical." A variance may be granted by the Commission for these reasons.

Alternatives the Commission may consider in this matter are:

1. Grant an extension of the existing variance for the two log loaders as requested, to exempt their noise from the noise rules between 6 am and 12:30 am the following morning until July 1, 1982, at which time the availability of quieter equipment and/or retrofit technology will again be investigated. Administrative control of the location of the loader operation would be required from 8 pm to 12:30 am and 6 am to 8 am.
2. Require the Murphy Company to obtain sufficient engineering tests and studies to clearly establish the extent that retrofit modifications can mitigate the noise emission levels associated with the existing diesel log loaders.

Summation

1. The Murphy Company owns and operates a mill in Myrtle Point. Due to the close proximity of adjacent residences, the mill has had difficulties resolving a noise pollution problem.
2. The Company has successfully attenuated noise emissions from all of the primary noise sources in the mill operation, except for two mobile diesel log loaders.
3. A variance granted on November 16, 1979 exempted log loader noise from 6 am to 12:30 am the following day. This variance required that certain administrative controls regulate the loader's operation. The purpose of this variance was to provide Murphy Company time to prepare a feasibility study which would determine whether compliance could be achieved by retrofit or replacement of the existing units. This variance expires July 1, 1980.
4. On April 2, 1980, the Department received a report prepared by Seton, Johnson and Odell, Inc. This report indicates that equipment manufacturers neither produce quieter equipment for sale in the U.S., nor offer retrofit kits which may be implemented on existing units.
5. Staff solicited response from local firms specializing in noise reduction on diesel equipment indicates that the desired retrofit may be possible, but the cost and magnitude of attenuation could not be determined prior to further testing and study.

6. On May 7, 1980, Murphy Company attended a conference at DEQ to discuss the results of the feasibility study. At this time, they requested an extension of the existing log loader variance, subject to the same administrative controls currently in effect.
7. The purpose of the requested variance is to allow operation of existing log loaders until it can be established that retrofit or replacement will allow Murphy log loader operations to comply with noise standards.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Murphy Company, Myrtle Point facility, be granted a time limited extension of the existing variance from strict compliance with the noise standard between 6 am to 12:30 am the following morning, due to operation of two diesel log loaders, until July 1, 1982. Operation of the loaders shall be limited as specified in the Company's letter of September 25, 1979, between the hours of 8 pm to 12:30 am and 6 am to 8 am.

Bill

WILLIAM H. YOUNG

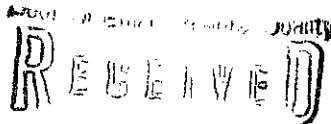
John Hector:pw
(503) 229-5989
June 4, 1980

Attachments:

1. Murphy Company letter of July 16, 1979
2. Murphy Company letter of September 25, 1979
3. Murphy Company/Seton, Johnson & Odell
Log Loader Report dated March 27, 1980
4. Gerald T. Wilson letter to local consultant firms, dated April 15, 1980, and response from Barrier Corporation and Michael C. Kaye

seton, johnson & odell, inc.
consulting engineers

133 s.w. second avenue
portland, oregon 97204
(503) 226-3921



December 8, 1983

DEC 12 RECD

NOISE CONTROL CONTROL

Mr. Gerald T. Wilson
Environmental Noise Specialist
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Re: N.P. Murphy Co., Myrtle Point, Oregon - Expired Variance

Dear Mr. Wilson:

In a letter dated September 21, 1983, we informed you that Mr. Murphy had requested us to respond to your earlier questions regarding his renewal or extension of the variance for operation of two diesel log loaders. In that letter (copy attached) we pointed out that Mr. Murphy had advised us that new or better retrofit equipment to bring his existing loaders into compliance is not economically available. At his request, we have independently investigated the availability and practicality of retrofits to achieve further noise reductions on his log loaders, and have concluded that:

1. The "residential" mufflers presently being applied as the best units available.
2. Retrofit equipment or systems for the log loaders is simply either not available or not economically feasible for installations of this type.

We also noted in our September 21 letter that Mr. Murphy was preparing a record of the past operating schedule at the mill. The completed schedule is enclosed for your use. It indicates that operations are not substantially different than they have been for some time.

RICHARD S. FITTERER, P.E.
BRYAN M. JOHNSON, P.E.
GARY L. McCLELLAN, P.E.
F. GLEN ODELL, P.E.
WALDEMAR SETON, P.E.

RUSSELL N. ALTERMATT, P.E.
DANIEL E. GRUNWALD, A.I.A.
JOHN R. HARLAND, P.E.
CHARLES L. HOAR

DONALD D. IRBY, P.E.
ERRIC D. JONES, P.L.S.
MICHAEL B. KAPLAN, P.E.
GAIL D. KATZ

ROBERT L. MILLER, P.L.S.
MAX O. PEABODY, P.L.S.
WILLIAM H. POUND, Ph.D.
R. BRUCE SNYDER
TERRY W. WARNER, P.E.

Mr. Gerald Wilson
December 8, 1983
Page 2

It is for these reasons that Mr. Murphy has authorized Seton, Johnson & Odell, Inc. to request that his variance be continued in its present form in order to allow operation of his facility at Myrtle Point.

Sincerely,



Bryan M. Johnson
Principal

RBS:cla

Enclosure

seton, johnson & odell, inc.
consulting engineers

133 s.w. second avenue
portland, oregon 97204
(503) 226-3921

September 21, 1983

SEP 21 Recd '83

Noise Pollution Control

Mr. Gerald T. Wilson
Environmental Noise Specialist
Noise Pollution Control
Department of Environmental Quality
P.O. Box 1760
Portland, OR 97207

Re: N.P. Murphy Co.
Myrtle Point, Oregon
Coos County
Expired Variance

Dear Mr. Wilson:

Kevin Murphy has requested me to respond to your letter of August 31, 1983 regarding the renewal or extension of the variance for operation of two diesel log loaders. I have discussed this matter with Kevin and he has advised me of the following:

- 1 - The economic conditions in the lumber industry have been such that the operating schedule for the equipment has been reduced for the past two years and it does not appear that a significant long term increase will occur in the foreseeable future.
- 2 - The residential mufflers on the two loaders are now in good working order and one has been fitted with a new muffler since the initial variance was issued.
- 3 - New or better retrofit equipment to bring his existing loaders into compliance is not economically available.
- 4 - His operating schedule has not changed and the operating conditions contained in the June 4, 1980 variance are still valid.

RICHARD S. FITTERER, P.E.
BRYAN M. JOHNSON, P.E.
GARY L. McCLELLAN, P.E.
F. GLEN ODELL, P.E.
WALDEMAR SETON, P.E.

RUSSELL N. ALTERMATT, P.E.
DANIEL E. GRUNWALD, A.I.A.
JOHN R. HARLAND, P.E.
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ERRIC D. JONES, P.L.S.
MICHAEL B. KAPLAN, P.E.
GAIL D. KATZ

ROBERT L. MILLER, P.L.S.
MAX O. PEABODY, P.L.S.
WILLIAM H. POUND, Ph.D.
R. BRUCE SNYDER
TERRY W. WARNER, P.E.

September 21, 1983
Gerald T. Wilson
Department of Environmental Quality
Page - 2 -

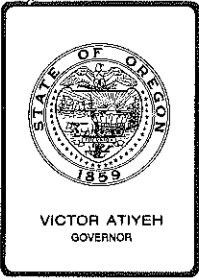
Kevin will appear at the October 7 meeting of the Environmental Quality Commission to discuss this. He is in the process of preparing a record of his operating schedule for the past two years and will have it available at that time.

Very truly yours,


Bryan M. Johnson (qum)
Principal

BMJ:rla

cc: Mr. Kevin Murphy



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 *Juel Hansen*
Subject: Agenda Item No. L, February 24, 1984, EQC Meeting

Request for a Variance from Noise Control Rules for Industry and Commerce (OAR 340-35-035) for the Salem YMCA

Background

A request for a variance from strict compliance with the noise control rules has been received from the Salem Family Young Men's Christian Association (Salem YMCA) located in downtown Salem. (Attachment A) The noise control rules for commercial noise sources establish noise emission standards for noise caused by any equipment, facility, operation or activity as it impacts any noise sensitive property. The Salem YMCA operates various heating and cooling equipment and fans and ventilation systems that produce noise levels in excess of standards when measured at adjacent residential apartment units. These equipment have been measured at $L_{50} = 70$ dBA (decibels A-scale) causing violations of 20 dBA above nighttime (10 p.m. - 7 a.m.) and 15 dBA above daytime standards contained in Table 7 of OAR 340-35-035. A factor of 20 decibels is perceived as four times too loud and 15 decibels is approximately three times louder.

Department staff became aware of a possible noise pollution violation at the Salem YMCA on August 8, 1983. On this date, a resident of the adjacent apartment building filed a complaint about excessive noise caused by heating/cooling equipment operating in daytime and nighttime periods. This equipment was causing annoyance and sleep disturbance.

In response to this complaint, the Department sent the Salem YMCA an informational letter outlining the citizen complaint and offering to measure noise emissions to verify compliance. Subsequent measurements determined that the standards were being exceeded.



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On August 30, 1983, the Department sent the Salem YMCA a notice of violation outlining the magnitude of standards exceedence and requesting that a compliance program and schedule be developed and submitted by October 1, 1983. In addition, the Department recommended, as an interim measure, that the operation of the heating and cooling equipment be restricted to daytime hours to afford some measure of protection from sleep disturbance.

In October, a 60 day extension was requested and granted; thus a final compliance date of December 5, 1983 was established. On November 16, 1983, the Department was notified that the heating/cooling equipment was turned off between 10 p.m. and 7 a.m. On December 12, 1983, the Department was notified that a time clock had been installed to ensure the heating/cooling equipment did not operate at night and concluded; "We trust that these controls will satisfy the requirements . . .". The Department responded that strict compliance must be met and established December 31 as the date for submittal of a compliance plan and January 31, 1984 for compliance to be achieved.

A request for a variance from the noise rules was received from the Salem YMCA on January 11, 1984. The Department responded that the request was deficient of objective data supporting the request and established January 25, 1984 as a date to submit additional data, if any. (Attachment B) On January 26, an additional two week extension was requested and was denied by the Acting Director. On February 1, additional information from the Salem YMCA was received, and representatives met with the Director. (Attachment C)

The variance request is based upon the following claims:

1. The noise level from the air conditioning equipment (heating/cooling equipment) during the nighttime hours has been completely eliminated due to the use of a time clock.
2. During the daytime hours, street traffic noise exceeds the level of the cooling system.
3. A heating and cooling representative found it would be impossible to totally eliminate excessive noise during all hours and still have an effective system.
4. It would be impossible, at this time, to commit funds to reduce noise impacting the residential apartment.

Recent noise emission measurements have determined that nighttime levels due to equipment other than the heating/cooling system were 53 to 61 dBA, 3 to 11 dBA above standards. Daytime exceedances would remain at 15 dBA without engineering controls on the equipment.

The following compares allowable noise emission standards to measured values due to various equipment operating at the Salem YMCA:

	<u>Statistical, L50, Noise Level</u>
1. Daytime (7 a.m. - 10 p.m.) Standards	55 dBA
2. Nighttime (10 p.m. - 7 a.m.) Standards	50 dBA
3. Heating/Cooling Equipment	69-71 dBA
4. Louvered Vents	61 dBA
5. Other fans	53-55 dBA

The Commission has legal authority to grant a variance from the noise control rules and standards pursuant to ORS 467.060 and OAR 340-35-100.

Alternatives and Evaluation

The Salem YMCA requests a variance from the noise emission standards as they contend strict compliance would be unreasonable and traffic noise exceeds equipment generated noise levels.

Implementation of an administrative control, nighttime shut down of some equipment, has reduced noise. No engineering controls have been evaluated nor proposed to reduce noise emissions from any equipment contributing to the violations. The Department has recommended that a professional evaluation of the noise producing equipment be conducted in order to develop suitable control alternatives. No such evaluation has been submitted.

A variety of engineering controls should be evaluated to determine the most viable control option and whether strict compliance is reasonably achievable. Common noise controls for heating/cooling equipment and ventilation fans include the following:

1. Replacement with quieter equipment;
2. Reduce fan and motor speeds;
3. Enclosure;
4. Sound traps; and
5. Equipment relocation

The claim that nighttime noise has been eliminated has not been demonstrated. The time clock installed on the heating/cooling equipment should eliminate noise associated with this source. However, other equipment, operating during nighttime hours, has not been addressed and causes violations of standards. One resident impacted by this source also claims that the time clock does not function correctly and the heating/cooling equipment frequently operates during nighttime hours.

The applicant claims that street traffic noise exceeds that caused by the heating/cooling system during daytime hours. The Salem YMCA and the impacted apartment, the Court Street Apartments, are located on Cottage Street, N.E. in the downtown area of Salem. The noise generating equipment is located on the YMCA building adjacent to the apartments with a blind alley from Cottage Street between the buildings. Due to this physical arrangement, street traffic on Cottage Street, to a large extent, is shielded from the apartment units.

Department staff has conducted a noise survey to determine whether traffic noise exceeds noise caused by equipment operating at the Salem YMCA. The results of this survey found that during the daytime, average traffic noise levels were at least 6 decibels less than equipment levels. During the night, the traffic noise levels were more than 10 decibels less than equipment noise with the heating/cooling equipment turned off. Traffic is well shielded from residential apartments as the YMCA and apartment buildings are separated by an alley to the street. Thus, the two buildings act as a barrier to the street noise except for the open alley to the street.

The Salem YMCA owns and operates the Court Street Apartments and provides this housing for low income and elderly people. During 1982, a deficit of \$10,584 occurred for the operation of the apartments. In 1982, the deficit was \$4,087. Overall, the budget for the Salem YMCA was balanced. Although the Court Street Apartments appear to be operating at a deficit, there is no indication that compliance efforts are beyond the financial capability of the Salem YMCA. No financial information was submitted on the overall operations of the Salem YMCA nor from that portion of the operation containing the noisy heating/cooling and ventilation equipment.

The noise control statute, ORS 467.060, authorizes the Commission to grant a variance only if it finds that strict compliance with the standard is inappropriate because:

- a) Conditions exist that are beyond the control of the persons applying for the variance;
- b) Special circumstances render strict compliance unreasonable, unduly burdensome or impractical due to special physical conditions or cause;
- c) Strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or
- d) No other alternative facility or method of operating is yet available.

A review of the factual information provided, and an investigation of claims by the applicant, leads staff to conclude that the variance request does not meet the statutory requirements for the Commission to approve a variance from strict compliance with both daytime and nighttime standards. Therefore, staff proposes the Commission deny the request and direct the

Salem YMCA to implement necessary controls that will reduce all heating, cooling and ventilation equipment noise levels to not exceed daytime or nighttime standards at the Court Street Apartments.

Summation

The following facts and conclusions are offered:


1. The Salem Family Young Men's Christian Association operates a facility in downtown Salem that includes various heating, cooling and ventilation equipment producing noise levels in excess of adopted standards.
2. Upon receipt of a complaint, the Department determined that the noise standards were being exceeded by approximately 20 decibels at night and 15 decibels during the day (7 a.m. - 10 p.m.) at an adjacent residential apartment.
3. In response to Department action, the Salem YMCA has implemented an administrative control, a time clock switch, on some of the noise producing equipment thus reducing violations to approximately 3 to 11 decibels at night and 15 decibels during the day (7 a.m. - 10 p.m.).
4. A request for a variance has been submitted by the Salem YMCA based upon the effectiveness of the nighttime administrative control, the claim that daytime traffic noise levels exceed that caused by heating/cooling equipment, and the inability to implement acceptable engineering noise controls make strict compliance unreasonable.
5. The Department has measured daytime traffic noise and found the claim that traffic noise exceeds heating/cooling equipment noise to be invalid. Median noise levels (L₅₀) due to daytime traffic measured at least 6 decibels less than the equipment noise.
6. The submitted financial information does not provide evidence that compliance efforts are beyond the financial capability of the Salem YMCA.
7. The Department is unaware of any suitable evaluation conducted by the applicant of available engineering control options to reduce noise emissions from the equipment causing violations. Without an evaluation of known engineering noise controls, it is not possible to determine whether strict compliance with the noise standards is unreasonable.
8. The Commission is authorized to grant variances from the noise control rules pursuant to ORS 467.060 and OAR 340-35-035 if conditions exist

that are beyond the control of the applicant of if special circumstances render strict compliance unreasonable.

9. The Commission should find that:
- a) The nighttime administrative control is a partial solution as noise emissions from other YMCA controlled equipment continue to exceed standards.
 - b) Noise levels generated by vehicle traffic do not exceed levels caused by the heating/cooling equipment and, therefore, do not present a condition outside the control of the applicant.
 - c) The applicant failed to provide evidence to show that engineering noise controls are unreasonable.
 - d) Evidence does not show that compliance is beyond the financial capability of the Salem YMCA and thus would result in substantial curtailment or closing down of the operation.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Salem Family Young Men's Christian Association's request for a variance from strict compliance with the noise control rules for industry and commerce be denied.


Fred Hansen

Attachments:

- A. Variance request dated January 6, 1984
- B. Department letter dated January 16, 1984
- C. Supporting information dated January 27, 1984

John Hector:ahe
229-5989
February 3, 1984
NZ542

Marion Co



Salem Family
Young Men's Christian Association

January 6, 1984



685 Court Street, N.E.
Salem, Oregon 97301
Telephone (503) 581-9622

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JAN 11 1984

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Mr. Michael J. Downs
Acting Director
Department of Environmental Quality
522 S. W. Fifth Avenue
P. O. Box 1760
Portland, OR 97207

Dear Mr. Downs:

On August 30, 1983, we received a notice of violation from the Department of Environmental Quality charging that our cooling system exceeded the noise level standards. The charge resulted from a complaint by a tenant of the next door apartment that the system made a loud noise during sleeping hours. We wish to bring to your attention the following:

1. We have installed a time clock which shuts off the fan system between 10:00 p.m. and 7:00 a.m. each day.
2. That the noise level from the street traffic exceeds that of the fans during the day time hours.

The Salem Family YMCA Board of Directors wishes to request a variance of the Oregon Administrative Rules 340-35-035 for the following reasons:

1. The noise level from the air conditioning unit during the night time hours has been completely eliminated through the use of the time clock.
2. During the day time hours, street traffic noise exceeds the noise level of the cooling system.

We had a representative of the Salem Heating and Sheet Metal Company inspect the system. He informed us that it would be impossible to change the system -- totally eliminate the excessive noise during all hours and still have an effective air conditioning system. For this reason strict compliance with the Department's regulations would be unreasonable.



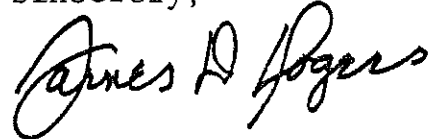
Mr. Michael J. Downs

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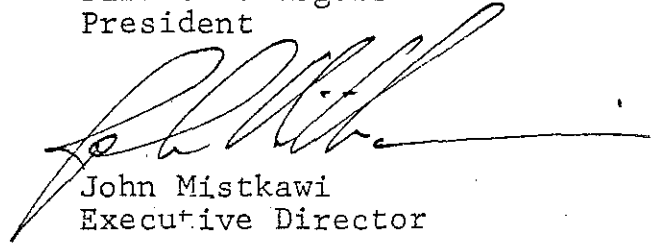
January 6, 1984

Your consideration of our request will be greatly appreciated. We will be happy to submit any other information you might require.

Sincerely,



Barnes D. Rogers
President



John Mistkawi
Executive Director

jec



Department of Environmental Quality

Attachment B
Agenda Item L
February 24, 1984
EQC Meeting

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

January 16, 1984

Barnes D. Rogers, President
John Mistkawi, Executive Director
Salem YMCA
685 Court Street, N. E.
Salem, OR 97301

Dear Messrs. Rogers and Mistkawi:

This letter acknowledges receipt of your request for a variance from Oregon's noise pollution standards for industry and commerce, OAR 340-35-035. Your request is under review and will be processed in a timely manner for submission to the Environmental Quality Commission.

Installation of a time clock regulating the operation of the air conditioning - heat pump system to the hours of 10:00 p.m. to 7:00 a.m. has provided some relief from noise pollution associated with your facility. However, recent investigations have documented violations of DEQ's nighttime (10 p.m. - 7 a.m.) standard. Other equipment servicing the YMCA building north of the alley generates a continuous sound pressure level of 53 - 55 dBA and on one occasion, ventilation fans were measured at 57 - 61 dBA at the apartment building. These levels represent a 3 - 5 decibel and 7 - 11 decibel violation of the nighttime standard of 50 dBA with the heat pump off.

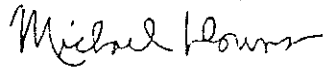
I have directed my staff to conduct an analysis of traffic generated noise impacts on the affected apartments for incorporation into the Department's report to the Commission. Traffic generated noise is not expected to have an appreciable effect on the L_{50} statistical sound level generated by the heating-cooling system. Your assertion that the noise level from the street exceeds that of the heat pump during the daytime hours, therefore, will probably not be adequate justification to grant a variance.

Your variance request is also deficient of objective data supporting your claim that strict compliance with the Department's regulation is unreasonable. It is incumbent upon the Salem YMCA to demonstrate that it is not possible nor feasible to comply with the standards. Therefore, it would be prudent to submit verifiable documentation, prepared by a professional acoustical engineer, delineating why compliance cannot be achieved.

Barnes D. Rogers, President
John Mistkawi, Executive Director
January 16, 1984
Page 2

I will hold your request in abeyance until January 25, 1984 to afford you the opportunity to submit additional data. If you fail to meet this deadline, or opt not to submit additional documentation, the Department will process your request as submitted for consideration by the Commission.

Sincerely,



Michael J. Downs
Acting Director

TLO:ahe

cc: Senator L. B. Day



**Salem Family
Young Men's Christian Association**

January 27, 1984



685 Court Street, N.E.
Salem, Oregon 97301
Telephone (503) 581-9622

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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FEB 01 1984
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Executive Director

Mr. Michael J. Downs
Acting Director
Department of Environmental Quality
P. O. Box 1760
Portland, OR 97207

Dear Mr. Downs:

Enclosed please find a letter from the Salem Heating and Sheet Metal Company stating the problems in relocating the air conditioning unit to another location.

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The Salem Family YMCA is a non-profit social service organization and one of our programs is providing housing for low income and elderly people. Our rental rates are kept at a minimum and our residence is heavily supported by the YMCA. Our residence operated at a deficit for the last two years. As you will notice in the enclosed financial statements, in 1982 we showed a \$10,584.17 deficit; in 1983 \$4,087.54 deficit.

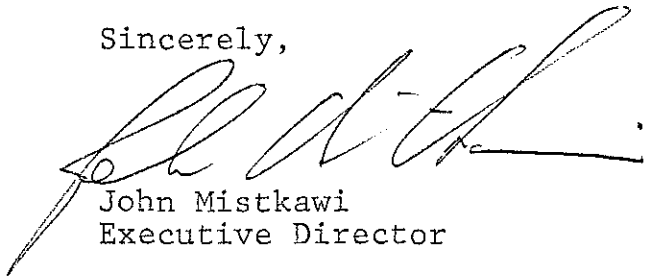
Since we obtained the apartment building, the YMCA has made many changes to meet the Salem Building Code, and we are pleased that we have met all the requirements. In 1981-1982 the YMCA spent \$26,550 to improve the heating system throughout the building. We maintain a very tight budget and it will be impossible at this time to spend additional funds on our residence. We feel the YMCA is providing an outstanding service to men and women with low cost housing in a downtown environment.

We trust that this additional information will be useful for your Commission. Your understanding and cooperation is greatly appreciated.

ADVISORY BOARD

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- PAUL F. BALE
- HERB E. BARKER
- MAURICE BURCHFIELD
- LEE COLEMAN
- ARNO H. DENECKE
- ROBERT L. ELFSTROM
- GERI FESSANT
- ROBERT E. GANGWARE
- TINKHAN GILBERT
- COBURN L. GRABENHORST, SR.
- ROBERT D. GREGG
- ROBERT H. HAMILTON
- ROY HARLAND
- AL W. LOUCKS
- CHARLES C. NIELSEN
- THOMAS C. PAULUS
- JAMES H. PAYNE
- GEORGE A. RHOTEN
- H.P. SAABYE
- MARY ANN SIDDOWAY
- REV. JOHN R. STEWART
- LAKIN A. WESTPHAL
- OTTO J. WILSON

Sincerely,


John Mistkawi
Executive Director

JM:jec

Enclosures

Gifts and Bequests to the YMCA Endowment Fund
are Investments in Youth.



MEMBER UNITED WAY

- SHEET METAL WORK
- AIR CONDITIONING
- HEAT PUMPS
- FURNACES

"Heating Headquarters"

Attachment C

Salem HEATING & Sheet Metal Inc.

1 2 2 5 2 2 n d S T R E E T S. E.
MAILING ADDRESS . . . POST OFFICE BOX 12005
Phone 581-1536 • SALEM, OREGON 97309

January 27, 1984

YMCA

ATTENTION: John Mistkowi
685 Court Street, NE
Salem, Oregon 97301

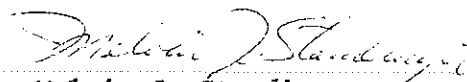
SUBJECT: Noise problem from condensing unit on low roof

Dear John:

To move the air conditioner to a higher roof would be very impractical. First, it would be very costly because of crane, wiring and refrigeration costs. Secondly, would the existing higher roof support a unit that large without major reinforcing?

To have the condensor that much higher than the coil would shorten the life of the compressor. Even with a couple of traps, oil would drain back and the compressor would start dry.

Sincerely,



Melvin J. Staudinger
SALEM HEATING & SHEET METAL, INC.

MJS:je

SALEM FAMILY YMCA
PROJECT BUDGET REPORT FOR ██████████ - FOR INTERNAL USE ONLY

1982

ACCOUNT STATUS 02/02/83 15:43
PERIOD DEC82 IS OPEN
BUDGET PERIOD IS FROM JAN82 WITH 12 PERIODS FOR COMPLETION.
BUDGET PERIOD IS 100.0 % COMPLETE.
PROJECT: 92

ACCOUNT	DESCRIPTION	CUR % CURRENT BUDG	PROJ % INC TO DATE OF EXP	BUDGET	PROJ TO DATE %	REMAINING
INCOME						

6303-90	RESIDENT KEY DEPOSITS	-9.00	-9.00 0.0	0.00		9.00
6307-90	APARTMENT RENT	2956.70 7.9	33769.11 100.0	37500.00	90.1	3730.89
TOTAL INCOME		2949.70 7.9	33760.11	37500.00	90.0	3739.89
EXPENSE						
=====						
TOTAL INCOME		2949.70 7.9	33760.11	37500.00	90.0	3739.89
EXPENSE						
=====						
7001-90	PROF. SALARIES	59.54 8.3	714.48 2.1	714.00	100.1	- .48
7002-90	CLERICAL SALARIES	90.91 2.9	1061.38 3.1	3174.00	33.4	2112.62
7004-90	WAGES	144.50 4.8	2200.69 6.5	3000.00	73.4	799.31
7103-90	HEALTH INSURANCE	3.38	35.76 0.1	0.00		-35.76
7104-90	RETIREMENT	7.00 11.7	77.02 0.2	60.00	128.4	-17.02
7201-90	FICA TAXES	15.72 2.3	262.75 0.8	694.00	37.9	431.25
7202-90	UNEMPLOYMENT TAX	0.35 0.1	98.76 0.3	235.00	42.0	136.24
7203-90	WORKMAN'S COMPENSATION	5.50 2.6	95.09 0.3	209.00	45.5	113.91
8000-90	ADMINISTRATIVE COSTS	119.78	1415.89 4.2	0.00		-1415.89
8001-90	AUDIT-COMPUTER FFES	0.00 0.0	0.00 0.0	210.00	0.0	210.00
8106-90	OFFICE SUPPLIES	0.00 0.0	8.10 0.0	140.00	5.8	131.90
8113-90	VISA COSTS	0.00 0.0	0.00 0.0	10.00	0.0	10.00
8201-90	TELEPHONE	116.66 22.0	516.52 1.5	530.00	97.5	13.48

8403-90	BUILDING INSURANCE	0.00	0.0	0.00	0.0	1500.00	0.0	1500.00
8404-90	MORTGAGE INTEREST	597.05	7.9	7385.19	21.9	7600.00	97.2	214.81
8405-90	ELECTRICITY	207.47	10.4	1951.78	5.8	2000.00	97.6	46.22
8406-90	N.W. NATURAL GAS	0.00	0.0	1259.86	3.7	3500.00	36.0	2240.14
8407-90	HEATING OILS	825.73	8.3	10997.79	32.6	10000.00	110.0	-997.79
8408-90	WATER & SEWER	720.44	27.4	5786.61	11.2	2650.00	144.0	-1150.61
8409-90	BUILDING MAINTENANCE	120.86	12.1	2135.69	6.3	1000.00	215.6	-1155.69
8410-90	REAL ESTATE TAXES	0.00	0.0	6446.06	19.1	5000.00	128.9	-1446.06
8411-90	CLEAN-KEY DEPOSIT REFUNDS	48.00		818.00	2.4	0.00		-818.00
8413-90	HOUSE SUPPLIES	0.00	0.0	116.25	0.3	200.00	58.1	83.75
8414-90	GARBAGE SERVICE	74.45	9.3	799.85	2.4	800.00	100.0	0.15
8501-90	NEW EQUIPMENT	0.00	0.0	105.90	0.3	200.00	53.0	94.10
8502-90	EQUIPMENT REPAIR	0.00	0.0	0.00	0.0	100.00	0.0	100.00
8503-90	EQUIPMENT/INDIRECT	0.00		5.35	0.0	0.00		-5.35
8607-90	ADVERTISING	176.04	178.0	795.25	2.4	100.00	795.3	-695.25
8706-90	Y VEHICLE COSTS	12.17		161.35	0.5	0.00		-181.35
9005-90	NATIONAL YMCA DUES	82.50	8.0	1072.91	3.2	1033.00	103.9	-39.91
TOTAL EXPENSE		3429.85	7.7	44344.28		44639.00	99.3	294.72
NET PROFIT/LOSS		-480.15		-10564.17		-7139.00		3445.17

READY ?

SALEM FAMILY YMCA

PROJECT BUDGET REPORT FOR 1983 - FOR INTERNAL USE ONLY

1983

PAGE 1

ACCOUNT STATUS 01/26/84 09:13
PERIOD DEC83 IS OPEN
BUDGET PERIOD IS FROM JAN83 WITH 12 PERIODS FOR COMPLETION.
BUDGET PERIOD IS 100.0 % COMPLETE.
PROJECT: 92

ACCOUNT	DESCRIPTION	CUR % CURRENT BUDG		PROJ % INC TO DATE OR EXP		BUDGET	PROJ TO DATE %	REMAINING
INCOME								
6303-90	RESIDENT KEY DEPOSITS	0.00		-4.50	0.0	0.00		4.50
6307-90	APARTMENT RENT	-59.56	-0.1	27247.17	100.0	34000.00	80.1	6752.83
6900-90	MISCELLANEOUS INCOME	-106.12		0.00	0.0	0.00		0.00
TOTAL INCOME		-165.68	-0.4	27242.67		34000.00	80.1	6757.33
EXPENSE								
7001-90	PROF. SALARIES	59.54	8.0	714.48	2.6	747.00	95.6	32.52
7002-90	CLERICAL SALARIES	100.58	8.9	1169.82	4.3	1136.00	103.0	-33.82
7004-90	WAGES	106.01	9.7	2591.07	9.5	1092.00	237.3	-1499.07
7006-90	WAGES (NOT FICA)	0.00		931.00	3.4	0.00		-931.00
7103-90	HEALTH INSURANCE	3.16	4.2	40.30	0.1	75.00	53.7	34.70
7104-90	RETIREMENT	6.33	7.0	82.64	0.3	90.00	91.8	7.36
7201-90	FICA TAXES	18.58	9.3	243.11	0.9	200.00	121.6	-43.11
7202-90	UNEMPLOYMENT TAX	8.00	10.7	105.03	0.4	75.00	140.0	-30.03
7203-90	WORKMAN'S COMPENSATION	5.10	7.8	75.32	0.3	65.00	115.9	-10.32
8000-90	ADMINISTRATIVE COSTS	61.16	18.0	411.32	1.5	339.00	121.3	-72.32
8106-90	OFFICE SUPPLIES	0.00		49.75	0.2	0.00		-49.75
8201-90	TELEPHONE	47.28	10.0	611.68	2.2	475.00	129.8	-136.68
8301-90	POSTAGE	0.00		48.32	0.2	0.00		-48.32
8403-90	BUILDING INSURANCE	0.00	0.0	0.00	0.0	1150.00	0.0	1150.00
8404-90	MORTGAGE INTEREST	612.18	8.2	7151.37	26.3	7500.00	95.4	348.63
8405-90	ELECTRICITY	-1250.61	-62.4	536.84	2.0	2000.00	26.8	1463.16
8406-90	N.W. NATURAL GAS/APTS	590.39	9.8	3854.82	14.1	6000.00	64.2	2145.18
8408-90	WATER & SEWER	0.00	0.0	2806.14	10.3	3000.00	93.5	193.86
8409-90	BUILDING MAINTENANCE	59.16		1663.55	6.1	0.00		-1663.55
8410-90	REAL ESTATE TAXES	0.00	0.0	4238.35	15.6	6500.00	65.2	2261.65
8411-90	APARTMENT REFUNDS	-805.00		157.52	0.6	0.00		-157.52
8413-90	HOUSE SUPPLIES	0.00	0.0	133.34	0.5	900.00	14.8	766.66
8414-90	GARBAGE SERVICE	0.00	0.0	867.40	3.2	200.00	433.7	-667.40
8501-90	NEW EQUIPMENT	0.00		521.94	1.9	0.00		-521.94
8502-90	EQUIPMENT REPAIR	0.00		43.52	0.2	0.00		-43.52
8607-90	ADVERTISING	7.00	5.8	1196.40	4.4	120.00	997.0	-1076.40

.....(CONTINUED)

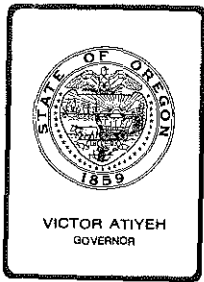
SALEM FAMILY YMCA

PROJECT BUDGET REPORT FOR DEC83 - FOR INTERNAL USE ONLY

PAGE 2

ACCOUNT STATUS 01/26/84 09:13
 PERIOD DEC83 IS OPEN
 BUDGET PERIOD IS FROM JAN83 WITH 12 PERIODS FOR COMPLETION.
 BUDGET PERIOD IS 100.0 % COMPLETE
 PROJECT: 92

ACCOUNT	DESCRIPTION	CUR % CURRENT BUDG	PROJ % INC TO DATE OR EXP	BUDGET	PROJ TO DATE %	REMAINING
9003-90	NATIONAL YMCA DUES	176.00 17.6	1085.18 4.0	1000.00	108.5	-85.18
	TOTAL EXPENSE	-195.14 -0.5	31330.21	32664.00	95.9	1333.79
	NET PROFIT/LOSS	29.46	-4087.54	1336.00		5423.54



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, February 24, 1984, EQC Meeting

Request for Continuation of the Class Variance from OAR 340-22-020(4) To Allow for Extension of Time to July 1, 1985 To Apply for an Exemption from the Residential Coal Use and Sale Restriction.

Background

In January, 1982 the EQC adopted rules to regulate residential coal burning for direct space heating in the Portland, Eugene, Salem, and 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. A total of 266 individuals applied for and received a written exemption letter from the Department by the July 1, 1983 deadline.

From July 1, 1983 to October 1, 1983, the Department received 21 additional requests for an exemption to the coal rule after the specified July 1, 1983 deadline for exemption application. These individuals had not previously heard of the coal rule requirements. In response to these additional requests, the EQC granted a class variance from OAR 340-22-020(4) at the October 7, 1983 meeting to allow for an extension of time to January 1, 1984 to apply for an exemption from the Residential Coal Use and Sale Restriction. During the variance period, the Department received



Contains
Recycled
Materials

applications for and issued an additional 132 exemption letters to people previously unaware of the coal rule or the exemption deadline.

Since expiration of the variance (January 1, 1984), the Department has received eight (8) additional requests for an exemption to the coal rule. While the coal rule requirements were publicized in the media as to the extended date for exemption application, all of the late applicants stated they were unaware of the rule and of the new deadline for exemption application. The late applicants had heard of the rule only when they attempted to purchase coal during the cold spell in early January and were informed by the local coal distributor that they must have an exemption letter from the DEQ before the retailer could sell coal to them.

Alternatives and Evaluation

Among the individuals who have applied for an exemption beyond the application deadline are senior citizens who have a limited income. (See Attachment 2.) Other late applicants claimed they had previously not heard of the rule or they were out of the state. (Refer to Attachments 3 and 4.)

It is very likely that other individuals will hear of the residential coal rule for the first time as they attempt to purchase coal during the remainder of the heating season. A few individuals may have stockpiled a coal supply which would carry them through this heating season, but may not learn of the rule until they attempt to purchase coal for the next heating season. It is reasonable to assume that virtually all potentially affected parties will be informed of the residential coal rule restrictions by the end of the next heating season or July 1, 1985. Hence, an additional 18 month extension from the the January 1, 1984 deadline appears warranted to allow sufficient extra time to process all potential requests for exemption to this rule.

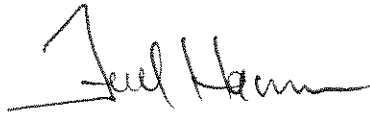
Two options for EQC action are: 1) grant a class variance to further extend the deadline for exemption application, or 2) do not allow an extension of the January 1, 1984 exemption application deadline. No additional extension of the application deadline would likely result in curtailment of coal heating for some households who would have to switch to more expensive alternatives. Such action may even present insurmountable obstacles to some households such that they would not be able to heat their homes. The few additional exemption requests that may be authorized by extending the exemption deadline will not result in any significant impact on air quality.

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.
4. In response to additional requests for exemptions after the original July 1, 1983 deadline, the EQC granted a class variance to extend the exemption deadline to January 1, 1984. The Department subsequently received and issued an additional 132 exemption letters during this time period.
5. Since expiration of the variance extending the exemption application time (January 1, 1984), an additional eight (8) individuals have written to the Department requesting exemption from the coal rule.
6. The individuals submitting recent late exemption requests indicated they did not hear of the Department's coal rule requirement until they attempted to purchase their winter's coal supply.
7. 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.
8. 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 homes.
9. An extension of 18 months from the current January 1, 1984 deadline will allow sufficient time to encompass all existing and potential subsequent exemption requests without compromising the intent of the rule.

Director's Recommendation

Based on 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 a second extension of time to July 1, 1985 to affected parties to apply for an exemption from the residential coal rule restriction.



Fred Hansen

Attachments:

1. OAR 340-22-020(4)
2. Sample of Fixed Income/Restricted Budget
3. Sample of Not Being Aware of Rule
4. Sample of Not Being Aware of Rule due to Travel Out of State

Tombleson:ahe
229-5177
AZ545

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.

Portland, Oregon
January 23, 1984

Dear Sir,

The reason I filed late for this permit, is that my wife and I did not know about the new coal rule, or the dead line. I am 72 years old, on a limited income and hope you will forgive me for this lack of knowledge. Trusting you will grant us this variance request so we can obtain a coal permit we remain,

Respectfully Yours,

John M Paul

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 23 1984
AIR QUALITY CONTROL

January 24, 1984

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JAN 25 1984

AIR QUALITY CONTROL

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

Gentlemen:

Enclosed is my application for a variance from your January 1 deadline for requesting a coal permit.

I was unaware of this requirement until I recently tried to buy coal. I really need it for home heating and do hope you will grant me a purchase permit.

Very truly yours,

Joyce Burkitt

Mrs. Joyce Burkitt
6687 S.E. Scoatt Drive
Portland, Oregon 97215

3343 N.W. Thurman
Portland, Oregon

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

Ref: My 1/6/84 telephone call

1. I have been out of state since April, 1983 and I was unaware of the new regulations controlling the use of coal in Oregon. I also didn't know of the filing deadline for a use permit.
2. I have been using coal as a primary source of home heating since the Fall 1979. I consume approximately 1.5 ton per heating season.
3. If I qualify, would you please send to me a use permit for coal.

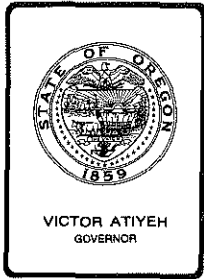
Thank you for your time and consideration.

Very Truly Yours,

Raymond E. Wendell

Raymond E. Wendell

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 9 1984
AIR QUALITY CONTROL



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. N, February 24, 1984, EQC Meeting

Request from the City of Hubbard for a Waiver of the Effluent Dilution Requirements of OAR 340-41-455(1)(f).

Background

The City of Hubbard owns a small sewage treatment plant built in 1968. The plant is designed to treat 0.136 million gallons per day (MGD) of sewage. The effluent is discharged to Mill Creek, a small tributary of the Pudding River. The plant is a trickling filter and is designed to produce an effluent with an average of 30 milligrams per liter biochemical oxygen demand (BOD) and 30 milligrams per liter total suspended solids (TSS) (commonly referred to as a 30/30 effluent). It discharges about 34 pounds of BOD to the Creek each day.

The plant is nearing capacity and the City is making plans to expand the plant to 0.41 MGD and upgrade the efficiency to produce a 10/10 effluent. The technology used for this upgraded facility will be considered highest and best practicable treatment. The estimated design life will be 20 years. Immediately after upgrading, the discharge to the Creek will be reduced from 34 pounds per day to about 11 pounds per day because of the more efficient waste treatment.

There is one element of the proposed plans which requires EQC approval.

The small tributary stream (Mill Creek) receiving the treated effluent from Hubbard has little water in late summer. It does not provide the dilution required by OAR 340-41-455(1)(f). The dilution requirement, which applies to new or expanded facilities, is:

"Effluent BOD concentrations in mg/l, divided by the dilution factor (ratio of receiving stream flow to effluent flow) shall not exceed one (1) unless otherwise specifically approved by the Environmental Quality Commission."

Therefore, for a 30/30 effluent there should be a 30:1 dilution. For a 10/10 effluent there should be a 10:1 dilution. Under the low flow conditions of September 1983, the creek only provided about a 2:1 dilution.

The only available alternatives for effluent disposal would be a 3 mile effluent line to the Pudding River or a land disposal system. Since the City is planning to upgrade the system without the benefit of federal construction grants, they will not have the financial resources to complete both the plant and the alternative disposal system at the same time. They have requested that the EQC waive the dilution requirement for the first phase of construction. They have committed to build the second phase (outfall to Pudding River or irrigation) before the loading from the new plant to the creek reaches 28 pounds per day, which is about 80 percent of the current loading from the existing facility.

Discussion and Evaluation

Although the small receiving stream does not provide the 10:1 dilution desired for the new sewage treatment plant, there has been no apparent loss of beneficial use under the current conditions. The primary use of the stream is irrigation and as an area drainageway. Construction of the upgraded facilities will provide an immediate improvement in effluent quality. It would be reasonable to allow continued discharge into the stream until the disposal phase of the project can be built, since the loading to the Creek will never exceed more than 80 percent of what it is today. Because of the planned efficiency of the new facilities and the relatively slow growth in the area, it should be several years before the loading from the new plant approaches that level. That should give them ample time to plan and arrange financing for the effluent disposal phase of the project.

If the waiver is granted, the discharge permit can be modified to incorporate the conditions of the waiver. If, upon periodic review, conditions change which make the continued discharge to the creek unacceptable, the City can be put on an accelerated time schedule for removing the discharge from the creek and the waiver cancelled.

Summation

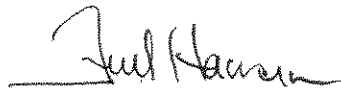
1. The City of Hubbard plans to expand and upgrade their sewage treatment plant in phases without the use of federal construction grants. The first phase will be to upgrade the plant from a 30/30 effluent to a 10/10 effluent and increase the capacity from 0.136 MGD to 0.41 MGD.
2. The second phase of construction would be to build an outfall line to the Pudding River, which has adequate dilution, or to build an irrigation system. Until that can be done, the effluent must continue to discharge to Mill Creek.
3. The small receiving stream will not provide a 10:1 dilution throughout the year.

4. Department rules require EQC approval for effluent discharges to receiving streams which do not provide a specified amount of dilution. [OAR 340-41-455(1)(f)].
5. The primary use of the stream is irrigation. There has been no demonstrated loss in beneficial use due to the current discharge. The new plant will reduce the BOD and TSS discharge to 1/3 of the existing discharge.
6. The second phase would be built before the BOD discharge loadings from the new plant reached 28 pounds per day, which is 80 percent of the loadings currently discharged.
7. The waiver can be conditional. If things change which make it unacceptable, it can be cancelled.

Director's Recommendation

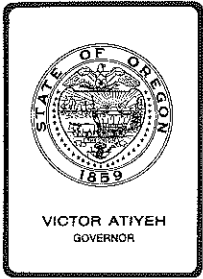
It is recommended that the Commission approve Hubbard's proposal for phased sewage treatment plant upgrading and expansion by waiving the dilution requirement. This should be done with the understanding that an alternative disposal system will be in place before the BOD loadings from the new plant reach 28 pounds per day and current recognized beneficial uses of Mill Creek will be maintained.

The conditions of the waiver will be put into the permit where they will be subject to periodic review. If conditions change which make continued discharge unacceptable, the waiver will be modified or cancelled.



Fred Hansen
Director

Charles K. Ashbaker:l
WL2998
(503) 229-5325
February 9, 1984



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. 0, February 24, 1984, EQC Meeting

Review of Status: City of Salem Sewage Treatment, Collection and Sludge Disposal Facilities.

Introduction

This status report to the Environmental Quality Commission is in response to conditions of the City of Salem's Stipulation and Final Consent Order (Consent Agreement) No. WVR-81-59 (See Attachments 1 and 2). As required in the Agreement, Salem has reported (see Attachment 3), the status of the City's sewage treatment, collection and sludge disposal facilities.

The remainder of this report provides a brief background on Salem's water pollution control facilities, on conditions leading to the Consent Agreement, major terms of the Consent Agreement, and Consent Agreement progress.

Background

The City of Salem is located approximately in the middle of the Willamette Valley, roughly mid-way between the confluence of the Willamette and Columbia Rivers and the City of Eugene. Salem represents the largest single permitted Biochemical Oxygen Demand (BOD-5) discharge to the Willamette River. Of the 19 major municipal and industrial dischargers on the Willamette River mainstem, Salem's BOD-5 permit limit accounts for nearly 22 % of the allowable load. This permitted load is largely due to several major fruit and vegetable canneries within the Salem sewerage service area.

The City's municipal sewerage system consists of two wastewater treatment plants (WWTP), numerous pump stations, and some 630 miles of City-owned collection and interceptor sewers:

1. The Willow Lake WWTP is Salem's principal waste water treatment facility, located on the east side of the

Willamette River, several miles north of the City. Originally built in 1964 as a trickling filter plant, this facility was expanded in 1976 by adding a pure oxygen (UNOX) activated sludge plant in parallel. The planned design increment of this expansion was for 10 years of combined industrial, commercial and residential growth. The UNOX system was selected specifically to handle the community's extensive fruit and vegetable processing industry. Summarized below are the design year (1985) specifications.

<u>Treatment Capacity</u>	<u>Design Capacity</u>
Flow (million gallons per day, mgd)	
o dry weather	35 mgd
o wet weather secondary	70 mgd*
o wet weather hydraulic	105 mgd
Biochemical Oxygen Demand (BOD-5)	
o 30-day average	142,000 lbs/day
Total Suspended Solids (TSS)	
o 30-day average	76,000 lbs/day

* Flows above 70 mgd receive only primary treatment, followed by dilution with secondary effluent and chlorination.

Based on the design organic loading (BOD-5), the Willow Lake WWTP is capable of serving a population equivalent of 840,000 people, of which 670,000 equivalents (80%) are designed for the treatment of industrial wastewater.

During the summer and autumn fruit and vegetable processing season, flows reaching the Willow Lake WWTP often had a very low pH. Lack of in-plant control facilities resulted in effluent pH violations. Further, wet weather flows often exceeded the secondary treatment capacity of 70 mgd, resulting in considerable quantities of wastewater receiving only "selective treatment" (i.e., primary treatment prior to dilution and chlorination with secondary effluent). Storm flows above the plant hydraulic capacity of 105 mgd were often bypassed to the Willamette River or Claggett Creek upstream of the Willow Lake WWTP.

2. The Wallace Road WWTP, constructed in 1969, served residential/commercial west Salem. Industrial wastewater from west Salem was pumped to the Willow Lake collection system via a force main across

the Willamette River. The 0.4 mgd (average flow, 0.8 mgd peak) activated sludge plant at Wallace Road served a population in excess of 5,000.

Prior to the Consent Agreement, plant configuration problems and overload conditions often resulted in the Wallace Road WWTP not consistently meeting its pollutant discharge limitations for BOD-5 and total suspended solids (TSS). Further, bypassing at the WWTP headworks to the Willamette River occurred on a regular basis during wet weather periods. Collection system bypasses in west Salem, however, were not known to be a problem.

3. The wastewater collection and transport system serving the Willow Lake WWTP has documented sewage overflow and bypass problems. This problem is primarily caused by excessive infiltration and inflow (I/I) during periods of wet weather. Just prior to the 1981 Consent Agreement, Salem had identified 73 wastewater bypass points. These consisted of bypasses to storm sewers, open drainageways, creeks or manhole overflow points. Although all of the bypass points did not necessarily operate concurrently, their operation allowed raw wastewater to enter the Willamette River (either directly or indirectly), area creeks and drainageways and, in some instances, streets. Data collected as part of the ongoing 208 Urban Runoff Study indicated that water quality bacteriological standards were being violated in urban creeks and Willamette tributaries. No summer bypass problems had been encountered.
4. Salem's municipal sludge management program is called BioGro. Waste solids (primary sludge and waste activated sludge) from Salem's Willow Lake WWTP are stabilized by anaerobic digestion, then disposed. Disposal in this case does not mean waste. Rather, the sludge is used on agricultural land in a beneficial manner. The Department has been very supportive of sludge beneficial use programs, because they take advantage of the nutrient and other values in sludge.

The City presently has 13 active sites approved for disposal of digested sludge. The total land available is about 1200 acres. In 1982, for example, Salem hauled a total of 28.7 million gallons of digested sludge, at an average concentration of 2.3% solids. This translates to about 2719 tons of dry solids used beneficially on cropland.

Although generally effective, BioGro has not been without some problems. The major ones have been:

- a. In 1980, local canneries became concerned about their "image" regarding marketing products grown on "sludge amended lands". As a consequence, the canners generally

prohibited further application of BioGro sludges on member farmers' crops. Accordingly, applications are now primarily limited to grass, wheat and similar non-food chain crops.

At about the same time, local Mission Bottom residents became concerned that sludge on farmlands near the WWTP was contributing nitrate contamination to local groundwater. While a joint City/DEQ study concluded that sludge has substantially less impact on groundwater than commercial chemical nitrogen fertilizers, Salem elected to discontinue use of the nearby Mission Bottom farmlands.

The net result of the canner decision and discontinued use of Mission Bottom farmlands has been to greatly increase haul distances and travel times to grass, wheat and similar croplands for sludge use.

- b. The greatest amounts of sludge are available in late summer, fall, and early winter. Operationally, summer and fall sludge application is not a problem. Seasonally high groundwater and rains, however, often make winter application difficult or create situations where direct contaminated runoff or groundwater pollution may occur.

Agronomically, sludge application is most beneficial for crops during the early part of the growing season (spring to early summer). Thus, to be effective, surplus sludge must be held through the winter months for application during the onset of the next growing season. In the past, operational problems and lack of sludge storage capacity have led to reported and observed mis-application practices.

Stipulation and Final Consent Order (Consent Agreement)

In an effort to provide the City time to solve its considerable sewerage problems, yet provide reasonable assurance that steady progress would be made, the City signed Consent Agreement No. WQ-WVR-81-59 (see Attachments 1 and 2) on June 19, 1981, with subsequent EQC Final Order and approval on August 3, 1981. This Consent Agreement embodies the City's two NPDES Permits (Willow Lake WWTP and Wallace Road WWTP), as well as further stipulations, settlements of previous violations, and compliance schedules into a single document. The Consent Agreement was preferable in this instance because it allowed the City of Salem:

1. To solve its sewerage problems in a planning and priority setting framework, rather than an adversary enforcement setting, with the Department.
2. Time to solve existing problems by allowing relaxed interim effluent limits for the Wallace Road WWTP, otherwise not possible in an NPDES Permit.

3. To continue violations consisting of, but control or eliminate as soon as possible, significant raw sewage bypassing as a consequence of I/I at the Wallace Road WWTP and within the Willow Lake WWTP sewage collection system.

Major features of the compliance schedules detailed in the Consent Agreement and NPDES Permits include:

1. Expansion of City-wide I/I reduction program to immediately address elimination of frequent, involuntary wastewater bypassing at those locations not having adequate dilution during non-recreational use periods (November 1 - May 31).
2. Relaxed interim effluent limitations for pH, BOD and TSS at the Wallace Road WWTP.
3. Continuously meet effluent pH limits at the Willow Lake WWTP.
4. Immediately meet bypass limitations and prohibitions within the municipal sewerage system (WWTP's and collection system).
5. Submit a detailed engineering report, in which the City would propose the future direction and implementation schedule for its sludge treatment, storage and disposal program, BioGro.

Consent Agreement Progress

Pursuant to the Final Order of the Consent Agreement, the City of Salem submitted a Status Report to the Department on August 31, 1983. That report, included as Attachment 3, summarizes sewerage system progress the City has made since authorization of the Consent Agreement. Summarized below is the Department's interpretation and evaluation of the accomplishments detailed in the City's Status Report.

Wastewater Treatment Facilities Progress:

After studying the operational problems and limited capacity of the Wallace Road WWTP the City elected to abandon rather than upgrade this treatment facility. Since mid-December, 1983, all sewage originating in west Salem is now pumped under the Willamette River to the Willow Lake WWTP sewerage system through a recently completed pump station and force main. The new station presently has a pumping capacity of 5 mgd. With the addition of more pumps, the capacity can expand to 25 mgd. Low wastewater pH's can also be adjusted there prior to being pumped to the Willow Lake WWTP. Proper operation of the pump station should eliminate the bypassing problem from west Salem.

With the abandonment of the Wallace Road WWTP, the Willow Lake WWTP now serves as the City's only wastewater treatment facility. Willow Lake WWTP Consent Agreement tasks completed to date include:

- a. Elimination of effluent pH violations.
- b. Development and implementation of an industrial wastewater pretreatment program. This program mainly addresses industrial in-plant solids removal and pH adjustments.
- c. Development of a draft Facilities Plan for the treatment plant, addressing the following items:
 1. Assess current status of Willow Lake WWTP capacity.
 2. How best to utilize the existing facilities at Willow Lake WWTP for current and anticipated future loadings.
 3. To develop and assess alternatives to modify or expand Willow Lake WWTP for use through design year 2005.

Conditions leading to the Consent Agreement indicated that the Willow Lake WWTP was prematurely reaching its design capacity for several parameters. Results of the draft Facilities Plan indicated that plant expansions were soon to be needed for dry weather solids handling and wet weather hydraulic capacity.

In lieu of expanding the Willow Lake WWTP to accommodate anticipated growth in the seasonal food processing load, the City is exploring the possibility of acquiring ownership of the existing treatment lagoons at the Boise Cascade pulp and paper mill located in downtown Salem. This plant closed in 1982, although the wastewater treatment system remains intact and partially active. If the Boise Cascade lagoons become available, the City proposes to remove some or all of the canners from the Willow Lake WWTP system and construct a separate collection system to the Boise Cascade lagoons. The final decision on this matter is expected by the end of February, 1984.

Independent of any proposal to move the seasonal canner load out of the Willow Lake WWTP, wet weather hydraulic capacity expansion is imminent. Since signing the Consent Agreement in 1981, the City has reported 66 events of "selective treatment" (i.e., flows greater than 70 mgd receiving primary treatment; then diluted with secondary effluent prior to chlorination). During these events, some 700 million gallons of selectively treated wastewater has been discharged, constituting 10 daily maximum permit violations for TSS, one weekly average TSS permit violation, and in December, 1982, the monthly average for TSS was exceeded. Similarly, fecal coliform counts exceeded permit limits in many of these instances.

Municipal Sludge Management Progress:

DEQ has observed BioGro since its beginning. During that time, favorable impressions have been conveyed to Department staff by the sludge users. Farmers seem impressed with the resulting crops, and are especially pleased with their savings on fertilizer costs. This is rewarding since DEQ encourages beneficial use of sludge for its resource

value, as contrasted to disposal, which wastes those values. The following table represents staff's overall, subjective evaluation of the BioGro program as it relates to the Department's sludge management guidelines:

Elements Which Determine the Success of a Beneficial Sludge Use Program	BioGro Rating
1. Availability of farm ground to apply sludge on; compatibility with zoning.	Good
2. Drainage characteristics of available soil, slopes, floodplains, etc.	Good
3. Nutrient value in sludge.	Excellent
4. Quantity of solids in sludge.	Fair
5. Acceptance of farmers to use sludge.	Excellent
6. Equipment to haul and dispose of sludge.	Excellent
7. Management of program.	Good
8. Promotion of beneficial use.	Fair
9. Ability to store sludge under adverse weather conditions and low demand for sludge due to cropping requirements.	Poor

The future direction of the BioGro sludge management program is integrally tied to the final decision on the Boise Cascade lagoons. The peak production of sludge is concurrent with the canning season. Hence, transfer of the canner load out of the Willow Lake WWTP and into a lagoon system such as Boise Cascade's (or to a similar system that does not employ sludge recovery, digestion and utilization) greatly impacts the future of the BioGro program.

Collection System Progress:

The lack of EPA grant fund availability has limited Salem's ability to comprehensively address their I/I problem. With City funding, however, Salem performed a Sewer System Evaluation Survey (SSES) in the south Salem area beginning in 1981. This area comprises about 23% of the collection system (141 miles) and was documented to be one of the worst problem areas in Salem, having some 22 bypass locations, basement flooding, manhole overflows, etc. This condition warranted placement of a connection moratorium against further development, but the City Council chose not to do so.

The south Salem area was chosen for extensive I/I removal considerations because of this basin's distance from the Willow Lake WWTP. To convey storm flows to Willow Lake WWTP for treatment would not only require increased local hydraulic capacity, but would require additional capacity downstream (or increase the potential for downstream bypasses).

By the winter of 1981-82, the number of City-wide structural bypasses had been reduced from 73 to 15, nine of which are in south Salem. By this winter, the City expects to have five or six bypasses remaining open in south Salem. With additional work to be completed by 1987, the City believes that the number of bypasses remaining in south Salem can be reduced to two or three. The City's goal is to eliminate bypassing for storms up to 5-year recurrence intervals (i.e., on the average, a storm that occurs once every 5 years). To eliminate the bypasses remaining in south Salem will require either large scale I/I removal or construction of parallel relief sewers in the area.

In their efforts to develop a strategy for controlling I/I in the sewage collection system, the City has concentrated their efforts on complete I/I removal in the small, most problematic sub-basins. This approach is contrasted to de-centralized, "piecemeal" repair efforts which are typically found to be an ineffective removal technique. The City has finished one such complete sub-basin rehabilitation project in south Salem. Preliminary monitoring results in this sub-basin indicate that removal of at least 75% of the I/I induced storm flows entering local sewers is achievable. This technique has raised considerable interest in the Department, as well as other cities with severe I/I problems. Recently, the City received an EPA grant to help fund a similar demonstration project on another, somewhat larger sub-basin.

To monitor the effectiveness of ongoing and future I/I removal progress, as well as general collection system status and response, the City installed a \$500,000 computerized flow monitoring system. The "state-of-the-art" system is indicative of the major commitment the City has made to understand their I/I problem and how best to deal with it.

Based on their south Salem work, the City estimates each major basin rehabilitation effort will take at least five years to complete, of which three years is largely devoted to study. City-wide, this rehabilitation program will realistically take 15 to 20 years to complete. The City expects to commit \$1.5 to \$2.0 million per year to rehabilitation and I/I removal. This translates to a needed commitment of \$25 to \$40 million in the next two decades.

The City of Salem is rapidly becoming a model city with respect to its innovative technology for infiltration/inflow control and removal. This progress is commended as a very positive step toward achieving wastewater bypass control at various points in the collection system. Without continued efforts at I/I removal, bypassing can be expected to occur during non-peak rainfall periods. As flow contributions from domestic, commercial and industrial wastewater sources continue to grow, I/I will necessarily

need to decrease unless additional capacity is provided by new sewers. Put another way, if I/I is not reduced or accommodated by larger sewers, there will eventually be summer sewage bypass problems. No known summer bypassing occurs at this time.

Department staff have communicated to sewerage agencies that the Department's long-term goal is to eliminate all sewage bypasses. This translates into the following policy in rank order:

1. Eliminate sewage bypasses to Willamette tributary streams in the summer.
2. Eliminate sewage bypasses to the Willamette River mainstem in the summer.
3. Eliminate sewage bypasses to the tributary streams in the winter.
4. Eliminate sewage bypasses to the Willamette in the winter.
5. At all times, bypasses shall be minimized by providing at least partial treatment of as much flow as possible at the treatment plant.

Salem's efforts toward bypass elimination have followed this policy very well. By reducing I/I in the most problematic upstream basins, the City has been able to eliminate many of the bypasses to susceptible tributary streams. Further, reduction of upstream storm flows has allowed consolidation of several downstream bypasses into bypasses that go directly to the Willamette River. Current hopes are that only two 5-year storm bypasses to the Willamette will survive the current City-wide phased I/I elimination effort. Although all bypassing is undesirable, this policy reduces the risk of human exposure, while placing the wastewater into a water body that can more readily assimilate the waste.

Despite the very positive effort Salem has shown in developing their sewer rehabilitation program, the Department is concerned about the long-term commitment that is necessary to rehabilitate the massive Salem sewer system. The Department feels that:

1. The City must insure that all new sewer construction (both public and private lines) meets performance standards against I/I entry. This can only be assured if the City has an adequate quality assurance program for all sewer line construction.
2. After all basins have been rehabilitated, the City will still need a very active, ongoing sewer maintenance program.
3. The effectiveness or longevity of repair work may not last through the 15 to 20 year rehabilitation cycle as presently envisioned by the City.

4. With the anticipated major financial commitment (up to \$30 million in the next 20 years) facing Salem for additional wastewater treatment facility needs alone, it may be difficult to maintain the present level of sewer rehabilitation funding (\$1.5 - \$2.0 million/year).

There is also a subtle feature which may have significant impact on the ultimate effectiveness of Salem's so-far-successful I/I reduction program.

One of the unique aspects of Salem's approach to I/I reduction has been City activities on private property to either replace or rehabilitate (e.g., with grout) individual household sewer service lines if they are leaky. A majority of the I/I enters between the residential lateral and the City-owned sewer mainline. So far, this corrective work has been accomplished under the protective umbrella of "pilot" or "experimental" projects. EPA has partially funded a project in south Salem as "experimental".

This unique approach to sewer maintenance and I/I control, however, brings out several concerns:

What happens when the "experimental" or "pilot" umbrella is removed and the City must press on with repairs on private property? Who bears the cost of repairs? Of maintenance? Who is liable for latent defects? How can you discriminate between a latent defect and predictable deterioration over time? How does the City routinely gain access to private property?

These questions interest DEQ because of potential EPA construction grant decisions. These are also frustrating questions for a city council. It may ultimately become attractive to conclude that WWTP improvements, even though much more costly, are easier to accomplish.

The City should address the private property issue at the earliest possible time so that plans for sewer rehabilitation can proceed. Thought should be given as to how DEQ or the Commission may be able to help out in this situation.

With the abandonment of the Wallace Road Plant and the progress made on I/I removal and problems associated with the Willow Lake Plant, the consent agreement is no longer necessary and could be replaced by adding the required program improvements to the renewal permit for the Willow Lake Plant.

Summation

1. The City of Salem represents the largest single permitted BOD-5 discharge to the Willamette River, potentially accounting for nearly 22 % of the total BOD-5 municipal/industrial load.
2. Until mid-December, 1983, Salem had two operational WWTP's. The small Wallace Road WWTP (accounting for only about 1% of total effluent load) has been abandoned, consolidating all sewage treatment into the large Willow Lake WWTP.

3. Previously designed for upgrade in 1985, the Willow Lake WWTP appears to have prematurely reached capacity under peak industrial (food processing) loading in the late summer and peak hydraulic loading during wet weather storm conditions. This condition existed prior to abandonment of the Wallace Road WWTP.
4. The sanitary sewer system has documented severe wet weather infiltration/inflow problems. This condition has led to considerable raw sewage bypassing to area creeks, drainageways, and the Willamette River. As many as 73 bypass locations existed in 1981.
5. To settle past permit violations and provide a more flexible environment to effectively address collection, treatment and municipal sludge handling planning efforts, the City entered into Stipulation and Final Consent Order (Consent Agreement) No. WQ-WVR-81-59 with the Department. Embodied in that Agreement are the City's two NPDES Waste Discharge Permits.

Within the Consent Agreement and NPDES Permits are compliance schedules relating to the wastewater treatment plants separately and encompassing schedules that collectively address Salem's sewerage problems.

6. As stipulated in the Consent Agreement, the City was required to submit a Status Report to the Commission in mid-1983. The City has completed their report, which is included as Attachment 3. This staff report is the Department's evaluation of the Status Report.
7. Complex issues have delayed significant Consent Agreement progress with respect to upgrading or expanding Salem's wastewater treatment facilities and municipal sludge management program. The most important issue is the City's current investigation of utilizing the inactive wastewater treatment lagoons at Boise Cascade to treat several of the downtown area fruit and vegetable processors' wastewater. Concurrent with this reasoning is the parallel problem of continued utilization of an existing facility (Willow Lake WWTP) that was largely designed (capacity and type of treatment) to accommodate the food processing industries.
8. Until the future use of the Boise Cascade treatment facilities is formally determined, it will be difficult for Salem to complete a meaningful sewerage facilities plan upon which to base WWTP upgrades or sludge management decisions.
9. Pursuant to the Consent Agreement, the City has made significant progress toward understanding the causes, symptoms, and removal of collection system infiltration/inflow. Salem's evolving technology promises to lead to an effective I/I reduction program. Excessive I/I entry into Salem sewers has in the past led to numerous instances of raw wastewater bypassing within the collection system. In the

years since signing the Consent Agreement, the City has drastically reduced the number of active bypass locations from 73 by complete elimination or consolidation into single bypass points. The City estimates that 15 bypasses are still open. Much progress has been made, although many years of work remain before the problem will be remedied.

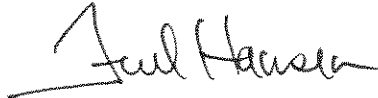
10. In providing assistance to the City of Salem for prioritization of I/I control and bypass elimination projects, the Department has given the following policy direction (in rank order):
 - a. Eliminate sewage bypasses to Willamette tributary streams in the summer.
 - b. Eliminate sewage bypasses to the Willamette River mainstem in the summer.
 - c. Eliminate sewage bypasses to the tributary streams in the winter.
 - d. Eliminate sewage bypasses to the Willamette in the winter.
 - e. At all times, bypasses shall be minimized by providing at least partial treatment of as much flow as possible at the treatment plant.
11. Much of Salem's success at developing an effective I/I removal program has been reliance on replacing or repairing individual house sewer laterals. Study has shown a large portion of the illicit I/I entry occurs on private property, rather than in the City-owned and maintained trunks and laterals. To date, work on private property by the City has been granted only on a "pilot" or "experimental" basis. It is only speculation at this time whether a large-scale operational I/I removal program on private property service connections can be implemented by the City. The Commission should explore possible alternatives as to how the Department can assist cities like Salem with this issue.
12. Several minor operational problems exist in the City's municipal sludge management program, BioGro. Generally, however, this program is an effective, beneficial use of the organic sludges generated as a byproduct of the biological waste treatment process. Future direction of the BioGro program is largely contingent on final resolution of the Boise Cascade lagoon issue.
13. Although much progress has been made in understanding the I/I problem, much collection system work remains to be done before significant system-wide storm flow reductions occur. Combined with imminent, complex decisions regarding the future of the Willow Lake WWTP, potential canner use of the Boise Cascade lagoons, and subsequent impact to the BioGro program, it is apparent that a comprehensive Facilities Plan for the City of Salem will not be forthcoming. The Department is confident, however, that reasonable progress is being achieved.

14. Sufficient progress has been made in all areas covered by the Consent Agreement to render it unnecessary. The remaining work to be done can adequately be handled in the renewal permit and the Consent Agreement can be cancelled by mutual agreement.

Director's Recommendation

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

1. Negotiate modifications to the Willow Lake Permit to (a) reflect the addition of the West Salem loads and abandonment of the Wallace Road Plant, (b) reflect an acceptable program for I/I correction and bypass elimination, (c) reflect appropriate schedules for completion of planning for any necessary treatment plant improvements, and (d) recognize existence of I/I related bypasses during the duration of the permit.
2. Upon issuance and acceptance of the Modified Permit, cancel the Wallace Road Permit and negotiate cancellation of the Stipulated Consent Order.

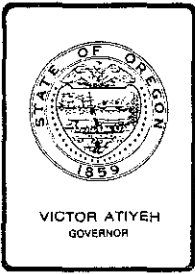


Fred Hansen

Attachments: (3)

1. and 2. City of Salem's Stipulation and Final Consent Order (Consent Agreement) No. WVR-81-59.
3. City of Salem, Status Report, August 31, 1983.

Jeffrey L. Dresser: wr/ak
378-8240
February 9, 1983



Environmental Quality Commission

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MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. R, July 17, 1981, EQC Meeting.

Request For Approval Of Stipulation And Final Consent Order
No. WQ-WVR-81-59, Between The Department And The City Of Salem.

Background

The City of Salem operates two sewage treatment plants (STP's), each with its own collection and transport system:

1. The Willow Lake STP is the City's principal facility, with a design flow of 35 million gallons per day (MGD). Built originally in 1964 as a trickling filter plant, it was expanded in 1976 by adding a pure oxygen (UNOX) activated sludge plant in parallel. The expanded treatment process was specifically selected to handle the community's extensive fruit and vegetable processing industry wasteloads. The 1976 expansion was based on a capability of treating an organic (BOD-5) loading of 840,000 population equivalents, with a projected design life of 1985.

This discharge represents the second largest oxygen demanding point discharge to the Willamette River. As such, it has a significant impact on the Willamette River's water quality, and warrants thoughtful consideration. Although river water quality standards have not been violated in recent years, discharges from the Salem area do have measurable impacts, especially at the Department's primary Willamette River monitoring station at Wheatland Ferry. Two mixing zone surveys for the Willow Lake STP conducted during the summers of 1977 and 1980 both substantiated the assumption that the Willamette can assimilate only a finite amount of wastewater.

2. The Wallace Road STP was constructed in 1969 and serves that portion of West Salem, which is primarily residential in character, with very limited commercial development and no industrial connections. The principal industrial wasteload (e.g., Agripac) is connected to the Willow Lake STP via a force main across the river. The 0.4 MGD



Contains
Recycled
Materials

activated sludge plant presently serves a population of about 5,000 and is essentially at, and frequently above, design capacity.

Both collection and transport systems have severe infiltration and inflow (I/I) conditions, although the Willow Lake system has much more massive problems:

1. Although hydraulically rated at 105 MGD, the Willow Lake STP cannot handle all of the winter flows due to an inability to transport the I/I laden wastewater through town. The Willow Lake system has identified seventy-three (73) points of bypass. Although these do not all operate concurrently, they do allow raw wastewater to enter the Willamette River, area creeks and drainageways. As yet, no summer bypass problems have been encountered.
2. The Wallace Road STP has experienced flows as high as 2.0 MGD during the winter months, with concurrent bypassing of raw sewage occurring at the plant's headworks on a regular basis. To date, bypassing within the collection system has not occurred, nor has summer bypassing at the headworks. Higher influent flows, however, have persisted into the summer months.

An infiltration/inflow analysis conducted as part of the 1976 STP expansion determined the I/I to be "non-excessive". The City and the Department accepted this conclusion, and the City has pursued a comprehensive I/I correction program to reduce the bypass problems. However, based upon documented incidents of bypass and citizen complaints, it appears they are at best keeping even, with little, if any, ground being gained.

In addition to its I/I problems, the City has attempted to address many of its other pressing sewerage issues. These include planning for growth, identifying alternatives for the food processing industry, identifying industrial pretreatment options and implementing sludge disposal alternatives, to name a few.

Since early 1979, Department staff have been active participants in many of those deliberations, and several "position papers" were developed jointly with Salem for City staff's information and use. An example of such a paper is attached (Appendix A).

The NPDES Permits governing the Willow Lake and Wallace Road STP's expired on September 30, 1979 and July 31, 1979, respectively. The impending permit expirations prompted a series of discussions and negotiations between Department and City staff in mid-1979, which have continued up through the

present. An issue list was mutually developed, with the major problems being:

1. Raw wastewater is being bypassed within both sewage collection and transport systems as discussed above. Data collected as part of an ongoing 208 Urban Runoff Study indicates water quality bacteriological standards are being violated in area creeks and Willamette tributaries.
2. Due to raw wastewater characteristics and inherently low natural alkalinity, the Willow Lake STP has suffered effluent pH violations.
3. Due to plant configuration problems and overload conditions, the Wallace Road STP has not met its discharge limitations for biochemical oxygen demand (BOD) and total suspended solids.

The City has attempted to address all of their sewerage issues under an EPA 201 Facilities Planning Study. Their initial grant application was first submitted in January, 1979. However, a shortage of grant funds has persistently prevented a grant award.

In light of past experience and considering the likelihood for future EPA funds, the City recently elected to pursue a "mini" facility plan with its own revenues. Thus, compliance schedules were negotiated around such a study without grant funds, and draft NPDES Permits were forwarded for City review on September 30, 1980.

During the early negotiation process, it became obvious to Department staff that for reasons discussed above, the City could not consistently meet secondary treatment standards, and water quality and public health could be jeopardized. Thus, the necessity for a Stipulation and Final Order became apparent. The initial draft order was circulated within the Department in July 1980; with the City's first formal review draft following in December, 1980. Extensive negotiations and subsequent drafts culminated in City Council approval of the proposed Final Order (Appendix B) on June 15, 1981, and acceptance of the final draft NPDES Permits (Appendices C and D).

Alternatives and Evaluation

On an administrative basis, the Department has two alternatives:

1. Issue renewal NPDES Permits for both treatment plants alone.
2. Issue renewal NPDES Permits in conjunction with a Stipulation and Final Order.

The Department believes the second alternative to be most viable, since the City is unable to consistently meet secondary treatment standards. An evaluation of this alternative requires the following considerations:

1. It is a cooperative voluntary process--a mutual approach to solve the sewerage problems in a planning and priority setting framework rather than an adversary enforcement setting.
2. The Order embodies all sewerage issues in one document. This is not otherwise possible in NPDES Permit format.
3. It provides the Department with more options and a broader range of discretionary judgement.
4. The Order does require extra compliance tracking effort by the Department.
5. It provides the City time to solve problems by allowing interim effluent limits not possible in NPDES Permits.
6. The Order may increase the City's eligibility for other grant/loan funding sources.
7. It may require an earlier commitment by the City than it might otherwise have had to make for certain problems.

Summation

1. The City of Salem has major sewerage problems which pose a serious concern to public health and water quality.
2. Until major sewerage upgrading is completed, the City cannot consistently provide secondary treatment.
3. The proposed interim effluent limits and bypass restrictions are based on realistic sewerage system performance, and their respective potential impacts on the receiving streams.
4. The proposed Order and associated time schedules will operate independently of EPA Construction Grant funding.
5. Compliance with the proposed Order and NPDES Permits will result in a significant reduction in (and possible eventual elimination of) untreated wastewater bypassing, and provide compliance with the Department's secondary treatment standards.

Director's Recommendation

Based on the Summation, it is recommended that:

1. The Commission approve the Stipulation and Final Order (Appendix B) No. WQ-WVR-81-59.
2. The Commission direct the City of Salem to present a status report to the Commission by no later than July, 1983, regarding progress being achieved under the Final Order.

Bill

William H. Young

- Appendix A: DEQ Sewerage "Position Paper" for the City of Salem, November, 1979.
Appendix B: Stipulation and Final Order No. WQ-WVR-81-59.
Appendix C: Draft NPDES Permit for Salem's Willow Lake STP (OR-102640-9).
Appendix D: Draft NPDES Permit for Salem's Wallace Road STP (OR-102659-0).

Stephen C. Downs:wr
378-8240
June 24, 1981

ATTACHMENT 2

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY)
OF THE STATE OF OREGON,)
Department,)
) STIPULATION AND FINAL CONSENT ORDER
) No. WQ-WVR-81-59
) MARION COUNTY AND POLK COUNTY
)
CITY OF SALEM,)
)
) Respondent.)

WHEREAS:

1. The Department of Environmental Quality (Department) issued National Pollutant Discharge Elimination System Waste Discharge Permit Numbers 3256-J and 3390-J (hereinafter referred to as "Permit") to the City of Salem (Respondent) pursuant to Oregon Revised Statutes (ORS) 468.740 and the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) and 1977 (P.L. 95-217). The Permits authorize the Respondent to construct, install, modify or operate wastewater treatment control and disposal facilities at the Wallace Road and Willow Lake sewage treatment plants (STP) and discharge adequately treated wastewaters therefrom into waters of the State in conformance with the requirements, limitations and conditions set forth in the Permits. Both Permits expire on December 31, 1985. Respondent's Permits are in effect at all material times cited herein.
2. Both Permits have certain effluent limitations and prohibitions, including as follows:
 - a. Condition 1 of Schedule A of each Permit prohibits Respondent from exceeding certain waste discharge limitations after the Permit issuance date. Those limitations are incorporated herein by reference.
 - b. General Condition G4c of each Permit generally prohibits the bypassing of untreated waste, without the prior written permission of the Department, except where unavoidable to prevent loss of life or severe property damage.
 - c. Condition 2 of Schedule A of each Permit prohibits violations of Water Quality Standards, as adopted in OAR 340-41-445, except in specifically defined mixing zones for each of the City's two sewage treatment plant outfalls.

3. Respondent proposes to comply with all the effluent limitations and prohibitions set forth in its Permits by constructing and operating new and/or modified wastewater collection, transportation and treatment facilities. Respondent has not completed construction and has not commenced operation thereof.
4. Respondent presently is capable of collecting, transporting and treating its effluent so as to meet the waste discharge limitations and prohibitions specified in its Permits a great majority of the time. However, because of severe infiltration and inflow (I/I) problems within the sewage collection and transportation system (which generally occur when Willamette River stream flows, measured at Salem, exceed 15,000 cfs), coupled with unique raw sewage characteristics, Respondent has suffered, and the parties anticipate that Respondent will continue to suffer, the following problems and violations, until the construction referred to in Paragraph 3 above is completed:
 - a. Untreated sewage has been bypassed during the winter months at the Wallace Road STP headworks, and discharged to the Willamette River at river mile 80.
 - b. Although rated at a peak design flow of 105 million gallons per day (MGD), the Willow Lake STP has provided secondary treatment for only 60 MGD during the winter; and 35 MGD during the summer. Winter flows in excess of 60 MGD have received primary treatment (sedimentation) and disinfection only before being discharged to the Willamette River at river mile 78.2.
 - c. Because of low influent pH and low natural buffering alkalinity in the wastewater, neither treatment plant has always met the permitted pH range of 6.0 to 9.0. Effluent data collected since January, 1978 show the lowest effluent pH was 5.69 at Willow Lake STP. Wallace Road STP effluent pH was as low as 4.81. In 1981, pH control facilities became operational at Willow Lake STP.
 - d. The Willow Lake STP collection and transport system has seventy-three (73) integral points of bypass, as identified by the City's Infiltration/Inflow Analysis dated November, 1978. Some of the bypasses are manually controlled. Although not all of these bypass points have operated concurrently, they have allowed raw, untreated sewage to enter area creeks and the Willamette River during periods of heavy infiltration and inflow. Manhole surcharging and overflowing onto streets and into drainageways has also occurred.

- e. Because of severe infiltration/inflow and some plant configuration problems, the Wallace Road STP has not always met the effluent concentration and mass limitations specified by Condition 1, Schedule A of the Permit. Moderate growth anticipated until new and/or modified treatment facilities are completed will compound this deficiency.
 - f. Respondent has committed violations of its previous NPDES Permits Nos. 1715-J (Wallace Road STP) and 1988-J (Willow Lake STP), and related statutes and regulations. Those violations are outlined in Paragraphs 4a through e above and have been disclosed in Respondent's waste discharge monitoring reports to the Department covering the period from January 19, 1977 through the date which the order below is issued by the Environmental Quality Commission.
 - g. To the best of Respondent's and Department's knowledge, paragraphs 4a through 4f above recite all past violations of Oregon's environmental statutes and rules, and Respondent's Permits and special authorizations.
5. Respondent is capable of meeting the following waste discharge limitations and prohibitions at all times:
- a. Wallace Road STP effluent pH shall be within the range of 5.5 to 9.0.
 - b. In recognition of current STP deficiencies and to accommodate a reasonable amount of growth within the sewerage system until new and/or modified treatment facilities are completed, the Wallace Road STP interim effluent limits shall be:

Wallace Road STP

<u>Parameter</u>	<u>Average Effluent Concentrations</u>		<u>Monthly Average</u>		<u>Weekly Average</u>		<u>Daily Maximum</u>	
	<u>Monthly</u>	<u>Weekly</u>	<u>kg/day</u>	<u>(lb/day)</u>	<u>kg/day</u>	<u>(lb/day)</u>	<u>kg</u>	<u>(lb/day)</u>
BOD	45 mg/l	52 mg/l	136	(300)	159	(350)	182	(400)
TSS	45 mg/l	52 mg/l	136	(300)	159	(350)	182	(400)
FC per 100 ml	200	400						

- c. Bypassing:
- (i) Between June 1 and October 31, all bypassing is prohibited.
 - (ii) Bypassing (if it must involuntarily occur due to severe infiltration and inflow) is allowed between November 1 and May 31, provided Willamette River stream flows are greater than 15,000 cubic feet per second, as measured at the USGS Salem Gauge Station.
6. The Department and Respondent recognize that the Environmental Quality Commission has the power to impose a civil penalty and to issue an abatement order for any of the above violations. Therefore, pursuant to ORS 183.415(5), the Department and Respondent wish to resolve those violations in advance by stipulated final order requiring certain action, and waiving certain legal rights to notices, answers, hearings and judicial review on these matters.
7. The Department and Respondent intend to limit the violations which this stipulated final order will settle to:
- a. All those Willow Lake STP effluent pH violations specified in Paragraph 4c above, occurring through June 19, 1981;
 - b. All those Wallace Road I/I induced sewage bypasses at the STP headworks and all pH, BOD and TSS concentration and mass discharge violations detailed in paragraphs 4a, 4c and 4e above; occurring through but not beyond December 31, 1985 or beyond any dates agreed to pursuant to Permit Condition C-1, whichever dates come first.
 - c. All those Willow Lake STP sewerage system I/I induced bypass violations as detailed in paragraph 4d above occurring through December 31, 1985 or such dates agreed to pursuant to Permit Condition C-3.

However, this stipulated final order is not intended to settle any future violations (i.e., after June 19, 1981) of the final order waste discharge limitations set forth in Paragraph 5 above. Furthermore, this stipulated final order is not intended to limit, in any way, the Department's right to proceed against Respondent in any forum for any past or future violation not expressly settled herein.

8. The Department and Respondent acknowledge that the Willamette River's capacity to assimilate pollutants is especially limited during the summer and that, therefore, Respondent has been given BOD and TSS waste discharge allocations. These allocations are made up of the sum of the respective June 1 - October 31 effluent

limitations specified in Condition 1 of Schedule A of the City's two Permits as summarized below:

Parameter	Monthly Average (lbs/day)	Weekly Average (lbs/day)	Daily Maximum (lbs)
BOD-5	11,067	13,150	15,133
TSS	11,067	13,150	15,133
NH ₃ -N*	3,000		3,500

*Wallace Road STP Permit does not contain an NH₃-N effluent limit because such NH₃-N discharge is negligible compared to Willow Lake STP which is environmentally significant.

The construction and operation of all existing and future wastewater collection, transportation and treatment facilities shall be within the constraints of those waste discharge allocations. For any given Permit duration, allowed effluent limits shall be equal to those respective allocations, or less than those allocations based on applicable Environmental Protection Agency (EPA) effluent guidelines, the Statewide Water Quality Management Plan, other applicable statutes, rules, regulations and orders, and other relevant factors.

9. The Department contends that the past and present untreated waste bypass conditions pose a serious concern to public health and water quality. Major sewerage upgrading efforts are necessary to keep sewage flows within the collection system. Our mutual short-term goal is that as soon as practicable wastewater bypasses be into a receiving stream providing adequate dilution (i.e., the Willamette River) during periods of non-recreational use (November 1 - May 31). Our mutual long-term goal is to eliminate all bypasses.
10. The Department and Respondent acknowledge that every reasonable effort must be made to minimize the volume of untreated or inadequately treated waste water bypassed to the Willamette River, area creeks, drainageways, and streets.

NOW THEREFORE, it is stipulated and agreed that:

A. The Environmental Quality Commission shall issue a final order:

- (1) Requiring Respondent to expand the annual infiltration/inflow reduction program, such that bypasses will be eliminated as soon as practicable in accordance with the approved financing plan and timetables required by Conditions 1 and 3, Schedule C, of NPDES Permit Number 3256-J (Wallace Road STP) and by Conditions 3, 5 and 6, Schedule C, of NPDES Permit Number 3390-J (Willow Lake STP).

- (2) Requiring Respondent to meet the pH effluent limitations at Wallace Road STP set forth in Paragraph 5 above, through but not beyond December 31, 1985, or as agreed pursuant to Condition C-1, of NPDES Permit No. 3256-J, whichever is earlier.
 - (3) Requiring Respondent to meet the Wallace Road STP interim effluent limitations set forth in Paragraph 5 above, through but not beyond December 31, 1985, or as agreed pursuant to Condition C-1 of NPDES Permit No. 3256-J, whichever is earlier.
 - (4) Requiring Respondent to meet the bypass limitations and prohibitions contained in Paragraph 5c above at Wallace Road STP, through but not beyond December 31, 1985, or as agreed pursuant to Conditions C-1 and C-3 of NPDES Permit No. 3256-J, whichever is earlier.
 - (5) Requiring Respondent to meet the bypass limitations and prohibitions contained in Paragraph 5c above within the Willow Lake STP sewerage system, through December 31, 1985, or as agreed pursuant to Conditions C-3, C-5 and C-6 of NPDES Permit No. 3390-J.
 - (6) Unless otherwise approved by the Department on a case-by-case basis, requiring Respondent to clearly and conspicuously post all areas within the Salem sewer service limits where and when bypasses occur. The posted signs shall warn the public that the waterway is contaminated with untreated sewage.
- B. The Department and Respondent hereby agree that sewer extensions and connections thereto may be prohibited if:
- (1) Existing and interim bypass conditions cause or contribute to a serious water pollution problem or public health hazard.
 - (2) The effluent limitations set forth in Paragraphs 2 and 5 above are not met in accordance with the schedules specified by Paragraphs A(2) through A(5) above.
 - (3) Respondent does not make satisfactory progress for complying with Paragraph A(1) above.
- C. Regarding the violations set forth in Paragraph 4 above which are expressly settled herein (see Paragraph 7), the parties hereby waive any and all of their rights to any and all notices, hearings, judicial review, and to service of a copy of the final order herein.

D. Respondent acknowledges that it has actual notice of the contents of and requirements of this stipulation and final consent order and that failure to fulfill any of the requirements hereof would constitute a violation of this stipulated final order. Therefore, should Respondent commit any violations as outlined by Paragraph 4 above of this stipulated order, Respondent hereby waives any rights it might have to any and all ORS 468.125(1) advance notices prior to the assessment of civil penalties for any and all such violations. Respondent does not waive its rights to any and all ORS 468.125(1) advance notices for any violations not covered by Paragraph 4 above. Moreover, Respondent does not waive its rights to any and all ORS 468.135(1) notices of assessment of civil penalty for any and all violations of this stipulated final order.

 AUG 3 1981
Date

DEPARTMENT OF ENVIRONMENTAL QUALITY

By William H. Young
WILLIAM H. YOUNG
Director

 6-19-81
Date

RESPONDENT

By Kent Aldrich
(Name Kent Aldrich)
(Title Mayor)

FINAL ORDER

IT IS SO ORDERED:

 AUG 3 1981
Date

ENVIRONMENTAL QUALITY COMMISSION

By William H. Young
WILLIAM H. YOUNG, Director
Department of Environmental Quality
Pursuant to OAR 340-11-136(1)

Permit Number: 3390-J
 Expiration Date: 12-31-85
 File Number: 78140
 Page 1 of 9 Pages

Permit Number: 3390-J
 Expiration Date: 12-31-85
 File Number: 78140
 Page 2 of 9 Pages

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

WASTE DISCHARGE PERMIT
 Department of Environmental Quality
 522 Southwest Fifth Avenue, Portland, OR
 Mailing Address: Box 1760, Portland, OR 97207
 Telephone: (503) 229-5696

Issued pursuant to ORS 468.740 and The Federal Clean Water Act

ISSUED TO:	SOURCES COVERED BY THIS PERMIT:		
	Type of Waste	Outfall Number	Outfall Location
City of Salem 555 Liberty SE Salem, OR 97301	Domestic Sewage	001	R.M. 78.2
PLANT TYPE AND LOCATION:	RECEIVING SYSTEM INFORMATION:		
Willow Lake Sewage Treatment Plant Windsor Island Road N.	Major Basin:	Willamette	
	Minor Basin:	-	
	Receiving Stream:	Willamette River	
	County:	Marion	
	Applicable Standards:	OAR 340-41-445	

Issued in response to Application Number OR 102640-9 received 10-25-79.

William H. Young
 William H. Young, Director

SEP 15 1981
 Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a waste water collection, treatment, control and disposal system and discharge to public waters adequately treated waste waters only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

Page

Schedule A - Waste Disposal Limitations not to be Exceeded.....	2
Schedule B - Minimum Monitoring and Reporting Requirements.....	3
Schedule C - Compliance Conditions and Schedules.....	4-5
Schedule D - Special Conditions.....	-
General Conditions.....	6-9

Each other direct and indirect discharge to public waters is prohibited.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

SCHEDULE A

1. Waste Discharge Limitations not to be Exceeded After Permit Issuance.

Outfall Number 001

Parameter	Average Effluent Concentrations		Monthly Average	Weekly Average	Daily Maximum
	Monthly	Weekly	kg/day (lb/day)	kg/day (lb/day)	kg (lbs)
July 1 - October 31 (Normal Cannery Season)					
BOD	37mg/l	45mg/l	4994 (11000)	5902 (13000)	6810 (15000)
TSS	37mg/l	45mg/l	4994 (11000)	5902 (13000)	6810 (15000)
FC per 100 ml	200	400			
Ammonia as N			1364 (3000)		1589 (3500)
November 1 - June 30:					
BOD	30mg/l	45mg/l	3976 (8757)	5964 (13136)	7951 (17514)
TSS	30mg/l	45mg/l	3976 (8757)	5964 (13136)	7951 (17514)
FC per 100 ml	200	400			

Other Parameters (Year-Round)

Limitations

pH Shall be within the range 6.0 - 9.0
 Average dry weather flow to the treatment facility 132,475m³ /d (35 MGD)

2. Notwithstanding the effluent limitations established by this permit, no wastes shall be discharged and no activities shall be conducted which will cause or contribute to violations of Water Quality standards as adopted in OAR 340-41-445, except in the following defined mixing zone:

The allowable mixing zone shall not extend beyond a radius of 50 meters from the point of discharge.

SCHEDULE B

Minimum Monitoring and Reporting Requirements
 (unless otherwise approved in writing by the Department)

Outfall Number 001 (sewage treatment plant outfall)

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Continuous-Meter
Quantity Chlorine Used	Daily	Weight
Effluent Chlorine Residual	Daily	Grab
BOD-5 (influent)	2/week	Composite
BOD-5 (effluent)	2/week	Composite
TSS (influent)	2/week	Composite
TSS (effluent)	2/week	Composite
pH (influent and effluent)	3/week	Grab
Fecal Coliform (effluent)	weekly	Grab
Average Percent Removed (BOD & TSS)	monthly	Calculation
Ammonia as N (effluent)	2/week (July-Oct)	Grab
Digested Sludge Analyses*	2/year	30-day composite
Flow Meter Calibration	2/year	-

Monitoring reports shall include a record of the location and method of disposal of all sludge and a record of all applicable equipment breakdowns and bypassing.

Reporting Procedures

Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the Department by the 15th day of the following month.

* Digested sludge analyses shall include: percent total solids, NH₃-N, TRN, CU, CD, Cr, Pb, Nj, Zn, K, and P.

SCHEDULE C

Compliance Conditions and Schedules

1. The permittee shall develop and submit for approval an industrial waste pretreatment program in accordance with the following time schedule:
 - a. By July 1, 1981, complete a detailed industrial inventory and submit it to the Department;
 - b. By January 1, 1982, acquire the necessary legal authority to apply and enforce a pretreatment program as required by the federal Clean Water Act (40 CFR Part 403);
 - c. By January 1, 1982, develop the necessary funding to implement an approvable program;
 - d. By July 1, 1982, develop procedures for implementing the pretreatment program; and
 - e. By January 1, 1983, submit an approvable program to the Department.
2. Prior to January 1, 1982, the City shall submit a detailed engineering report which outlines the effectiveness of its present sludge treatment, storage and disposal program (BIOGRO). That report shall consider the requirements of 40 CFR Part 257, and the Department's Sludge Disposal Guidelines, as well as any other independently imposed limitations; and propose a time schedule and implementation plan for any necessary modifications or expansions.
3. The permittee shall insure continued compliance with the effluent limits specified in Condition 1 of Schedule A in accordance with the following:
 - a. Prior to January 1, 1983, submit a comprehensive engineering report which analyzes the present sewage collection, transport and treatment facilities' capacities and operational difficulties, with a proposed implementation program and time schedule for either facilities improvements or expansion and/or alternative collection, transport, treatment and disposal facilities. Any proposed treatment plant expansion (or other alternative employing a discharge to public waters) shall be within the constraints of the existing Salem area waste discharge allocations (as contained in Condition A1 of both City of Salem NPDES Permits). A Progress report shall be submitted to the Department by April 1, 1982.
 - b. Following Department approval of the program submitted in 3a above, proper and complete final plans and specifications for the new facilities shall be submitted to the Department for approval prior to construction. It is the permittee's responsibility to insure sufficient lead time such that the expanded and/or alternative facilities are provided before the existing facilities become overloaded (or cause effluent violations).

Permit Number: 3390-J
Expiration Date: 12-31-85
File Number: 78140
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4. The permittee shall maintain a continuing annual program for reducing infiltration and inflow (I/I) in the sewage collection and transport system. Annual progress reports shall be submitted by October 1, summarizing activities of the past 12 months and indicating those reduction activities scheduled for the next 12 months.
5. Prior to July 1, 1982, the permittee shall submit proposed infiltration/inflow (I/I) workload indicators to the Department for approval. As a minimum, those indicators shall include: detailed line item budgeted amounts vs. actual expenditures, length of sewer sealed, lined and/or replaced, manhole defects repaired, private I/I sources identified and/or corrected, and flow data from key sub-basin monitoring stations, correlated to rainfall and groundwater conditions. Once approved, these workload indicators shall be the basis upon which the annual reports required by Condition C4 above are evaluated as "satisfactory" or "deficient". A progress report shall be incorporated into the October 1, 1981 annual report required by Condition 4 above.
6. As soon as possible, but not later than July 1, 1981, the permittee shall initiate negotiations with Marion County to insure that an aggressive on-going program of sewerage maintenance and infiltration/inflow control is provided in the East Salem, Kelzer and Labish Village Sewer District. Progress reports shall be incorporated into the Annual I/I report required by Condition 4 above.
7. The permittee is expected to meet the compliance dates which have been established in this schedule. Either prior to or no later than 14 days following any lapsed compliance date, the permittee shall submit to the Department a notice of compliance or noncompliance with the established schedule. The Director may revise a schedule of compliance if he determines good and valid cause resulting from events over which the permittee has little or no control.
8. Construction of sewer extensions and connections thereto is permitted as long as the added waste load will not cause any of the limitations of this permit to be exceeded, and provided that plans and specifications are submitted to and approved by the Department of Environmental Quality prior to construction, as required by ORS 454.415.
9. In the event the permittee's connected industrial user contribution is significantly reduced, this permit shall, in accordance with procedures in OAR 340-45-055, be modified to insure effluent limits comply with 40 CFR 133.103(b). This means a proportional reduction in the permittee's effluent limitations contained in Condition A(1). If pollutants introduced by the sum of all industrial categories fall below ten (10) percent of the design flow or loading of the publicly owned treatment works (POTW), then the POTW effluent limits shall be based on a design flow of 35 MGD and secondary treatment criteria as defined by 40 CFR 133.102 (30/45/60 mg/l of BOD-5 and TSS each). For the purposes of this condition, the base industrial contribution shall be as outlined by Figure 3-6, of Brown and Caldwell's February 1980 Engineering Report for the NWPPA Salem Member Raw Pack Records and Projections.

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 Expiration Date: 12-31-85
 File Number: 78049
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Permit Number: 3256-J
 Expiration Date: 12-31-85
 File Number: 78049
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NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

WASTE DISCHARGE PERMIT
 Department of Environmental Quality
 522 Southwest Fifth Avenue, Portland, OR
 Mailing Address: Box 1760, Portland, OR 97207
 Telephone: (503) 229-5696

Issued pursuant to ORS 468.740 and The Federal Clean Water Act

ISSUED TO: SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
City of Salem 555 Liberty St. SE Salem, OR 97301	001	RM 80

PLANT TYPE AND LOCATION: RECEIVING SYSTEM INFORMATION:

Wallace Road N.W. Sewage Treatment Plant	Major Basin: Willamette Minor Basin: - Receiving Stream: Willamette River County: Polk Applicable Standards: OAR-340-41-445
---	---

Issued in response to Application Number OR-102659-0 received 5/1/79.

William H. Young
 William H. Young, Director

SEP 24 1981
 Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a waste water collection, treatment, control and disposal system and discharge to public waters adequately treated waste waters only from the authorized discharge point or points established in Schedule A and only in conformance with the requirements, limitations, and conditions set forth in the attached schedules as follows:

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Schedule A - Waste Disposal Limitations not to be Exceeded.....	2
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General Conditions.....	5-8

Each other direct and indirect discharge to public waters is prohibited.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

SCHEDULE A

1. Waste Discharge Limitations not to be Exceeded After Permit Issuance.

Outfall Number 001

Parameter	Average Effluent Concentrations		Monthly Average kg/day (lb/day)	Weekly Average kg/day (lb/day)	Daily Maximum kg (lbs)
	Monthly	Weekly			

June 1- October 31:

BOD	20 mg/l	30 mg/l	30 (67)	45 (100)	60 (133)
TSS	20 mg/l	30 mg/l	30 (67)	45 (100)	60 (133)
FC per 100 ml	200	400			

November 1 - May 31:

BOD	30 mg/l	45 mg/l	45 (100)	68 (150)	90 (200)
TSS	30 mg/l	45 mg/l	45 (100)	68 (150)	90 (200)
FC per 100 ml	200	400			

Other Parameters (Year-Round)

Limitations

pH	Shall be within the range 6.0 - 9.0
Average dry weather flow to the treatment facility	1,514 m ³ /d (0.4 MGD)

2. Notwithstanding the effluent limitations established by this permit, no wastes shall be discharged and no activities shall be conducted which will violate Water Quality Standards as adopted in OAR 340-41-445 except in the following defined mixing zone:

The allowable mixing zone shall not exceed that portion of the Willamette River within a radius of 30 meters from the point of discharge.

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Permit Number: 3256-J
Expiration Date: 12-31-85
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SCHEDULE B

Minimum Monitoring and Reporting Requirements (unless otherwise approved in writing by the Department)

Outfall Number 001 (sewage treatment plant outfall)

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Meter
Quantity Chlorine Used	Daily	Weight
Effluent Chlorine Residual	Daily	Grab
BOD-5 (influent)	2/week	24 hr. composite
DO-5 (effluent)	2/week	24 hr. composite
DO-5 (influent)	2/week	24 hr. composite
TSS (effluent)	2/week	24 hr. composite
pH (influent and effluent)	3/week	Grab
Fecal Coliform (effluent)	1/week	Grab
Average Percent Removed (BOD & TSS)	Monthly	Calculation
Flow meter calibration	2/year	-
Digested Sludge Analyses (1)	Annually	One month's composite

Monitoring reports shall include a record of the location and method of disposal of all sludge and a record of all applicable equipment breakdowns and bypassing.

Reporting Procedures

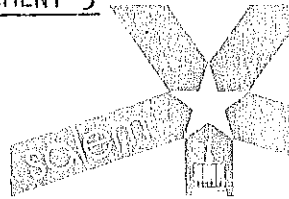
Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the Department by the 15th day of the following month.

(1) Digested sludge analyses shall include: Percent (%) solids, $\text{NH}_3\text{-N}$, TRN, Cd, Cr, Cu, Pb, Ni, Zn, K and P.

SCHEDULE C

Compliance Conditions and Schedules

- The permittee shall insure continued compliance with the effluent limitations specified in Condition 1 of Schedule A in accordance with the following:
 - Prior to July 1, 1981, the permittee shall submit a comprehensive engineering report for the Department's approval which analyzes the present plant's capacities and operational difficulties, with a proposed program and time schedule for either plant expansion or alternative treatment and disposal schemes. This latter program shall incorporate the growth related needs identified by the Urban Growth Management Program and West Salem Sector Plan; and will further identify a target date beyond which no new connections will be allowed due to a lack of present treatment plant capacity. Any proposed treatment plant expansion shall be within the existing Salem area waste discharge allocations (as contained in Condition A1 of both City of Salem NPDES Permits).
 - Following approval of the submitted program, proper and complete final plans and specifications for the new facilities shall be submitted to the Department for approval prior to construction. It is the permittee's responsibility to insure sufficient lead time such that the expanded and/or alternative facilities are provided before the existing facilities become overloaded (or cause effluent violations).
- The permittee shall maintain a continuing annual program for reducing infiltration and inflow in the sewage collection system. Annual progress reports shall be submitted by October 1st, summarizing activities of the past 12 months and indicating those reduction activities scheduled for the next 12 months.
- Prior to July 1, 1982, the permittee shall submit proposed infiltration/inflow (I/I) workload indicators to the Department for approval. As a minimum, those indicators shall include: detailed line item budgeted amounts versus actual expenditures, length of sewer sealed, lined and/or replaced, manhole defects repaired, private I/I sources identified and/or corrected, and flow data from key sub-basin monitoring stations, correlated to rainfall and groundwater conditions. Once approved, these workload indicators shall be the basis upon which the annual reports required by Condition C2 above are evaluated as "satisfactory" or "deficient". A progress report shall be incorporated into the October 1, 1981, annual report required by Condition 2, Schedule C of this permit.
- The permittee is expected to meet the compliance dates which have been established in this schedule. Either prior to or no later than 14 days following any lapsed compliance date, the permittee shall submit to the Department a notice of compliance or noncompliance with the established schedule. The Director may revise a schedule of compliance if he determines good and valid cause resulting from events over which the permittee has little or no control.
- Construction of sewer extensions and connections thereto is permitted as long as the added wasteload will not cause any of the limitations of this permit to be exceeded, and provided that plans and specifications are submitted to and approved by the Department of Environmental Quality as required by ORS 454.415.



CITY
OF SALEM,
OREGON

City Hall / 555 Liberty St.
Zip Code 97301

Public Works Department

August 31, 1983

Mr. John E. Borden, P.E.
Regional Manager, Willamette Valley Region
Department of Environmental Quality
895 Summer Street N.E.
Salem, OR 97310

RE: Environmental Quality Commission
Status Report

Dear Mr. Borden:

Enclosed you will find the City's status report for the Environmental Quality Commission (EQC). To meet our August, 1983 deadline I have sent this to you without your comments on the draft. If you have any comments or would like sections revised, please let me know. I understand this report will be presented to EQC in October, 1983. If you need City staff to attend, please let me know when and where that meeting would be.

Thank you for your August 25, 1983 letter. I have also reviewed your August 22, 1983 letter to Mayor Harris. I have a few questions for you, based upon my understanding of these letters.

1. As the City grows, with new industries, etc., how will the City expand its present allocation or will the City be required to improve treatment levels? Other options are land disposal, waste water recycling, etc.
2. It is my understanding that the allocation process attempts to limit oxygen demands in the Willamette River. Boise's NPDES permit allowance for NH₃-N is substantial. How will that factor be treated in the allocation discussions?

Very truly yours,

Thomas Heinecke, P.E.
Acting Planning Engineer

TH:gks

cc: Rosalind A. Daniels, Assistant Director of Public Works/Engineering
Frank Mauldin, Assistant Director of Public Works/Operations

RECEIVED

SEP - 6 1983

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALEM, OFFICE

SALEM SEWAGE TREATMENT & COLLECTION FACILITIES
STATUS REPORT
TO
ENVIRONMENTAL QUALITY COMMISSION
AUGUST 1983

INTRODUCTION

In 1981, the City of Salem and the Oregon Department of Environmental Quality (DEQ) entered into a Stipulation and Final Consent Order as a part of the National Pollutant Discharge Elimination System Waste Discharge Permit (NPDES permit). This was deemed necessary by DEQ because of prior violations of the permit requirements at both the Wallace Road Treatment Plant and the Willow Lake Treatment Plant. This order allowed for the relaxation of discharge requirements and the partial forgiving of past violations, in exchange for which the City agreed to attempt to meet several conditions and compliance schedules. Summarized, those conditions were to remedy problems at the Wallace Road Treatment Plant, develop a plan to provide future capacity and improved treatment at the Willow Lake Treatment Plant, and to aggressively attack inflow and infiltration problems to eliminate bypasses as soon as practical.

This order and the City's NPDES permit will again be reviewed in December, 1985 for compliance.

As part of the Environmental Quality Commission's (EQC's) approval of the Consent Agreement, a status report is due this summer. This document represents that status report.

The discussion will be broken into the following sections:

- Treatment System Progress
- Collection System Progress
- Future Priorities/Expected Work Program

TREATMENT SYSTEM PROGRESS

Willow Lake Treatment Plant

In April, 1982, the City contracted with CH2M-Hill to develop a Facilities Plan for the Willow Lake Treatment Plant. That plan, after revisions, was received this summer. The purpose of that plan was threefold:

1. To evaluate the current conditions at the Willow Lake Treatment Plant;
2. To suggest ways in which the existing treatment plant can be best used during current and future conditions; and
3. To evaluate alternatives and develop the best approach for modifying and/or expanding the existing treatment plant to enable it to successfully treat projected wastewater loadings through design year 2005.

That plan, if implemented, will require approximately \$30 million worth of improvements by the year 2000.

Boise Cascade Lagoons

In 1982 CH2M-Hill was contracted to study the use of the Boise Cascade lagoons. With the closure of Boise Cascade's paper mill, the lagoons were available, and the City chose to look into the possibility of the City acquiring them for the treatment of food processing wastes. City staff and a Council representative met with Mr. Bill Young, DEQ Director, to discuss the possibility of obtaining a waste discharge permit if the lagoons were used for food processing wastes. Although no agreements were made, the contract with CH2M-Hill proceeded. The results of their study show an approximate annual cost savings of \$400,000 per year, still meeting year 2005 requirements. The Boise Cascade lagoon issue will be reviewed very carefully over the next four to six months, hopefully with a decision by fiscal year 1984-85. This could make a substantial change in the City's treatment system.

One of the problems leading to the Consent Order concerned effluent pH violations at Willow Lake. This problem has since been corrected with a hydroxide pH adjustment facility installed in 1982. However, expansion of the hydraulic capacity will likely still be necessary, depending upon the results of the SSES Program, and future growth in the City.

Wallace Road Treatment Plant

The Wallace Road Treatment Plant, has an average daily design capacity of approximately 0.4 MGD, and a peak hydraulic load of 0.8 MGD. The Stipulation and Final Consent Order states that the plant has experienced peak loading of up to 2.0 MGD during the winter months, bypassing directly to the Willamette River at River Mile 80. The plant is being abandoned late this fall. The City is installing a 5 MGD pump station and force main to the Willow Lake Treatment Plant and is presently on schedule. The new pump station can be expanded with growth in West Salem to an ultimate capacity of 25 MGD. The proper operation of this pump station should eliminate the bypass problem at this facility. The City will monitor flows at the pump station and expand the pump station as future growth in West Salem dictates.

Sludge Management

The Biogro program at the Willow Lake Treatment Plant began in 1968. Production of a sludge in recent years has varied from about 1.5 million gallons per month during the months of December through April, increasing during the summer months peaking at slightly less than 5 million gallons per month during September and October. This five million gallons per month represents approximately 1.1 million pounds of solids per month on a day solids basis. try

The present yearly volume produced is approximately 30 million gallons, with year 2005 production estimated to exceed 40 million gallons.

The program has been taxed in recent years with longer haul distances, caused by high nitrate concentrates in the groundwater near the plant, and refusal of several local food processors to accept crops grown on sludge-amended soils.

In August, 1982, the City contracted with the consulting firm of Brown and Caldwell to evaluate sludge management alternatives and make recommendations concerning the future sludge management program. Their recommendation was to continue with a Biogro system, add a facultative sludge lagoon system and develop a dedicated land disposal site for a storage and back-up disposal system. However City at that time was still interested in comparing other disposal techniques (primarily agricultural) to the Biogro technique.

In FY 1982-83, the City Council authorized staff to proceed with an additional sludge disposal study that would have lead to at least a pilot program utilizing another sludge disposal technique to compare to Biogro or use in conjunction with Biogro. Due to other considerations, that study was carried over to the FY 1983-84 budget. As discussed earlier, the potential use of the Boise Cascade lagoons severely complicates the sludge disposal program. This study may be held in abeyance until a decision is made about the lagoons.

Also scheduled for FY 1983-84 is a hydrogeological study of a land disposal site(s) that would be a backup for the existing Biogro program or other "dynamic" disposal techniques. This backup system is particularly important for the winter months when wet soil conditions preclude the application of the sludge. The need for a backup system at Willow Lake is really independent of the Boise Cascade lagoon issue and will move ahead.

Overall Plans and Objectives

The City presently has two treatment plants: the Wallace Road Treatment Plant and the Willow Lake Treatment Plant. The Wallace Road Treatment Plant is being abandoned. The potential presently exists for the City to purchase the Boise Cascade lagoons, which have roughly 40 to 50 percent of the capacity of Willow Lake. It is proposed that this facility would treat the food processing wastes from Agripac (three plants), Stayton Canning, Truit Brothers, and Willamette Cherry Growers. At this stage in the proposal, the use of the lagoons for this purpose looks cost effective and would free up much of the capacity at Willow Lake for future growth.

It is presently the City's plan to utilize the Willow Lake facility as the City's only major treatment plant for domestic, commercial, and industrial wastes, with potential exclusion of the majority of the food processing industry, if the Boise Cascade lagoons prove to be an economically, politically, and environmentally acceptable option.

Depending upon the decision on the Boise Cascade lagoons, the Facilities Plan for Willow Lake developed by CH2M/Hill may need to be revised. Presently it does, however, represent the tool necessary to correct the problem and deficiencies at the plant.

COLLECTION SYSTEM PROGRESS

Sewer Evaluation Studies

In 1981, the City of Salem contracted with James M. Montgomery Engineering (JMM) in association with Kramer, Chin & Mayo and Westech Engineering, Inc. to do a sewer system evaluation study (SSES) in South Salem. For several years the City had been applying for an EPA grant to fund the project, but was not

successful. The contract with JMM was paid for with City funds and scaled down to just South Salem due to budget constraints.

South Salem was chosen because of its unfortunate status as the worst area in Salem. With the bypasses, basement flooding, manhole overflows, etc. present, this area was under a moratorium for further development. The South Salem area represents about 23 percent of the City's sewer system (141 miles of sewer lines out of approximately 630 miles citywide). Prior to 1981, there were 22 potential constructed bypasses in South Salem (discussed in more detail later). Because of its physical distance from the treatment plant, major increases in system carrying capacity from South Salem were very expensive.

The first year of the SSES project (phase 1) had the following goals for Salem's rehabilitation program:

1. Define projects to eliminate the bypasses to streams, creeks, and overflows in the South Salem system; and
2. Develop a methodology for reduction of infiltration/inflow (I/I) which can effectively be used throughout the City sewer system. The SSES methodology must define where major I/I problems exist, what the problems are, and how those problems may be cost effectively corrected.

In 1978-79, citywide approximately 58 structural bypasses were open. (See attached drawing.) By minor redesigning, check valves, etc. this number was reduced to 15 (citywide) by the winter of 1981-82. In the winter of 1981-82, nine constructed bypasses were still in operation in South Salem. Those bypasses diverted approximately 12 million gallons over a 14 day period that winter. For purposes of this report, a constructed bypass is a point in the sewer system where structural modifications have been made to divert sewage flows to another system (either to the storm drainage system or to another sewer line).

By the winter of 1983-84, we expect to have eliminated another three, possibly four structural bypasses in South Salem leaving five or six in the study area. We are now to the point (or will be by the summer of 1984) that further elimination of bypasses in South Salem will be dependent upon either large scale I/I removal projects or major carrying capacity improvements. A second rehabilitation pilot project scheduled for FY 83-84 should allow two of those left to be closed. A project scheduled tentatively for FY 86-87 should eliminate another two major bypasses, No. 57 and 59. (No. 57 was installed during the winter of 1982-83, with DEQ approval, to temporarily solve a health hazard problem in the Woodmansee Park and Judson Middle School area where overflows frequently occur to Pringle Creek.) The remaining bypasses are under study.

The second major goal of the phase 1 study was to develop a systematic approach to evaluating citywide I/I problems and eliminating them in a manner that could be documented for cost effective parameters. It was obvious from the lack of success in other communities that we needed to carefully decide how to spend our limited funds. The process developed is briefly as follows:

1. Determine overall problem areas. This can be done by researching known problems occurring and/or flow measurements.
2. Further define the problem areas in sub-basins small enough to analyze entirely.
3. Analyze the sub-basins.
4. Phase the rehabilitation work and monitor flow reductions through each rehabilitation phase through instantaneous and bottom of basin flow measurements.
5. Set flow reduction targets.
6. Stop the phased rehabilitation work when adequate flow reduction has been achieved or additional expected rehabilitation costs no longer justify expected flow reduction.
7. Work in small enough sub-basins that total rehabilitation is possible within budget and political constraints.
8. As best possible, from step 3 on, compare increased system capacity and treatment costs to estimated flow reduction costs to insure best use of funds.

This process was developed for several reasons:

1. In other communities area-wide piecemeal flow reduction programs generally have not worked, or a process was not developed to document flow reduction.
2. We wanted, as best possible, flow reduction/cost parameters for various kinds of rehabilitation work.
3. At some point, we expect it to be more cost effective to increase system capacity and improve the Willow Lake Treatment Plant than to continue I/I removal programs. We need the rehabilitation cost factors to accomplish this.

Phase 1 was completed by the City and JMM in October, 1982. Step 5 has been completed in eight major basins comprising the South Salem study area, and specific sub-basins in each of those basins have been identified for further work (step 4 on). This work involved the analysis of existing records (smoke testing, grouting, TVing, etc.), field inspection of over 2,000 manholes, and the overall consideration of approximately 141 miles of sewer mains.

Rough preliminary cost estimates to reduce flows to a point that the existing system (with some improvements) can handle a 10-year frequency rainfall event without bypassing is between \$5 and \$6 million. (This figure does not include the project to eliminate Bypass No. 57 and 59.) This assumes a phased rehabilitation program with very rough estimates of flow reduction and cost factors for various kinds of rehabilitation work. This phased work is estimated to reduce flows by roughly (very roughly) 25 to 30 million gallons per day during a 10-year frequency storm.

As part of JMM's phase 1 work, other notable projects that were accomplished include:

1. A data management program and hydraulic analysis computer program was designed for use on the City's system. The consultant's computer flow determinations has helped size projects along Commercial Street. Unfortunately, not all of the "bugs" are out of the City's version of the system.
2. A pilot rehabilitation program was started in the Skyline Sub-basin using the process described earlier. That sub-basin project, now complete, has reduced I/I by at least 75 percent. This winter's data will likely confirm a higher percent removal.
3. The City installed a long-term flow monitoring system at 21 particular locations throughout the city. This system is monitored and controlled by a computer at the Operation and Maintenance Headquarters. This \$500,000 investment is an American Digital System flow monitoring system, which is expandable. Presently, in our budget, we have plans to expand it by two more monitors. Tied into this system is a rain gage at the Operation and Maintenance Headquarters, which we can use to compare rainfall intensities to I/I peak flows occurring at each one of the monitor sites.

A notable project the City is continuing this year as part of the SSES program involves the total rehabilitation of a second pilot study area called the Missouri Basin. The project will include service lateral repair work similar to the Skyline project. The City has applied for and received a \$100,000 demonstration grant from EPA to help fund the project. This project is intended to eliminate two major bypasses, No. 35 and 1.

With this second pilot rehabilitation area, the City hopes to also improve costs estimates developed in the Skyline Project for each type of flow reduction technique, as well as the flow reduction to expect.

Another major project, the East Salem Interceptor will help to control surcharging manholes, flooded basements and streets, etc. This \$11 million project includes routing major flows through a new interceptor, along with leveling off winter flows when they begin to cause surcharging in the East Salem sewer system. It is anticipated that this system will allow flows up to 6.6 MGD beyond the capacity of the Market Street Interceptor and 4.5 MGD beyond the capacity in the Stortz Tank to be diverted to the new interceptor.

The attached figure shows the phases of work in South Salem complete or yet planned. The original SSES process developed required a minimum of three winters' flow data to complete. During the first winter, baseline flow data would be gathered with program areas and sub-basins identified. The second winter, the identified sub-basins from the first winter would be carefully measured, as well as the results of any flow reduction or rehabilitation work done on projects identified the first winter. The third winter would monitor the rehabilitation and reduction efforts in those areas determined by the second winter's work. It is turning out that, because of budget restraints and the processing of projects in the city, this total process is likely to take at least four winters worth of work, and may add a phase 4. The City is,

however, correcting obvious major problems, through every phase as they are encountered, budget and process permitting.

During this winter, the winter of 1983-84, we are beginning the Downtown Sewer Rehabilitation Study. It will be in its first phase, which means the City will be monitoring the various basins to gather baseline information to determine, as best possible, those sub-basin problem areas. We will also be trying to determine the effect of rehabilitation work done in prior years in the downtown area because of the urgency of the problems in that area. The City of Salem has already spent well over \$4 million in the Downtown Rehabilitation Area because of structural problems, failing sewers, etc. that needed immediate attention. The best we can do here is to see how effective the work was in those areas in terms of "Are they still leaking?," rather than how much flow was reduced. Because of the age of the system in this area, it is felt that significant additional work will be necessary.

With each one of these study areas requiring a minimum of three years to complete, the City of Salem is many years away from completing a city-wide sewer evaluation program. It would take at least nine to twelve more years to complete such a program at this rate, realizing that the program includes actual rehabilitation efforts. At the end of that time period, it is expected that the City of Salem sewer collection system would be rehabilitated to the level most cost effective.

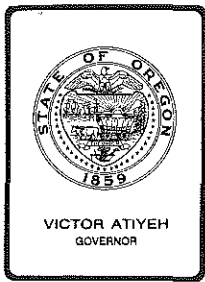
During the summer of 1984, we will be able to put together a major report discussing phases 1, 2, and 3 in South Salem, and giving overall direction to the citywide I/I removal program. This report is necessary because of the need for a complete facilities plan for the treatment plant and collection system, and also the need to meet other DEQ- and EPA-mandated goals.

FUTURE PRIORITIES/EXPECTED WORK PROGRAM

Present plans are to develop a total sewage facility system plan (treatment, collection, and disposal) during the spring and summer of 1984. (This may be optimistic if the Boise Cascade lagoon issue is not finalized.) This plan will combine our sewer evaluation study and its cost estimates for flow reduction with the estimated cost to increase capacity at Willow Lake as required for future growth and winter flows. At that time, we will not have eliminated all the bypasses in South Salem, at River Road North, at Union Street, or a few of the other frequently used bypasses particularly in the downtown area. As mentioned earlier, this process could easily take nine to twelve years depending upon study results and budget. Even with the City's ambitious effort at I/I reduction budget, spending a minimum of \$1.5 to \$2 million per year, and with the large scale projects such as the flow monitoring system, East Salem interceptor surcharge relief system, and the Wallace Road Treatment Plant elimination, it will take time to eliminate most, if not all, of the bypasses to surface waters other than the Willamette River, and other surcharge overflow areas.

With future growth of the city, including residential, commercial, and industrial growth, and the interest in the Boise Cascade Lagoons, future planning efforts will include a close review of the Salem area allocation to the Willamette River.

B/0278T/0001T



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: John E. Borden, Regional Manager
Willamette Valley Region

Subject: Agenda Item P, February 24, 1984, EQC Meeting

Significant Lane County Activities.

Attached is a summary of significant environmental activities in Lane County. A summary of activities throughout the Willamette Valley Region will be presented at a later EQC meeting.

The Commission was last in Eugene in April 1980. Since then, the Willamette Valley Region, Eugene Branch Office, has been closed and all field work is now done from the Salem Office. A desk and a phone are maintained at the Field Burning Office in Eugene for the use of any staff working in the Lane County area. A toll free "phone forwarding" line to Salem is available for Eugene area callers to use when staff are not at Eugene. The Region has maintained a satisfactory level of service in Lane County, as the attachment shows.

Significant Lane County Activities

Municipal Sewerage Projects

Creswell Major facilities upgrade under construction. Project is 65% complete and should be finished in the summer, 1984. The project was funded by a Community Development Block Grant.

Cottage Grove Major facilities upgrade under construction. Project is 75% complete and should be finished in the spring, 1984. The project was funded by an EPA grant.

Dexter Large community sand filter is complete and operational. The project was funded by an EPA grant.

Lowell Preliminary investigation of eliminating the discharge of treated sewage into Dexter Reservoir has begun.

Oakridge A sludge management program in conjunction with the U.S. Forest Service is being investigated. The sludge would be used on Forest Service land in a tree growing operation.

Metropolitan Waste-water Management Commission (MWMC) As of February, 1984, grants totaling \$71.5 million had been awarded for construction of the MWMC regional sewerage project serving Eugene and Springfield. Total project costs may reach \$96 million. Facilities status:

- Regional Sewage Treatment Plant: Very close to completion. Initial testing has begun and will become fully operational later in 1984.
- Seasonal Industrial Waste (Spray Irrigation), Agripac: Very close to completion. Leakage test of the lagoon is being done. Will be operational for the 1984 canning season.
- East Bank Interceptor: Complete.
- Willakenzie Pump Station: Estimate completion in 1984.
- West Irwin Pump Station: Estimate completion in 1984.

--Sludge Program: Phase I involves dewatering and summer agricultural use/winter disposal at Short Mountain Landfill. A public hearing has been held at the request of EPA and EPA has issued a "Finding of No Significant Impact" on the Phase I proposal. Phase II may involve lagoon storage, air drying, then agricultural use. An EPA Environmental Impact Study (EIS) is underway on Phase II.

River Road/Santa Clara

A separate agenda item at today's meeting requests a hearing for rules addressing the identification of groundwater pollution problems in the State and remedial action to be taken. River Road/Santa Clara has septic tank induced groundwater contamination, and rules to address this specific problem will be developed after the statewide rules are adopted.

Florence-North Florence Dunal Aquifer

Based on the findings of a 208 study, the Region worked with Lane County to implement a moratorium around the Clear Lake watershed, as well as a new Regional Rule for the North Florence Dunal Aquifer. These rules were implemented to protect Clear Lake and its watershed, as these are the current and future water supply sources for Florence.

Industrial Wastewater Projects

Kingsford Company, Springfield	An application has been submitted to discharge contaminated runoff and washdown water into the McKenzie River.
Springfield Quarry Rock Products, Springfield	A new settling pond was constructed in 1983 to eliminate discharge of turbid waters.
Willamette Poultry Products, Creswell	An engineering evaluation of their wastewater treatment facilities is being completed to determine if a plant expansion will have a significant impact on them.
Widing Transportation, Springfield	This facility has closed. Ponds that received chemical truck washings had the sludge removed and were filled in. Monitoring wells have been established on site to monitor any groundwater contamination.

Hazardous Wastes

Safety-Kleen Corporation, Springfield, was licensed in 1983 to collect and store parts cleaning solvents (hazardous wastes) their company distributes and then collects for re-use.

Superfund candidates that will receive preliminary assessment in 1984 are the following:

Auto Chlor, Eugene
Pacific Resins, Eugene
U.S. Plating, Eugene
Valley Plating, Eugene
McKenzie Chrome Plating, Springfield

Superfund candidates that have been inspected and are receiving further review are the following:

Southern Pacific, Eugene
Laurence-David, Eugene

Solid Waste

Short Mountain
Landfill

Short Mountain is the major regional landfill serving Lane County and reportedly receives over 1000 tons per day. The Landfill was authorized to accept dewatered MWMC sludge for a 5-year period, provided a new monitoring well network (6 new wells) and a major leachate storage lagoon expansion were completed. Both the new monitoring well network and new lagoon expansion were completed in October. The new lagoon system provides over 12 months' storage (24 million gallons), so all land irrigation programs can now be limited to the months of June, July and August.

Creswell and Cottage
Grove Landfills

Final closure plans and closure permits were approved for both of these Landfills. They will now close by May, 1985. The preliminary findings of the Creswell Groundwater Study show the old landfill has not impacted wells on adjacent properties, nor is impact likely.

Florence Landfill

The old sludge pit at the Florence Landfill was phased out and replaced by sand filtration beds that will be cleaned out annually. Depending on monitoring results in 1984, underdrainage from the new beds will be collected and discharged to a lined lagoon for ultimate spray irrigation.

McKenzie Bridge
Landfill

Due to potential future leachate concerns, the McKenzie Bridge Landfill was terminated and converted to a transfer station in September.

Oakridge Landfill

Based on the success of the revised operational plans and methods implemented at the Oakridge Landfill during 1982 and 1983, this site has been removed from its "open dump" status. It was reclassified as a sanitary landfill upon re-issuance of a new 5-year permit in October.

Glenwood RDF

The mothballed Glenwood RDF Facility will be dismantled and sold. Invitations for bid have been sent out and acceptance of proposals will likely occur in March, 1984.

Air Quality

Lane Regional Air Pollution Authority (LRAPA)

LRAPA is responsible for the air quality program in Lane County. DEQ had reserved air jurisdiction for Weyerhaeuser, Springfield. In 1982, DEQ transferred the mill to LRAPA.

Mobile sources in Lane County are under DEQ jurisdiction. The carbon monoxide non-attainment State Implementation Plan developed in cooperation with the Lane Council of Governments projected compliance by 1985. Air monitoring data indicates that reasonable progress towards meeting this goal is being made.

A summary of LRAPA's significant activities in 1983 is attached.

Attachment

Mark Whitson:WR
378-8340
2/2/84

LANE REGIONAL

AIR POLLUTION AUTHORITY



Donald R. Arkell, Director

M E M O R A N D U M

TO: Environmental Quality Commission
FROM: Donald R. Arkell, Director, LRAPA
DATE: February 9, 1984
SUBJ: Summary, Significant Activities 1983

The Lane Regional Air Pollution Authority (LRAPA) had a busy year in 1983. The Authority's staff and Board addressed a number of significant projects in 1983, including:

*Woodstoves

The first public hearing in Oregon on HB 2235, the "woodstove bill," was held by the LRAPA Board in February. The Board received testimony from various interested citizens and representatives of industry, special interest groups, and government agencies, including the former Chairman of the EQC. LRAPA took a strong supportive position for the woodstove bill and presented testimony before the House and Senate Committees on a number of occasions.

The Authority is assisting in the development of recommendations from the Woodstove Advisory Committee through representation on the Committee.

Eugene/Springfield is one of several areas in Oregon where residential wood heating has been identified as a significant and growing source of air pollution. The Authority has expended considerable effort in its public information and education program to improve the operation practices and reduce emissions. The Authority, like the Department of Environmental Quality, feels that further measures may be necessary to ultimately control the problem, and we view HB 2235 as being a first step toward this goal. The Authority will continue to develop a data base through monitoring and will continue to track and participate in events leading to final resolution.

•Weyerhaeuser Pulp Mill

The Authority has assumed jurisdiction over Lane County's only kraft pulp mill, operated by the Weyerhaeuser Company in Springfield. The Authority has developed and maintained an active working relationship with Weyerhaeuser. The Company has completed the first year's operation of new electrostatic precipitators. Particulate emissions are considerably lower as a result of the new equipment. However, some unforeseen problems with Total Reduced Sulfur (TRS) emissions have produced minor excursions above allowed TRS levels, resulting in continuing efforts by the Authority and the Company to improve that part of the operation. LRAPA maintains an active surveillance of the kraft mill and has, on occasion, initiated enforcement action as appropriate.

•The Kingsford Company

The Kingsford Company, one of two charcoal manufacturing plants in Oregon, demonstrated compliance with the Authority's emissions standard in October. This followed several months of evaluating process modifications which allowed the Company to achieve compliance at a considerable savings. Kingsford's success in a continuous program of emission reduction is a key element of the Eugene/Springfield AQMA Plan for Particulates.

•Community Involvement

LRAPA actively participates with the Cities and County in various community planning and economic development programs. Fostering diversified industrial development and maintaining clean air are two important objectives in Lane County. It is a common belief that this kind of ongoing cooperative planning among the involved agencies is an important factor in achieving these goals.

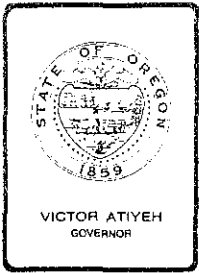
LRAPA provides for Lane County a complete, locally controlled air quality management program. There is a high percentage of compliance with rules and regulations, and there are no current variances from the Authority's rules. The ability of LRAPA to assume full responsibility for federal and state requirements while responding to local needs is generally viewed as a distinct advantage to the community.

ENVIRONMENTAL QUALITY COMMISSION

Lunch Meeting
February 24, 1984

AGENDA

- | | |
|---|--------------------|
| 1. Legislation | Stan Biles |
| 2. Schedule for Woodstove Rule
Adoption | John Kowalczyk |
| 3. Jackson County Vehicle Testing | John Kowalczyk |
| 4. Schedule for Future EQC Meetings | Carol Spletstaszer |
| 5. Final Federal Authorization--
Hazardous Waste Program | Rich Reiter |



Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207

MEMORANDUM

To: Environmental Quality Commission Date: 2/14/84
From: Fred Hansen
Director
Subject: Legislative Concepts

Attached for your information are the initial legislative concepts for DEQ for the next session. We'll be discussing these concepts with you during lunch on February 24 in Eugene. This is not necessarily a final list. I may be adding to it later on.

/cs

Attachments

LEGISLATIVE CONCEPT FORM

AGENCY DEQ
PROGRAM AREA Solid Waste
CONTACT PERSON Richard Reiter
PHONE 229-6434

CONCEPT NUMBER _____
SUBJECT/TITLE Oil and Hazardous Material
Emergency Response & Remedial
Action Fund

RECOMMENDED DESIGNATION (circle) (A) B C
POLICY EFFECT: Major X Minor ___ None ___

Concept (What): Create a 1 million dollar revolving fund to be used for the following purposes:

- 1) Up to 50% to provide 90% grants to local governments to organize regional oil and hazardous material emergency response teams. Grants to be used for financing response vehicles; prepositioning of first response containment equipment and supplies, emergency communication equipment and personnel safety equipment.
- 2) Up to 20% to provide regional training opportunities to local and state oil and hazardous material response personnel. Training to be made available through community colleges and state colleges/universities.
- 3) Up to 10% to state emergency response agencies to finance prepositioning of first response containment equipment and supplies, emergency communication equipment, personnel safety equipment and contracting for investigating environmental contamination or spill cleanup in the absence of a responsible party or timely action by responsible party.
- 4) Up to 10% to provide state match for planned remedial actions financed by federal "Superfund" (Comprehensive Environmental Response, Compensation and Liability Act) program.

(continued)

For Governor's Office Use Only

This concept is designated:

___ A (Governor's Program)
___ C (Agency-Option Bill)

___ B (Supported Agency Bill)
___ D (Not Approved)

Comment _____

Signed _____

- 5) Up to 10% to provide for administration of Oil and Hazardous Material Emergency Response and Remedial Action Fund.

The revolving fund is to be created by a transfer assessment. The transfer assessment would be charged against the first transfer of bulk oil or hazardous materials (i.e., gasoline, fuel oil, chlorine, caustic soda, pesticides, etc.) into-the-state, out-of-the-state or through-the-state. An assessment of one to five cents per barrel (42 gallons) of bulk oil or hazardous material should be able to generate and maintain a 1 million dollar revolving fund.

The Environmental Quality Commission shall adopt the rules necessary to make funds available to local government and state agencies including the Department of Environmental Quality. The Department of Environmental Quality shall administer the fund.

Purpose (Why): The state of Oregon through the Oregon Accident Response System (OARS) assists local government in the response to oil and hazardous material spills. When the spill exceeds the capability of local government, the state becomes the primary responder. Principal state response agencies are DEQ, Health Division, EMD, OSP, ODOT, F&W, DOF and Parks. Secondary state response agencies are PUC, Dept. of Ag., Fire Marshal, APD, OSU-Extension Program, Atty. Gen, Military and Traffic Safety Commission.

A major pesticide spill into Willow Creek during June 1983 and several major gasoline spills in November and December of 1983 were critiqued by the OARS Council (The Council has one representative from each of the agencies mentioned above). The critiques have identified areas of major deficiencies that need to be corrected if local and state agencies are to provide timely and effective emergency response in the future. Except for some of the major urban areas, local government throughout the state is very ill-prepared (equipment and training) to respond to a major oil or hazardous material spill. Likewise, state agencies were found to be ill-prepared to step in on major spills when local government cannot adequately respond.

As Oregon industry diversifies, more and more oil and hazardous materials will be moving into, out-of, and through-the-state increasing the possibility of spills. To be prepared, local and state government need to improve their response capability while at the same time ensuring proper training and personal protection for their employees. Current budgets do not contain adequate revenues to significantly improve local and state response capability.

In addition to future spills, the Department of Environmental Quality and EPA have been examining past industrial practices to learn if there are any sites containing hazardous chemicals that are or may pose a threat to public health and safety. While no major problems on the order of a Love Canal have been uncovered, a number of smaller problems in need of remedial action have been identified (i.e., Gould Battery, Portland; Teledyne Wah Chang, Albany; and United Chrome, Corvallis).

Although the Department believes there are responsible parties capable of financing the cleanup in these three cases, sites may be uncovered where the responsible party is unknown or refuses to take timely action. In order for Oregon to take advantage of the federal Superfund program, the state must be prepared to provide a 10% match on privately owned sites and a 50% match on publicly owned sites. In the absence of a fund such as proposed, the Oregon legislature would have to allocate general fund dollars for the required state match on a case-by-case basis.

In addition, the Department's assistance has been requested to dispose of drums washed up on Oregon beaches, abandoned alongside state highways or abandoned on other local and state property. In the absence of a fund, the Department has used money from its operating budget to help out local government or other state agencies. Because there is no specific money for this purpose, and considering that DEQ does not have the proper equipment or personnel safety gear to do this correctly, we've assumed liabilities for the state that may not have always been appropriate. Nonetheless, the Department felt compelled to take some action rather than no action.

Fiscal Impact:

Revenues: Up to 1 million dollars per year from a transfer assessment on oil and hazardous materials.

Expenditures: Up to 1 million dollars per year to improve local and state oil and hazardous material emergency response and planned remedial action capability.

Agencies and Persons Affected:

Parties Contacted: OARS Council generally; Health Division, PUC, Dept. of Energy, and EMD, specifically; and Multnomah County Fire District 10. Positive support for the development of a program and stable funding source to insure statewide, effective emergency response capability.

Parties not Contacted: Handlers of oil and hazardous materials who would be responsible for paying the transfer assessment. While industry does not like to pay more, the monies will go to a program that may materially reduce, on a case-by-case basis, a spiller's future liability. This occurs because the actions taken in the first 30-60 minutes after a spill occurs can significantly reduce the spread of contamination and possible public exposure. Anytime the spill is contained and controlled early, the ultimate cleanup costs to the spiller are reduced. Almost all spills of oil and hazardous materials involve new materials that are being transported to a user rather than waste oil or hazardous waste intended for discard.

The state Revenue Department has not been contacted, but they are the likely agency to collect the transfer assessment. Since the tax is imposed very early in a commodities transfer into, out-of or through-the-state, the number of potential payers is low in number.

Interest Groups Affected:

<u>Group</u>	<u>Probable Opinion</u>
Local police, fire and emergency managers	Probable support for a source of revenue that will enhance their first response capability.
State Agency's involved in emergency response (i.e., OARS members)	Probable support for the same reason as described above.
Public	Likely support for any program that will improve government's ability to minimize the impact of spills that threaten their environment, health or safety.
Handlers of bulk oil and hazardous materials shipments	Probable support because improved local and state response to a spill may significantly reduce the ultimate cleanup costs. On the other hand, there will be some concern over another charge to pay.

LEGISLATIVE CONCEPT FORM

AGENCY DEQ
PROGRAM AREA Solid Waste
CONTACT PERSON Richard Reiter
PHONE 229-6434

CONCEPT NUMBER _____
SUBJECT/TITLE Environmental Notice
RECOMMENDED DESIGNATION (circle) A B C
POLICY EFFECT: Major Minor None

Concept (What): A 1979 Attorney General's opinion (40 Op. Atty. Gen. 188 - 1979) indicates that the Department is legally unable to provide to prospective purchasers of real property information on possible environmental hazards that may exist on parcels of real property in Oregon in the most effective manner (i.e., in the deed records). Principal examples of environmental hazards are the many historical solid waste, industrial wastes and hazardous waste landfills that are closed but remain in public/private ownership. Without statutory change, only information affecting title transfer can be recorded, rather than other important information that may affect uses or values of the land. An extreme example of a possible adverse effect is the disturbance of a landfill's final cover which creates an environmental or public health threat due to direct exposure, release of toxic gases or accelerated leachate generation. In the absence of change, the status quo of "buyer beware" remains in effect relative to these known, existing conditions.

Purpose (Why): In the absence of new legislation allowing the recording of factual information on environmentally hazardous conditions, buyers of property are on their own to identify all hazards and use restrictions on lands they intend to purchase. If these hazardous conditions or use restrictions are discovered only after purchase, the buyer may be prevented from developing the property as intended, may create a worse hazard because of an incompatible use or construction disturbance or may incur substantial costs to remove the hazard.

(continued)

For Governor's Office Use Only

This concept is designated:

A (Governor's Program)
 C (Agency-Option Bill)

B (Supported Agency Bill)
 D (Not Approved)

Comment _____

Signed _____

If adopted, the requirement for an environmental notice would serve to further full disclosure during property transactions and serve to ensure all parties have the same information upon which to judge the property's value. Conversely, since these environmental notices are intended to record environmental hazards or land use restrictions, they will serve to lower a property's value. On balance, however, the benefits to society in protecting public health, safety and welfare should outweigh the loss of economic value that a few parcels of real property would experience in Oregon.

Fiscal Impact: Because of the relatively few notices that need to be filed, the Department could accomplish this work with existing staff as part of its compliance and enforcement activities in solid waste and hazardous waste operations.

Agencies and Persons Affected:

No contacts made.

Interest Groups Affected:

<u>Group</u>	<u>Probable Opinion</u>
County Clerks	May object to the additional work to file more notices and DEQ's proposal to modify ORS 205.130.
Environmental & Consumer Advocates	Probable support since it provides environmental and public health protection and serves to promote full disclosure of known facts in a proposed property transaction.
Buyers of Land	Probable support since they will know up front what they're buying.
Sellers of Land	Neutral or lack of support since an environmental notice will likely cause a decrease in land value.

LEGISLATIVE CONCEPT FORM

AGENCY DEQ CONCEPT NUMBER _____
PROGRAM AREA Field Burning SUBJECT/TITLE Field Burning Fees
CONTACT PERSON Sean O'Connell RECOMMENDED DESIGNATION (circle) A B C
PHONE 686-7837 (Eugene) POLICY EFFECT: Major__ Minor X None__

Concept: 468.480(1)(a) and (b) Revise the field burning fee structure from the present two-fee system (\$1/acre non-refundable registration fee plus additional \$2.50/acre burn fee paid if and when field is burned) to one which is based solely on a single non-refundable registration fee (eliminating the burn fee altogether) but which could be adjusted downward in any year by the EQC if the projected fund balance significantly exceeds budgetary needs. To support present expenditure levels, the new registration fee amount would have to be set at (i.e., up to) \$3.00 - \$3.30 per acre.

468.480(1)(a) In association with above, revise the registration deadline from April 1 of each year to May 1 in order to allow growers more time to better assess their registration/burning needs and to prepare for the increased registration fee payments.

Purpose: To improve stability and predictability of field burning revenues from year-to-year and to better match revenues to budget needs. Currently, under the two-fee system, program revenues are precariously dependent on burn fees and the amount of burning actually accomplished each year. The amount of burning is, in turn, affected by a number of unpredictable factors related to weather conditions. Revenues can therefore vary greatly from one year to the next (e.g., \$680,000 (FY80) versus \$914,000 (FY82)), often resulting in the accumulation of large reserves in the field burning fund. It also impedes long-term budget planning for smoke management and research. The amount of acreage registered, on the other hand, is quite steady from year-to-year and would therefore serve as a more solid basis for revenue.

To eliminate a major financial incentive for growers to burn illegally. Without an acreage-based burn fee, growers would be more likely to report the full amount burned.

For Governor's Office Use Only

This concept is designated:

- A (Governor's Program)
- B (Supported Agency Bill)
- C (Agency-Option Bill)
- D (Not Approved)

Comment _____

Signed _____

To reduce the workload of Department and local fire district personnel. Eliminating the burn fee would significantly reduce the workload of fire district permit agents and the Department's Field Burning and business office staff in collecting, forwarding, accounting and auditing the fee amounts paid and owed.

Fiscal

Impact: Negative fiscal impacts on the State should be minimal since the new registration fee would be set at an amount sufficient to compensate for lost burn fee revenues, and could be reduced by the EQC in any year having a significant budget surplus. The accumulation of monies in reserve in the field burning fund should be reduced.

Both positive and negative impacts on growers could be expected. Positive impacts include limiting and more effectively tailoring total revenue collected in the form of fee payments by growers to actual budget needs. Negative impacts would include the up-front payment of fees that are disconnected from the direct benefit (amount) of burning each grower might receive.

Agencies and Persons Affected: Willamette Valley grass seed growers and fire districts.

Parties Contacted: Oregon Seed Council: Tentatively opposed to up-front payment of fees not directly related to amount of burning accomplished, but interested in looking at details.

DEQ Business Office Staff: Supportive

Parties Not Contacted: Fire District Representatives (probably supportive) and various grass seed commissions (probably opposed depending on details).

Interest groups affected: None

LEGISLATIVE CONCEPT FORM

AGENCY DEQ
PROGRAM AREA AIR
CONTACT PERSON JFKowalczyk
PHONE 229-6459

CONCEPT NUMBER _____
SUBJECT/TITLE Wood Stove Retrofit tax credits
or Mandatory Labelling
RECOMMENDED DESIGNATION (circle) A B C
POLICY EFFECT: Major X Minor ___ None ___

Concept: Require all woodstove retrofit emission control systems sold in state to be labelled for emission and efficiency performance and provide 25% up to \$50 tax credit to purchaser of such device

Purpose: Woodstove Air Pollution is the most wide spread serious air pollution problem in the State. Weatherization and new stove certification programs now in existence will help alleviate the problem but are relatively long term solution. Application of retrofit emission control systems to existing wood stoves have the potential to reduce emission in the range of 50% in a relatively short period of time. Labelling of retrofit performance would provide consumers with more confidence and incentive to purchase such devices. Providing a tax credit would add a significant incentive for quicker and broader application of these devices.

Fiscal Impact:

Revenue: \$16,000/yr labelling Fee (Based on cost to certify 10 Retrofits/year)

Expenditure: \$16,000/year for Department work to certify Retrofits + \$1,000,000 tax credit/year based on 10% of existing stove owners applying/year.

Agencies and persons affected:

All existing woodstove owners, retrofit manufactures, and woodstove parts retailers.

Public Opinion:

Probable fairly strong support from broad range of people, groups and stove industry.

NOTE: There are significant safety and testing issues regarding retrofits that are not totally resolved at this time. Therefore, it appears that it may be prudent to wait until the '87 legislative to pursue mandatory labelling. In the interim, it may be possible to pursue a voluntary labelling program in the near future.

Based on experience in the 1983 Legislature it also would appear prudent to wait until the state Fiscal problems are resolved before pursuing tax credits.

LEGISLATIVE CONCEPT

AGENCY Dept. of Env. Quality CONCEPT NUMBER _____
PROGRAM Water Quality SUBJECT/TITLE _____
CONTACT PERSON K. Ashbaker RECOMMENDED DESIGN. (circle) A B C
PHONE 229-5325 POLICY EFFECT Maj ___ Min ___ None ___

CONCEPT (What): Amend ORS 454.425 to increase the statutory limit on Bonds for Privately owned sewerage facilities from \$25,000 to approximately \$250,000.

PURPOSE (Why): The current bond limit was established many years ago when \$25,000 would fund completion, repair or substantial replacement of most privately owned sewerage systems (typically subdivisions of 15 to 50 homes). If the bond requirement is to be continued, it should be set at a level to provide the protection intended. We are not aware of any case where the proceeds of this performance bond have been used to correct problems. In two recent cases where the department considered proceeding against the bond to secure improvements, the bond was either terminated or insufficient to provide for any timely or meaningful repairs. Sources have had problems obtaining \$25,000 bonds presently required. As a result, new rules are proposed for adoption to allow substitution of a cancelable bond for a portion of the bond amount for existing sources.

FISCAL IMPACT:

REVENUES: None

EXPENDITURES: None

AGENCIES & PERSONS AFFECTED:

PARTIES CONTACTED: (indicate support, opposition, no position)
None

PARTIES NOT CONTACTED: (indicate probable opinion)

Private System Owners--probable opposition based on increased costs and inability to obtain or afford a bond in a larger amount.

INTEREST GROUPS AFFECTED: (indicate probable opinion)

None identified

LEGISLATIVE CONCEPT

AGENCY Dept. of Env. Quality CONCEPT NUMBER _____
PROGRAM Water Quality SUBJECT/TITLE _____
CONTACT PERSON K. Ashbaker RECOMMENDED DESIGN. (circle) A B C
PHONE 229-5235 POLICY EFFECT Maj ___ Min ___ None ___

CONCEPT (What): Amend ORS 468.740 to allow the DEQ to issue permits for a period not to exceed 10 years rather than the current 5 year limit. (A similar bill passed the House in the 1983 session of the Legislature, but was tabled in the Senate Environment Committee. It was viewed as a relaxation of Oregon's environmental commitment.)

PURPOSE (Why): This amendment would allow the department to reduce paperwork for many sources where permits are now renewed with no change in conditions. The ability of the Department to propose modifications of permits where necessary to accommodate new information or changed conditions, no loss of regulatory control is anticipated. Limited Staff resources could then be directed to higher priority tasks. In addition, Federal Legislation is being considered which would allow Federal NPDES Permits (issued by DEQ in Oregon) to be issued for a period not to exceed 10 years.

FISCAL IMPACT:

REVENUES: No reduction in revenue would be expected for 5 years. After that, a slight reduction in renewal application fees would be expected.

EXPENDITURES: No reduction in expenditures would be expected. At best, it would allow the department to process required permits for an increasing number of sources without increasing staff above current levels.

AGENCIES & PERSONS AFFECTED:

PARTIES CONTACTED: (indicate support, opposition, no position)
None

PARTIES NOT CONTACTED: (indicate probable opinion)
L. B. Day--opposed bill in 1983 session.

INTEREST GROUPS AFFECTED: (indicate probable opinion)

League of Oregon Cities--probable support
Associated Oregon Industries--probable support
Environmental groups--will probably oppose if bill is characterized by anyone as a relaxation of requirements.

LEGISLATIVE CONCEPT

AGENCY Dept. of Env. Quality CONCEPT NUMBER _____
PROGRAM Water Quality SUBJECT/TITLE _____
CONTACT PERSON S. Olson RECOMMENDED DESIGN. (circle) A B C
PHONE 229-6443 POLICY EFFECT Maj ___ Min ___ None ___

CONCEPT (What): Amend ORS 454.705 to increase the amount of Bond required from Sewage Disposal Service Businesses from \$2,500 to at least \$10,000.

PURPOSE (Why): The current Bond is not adequate to pay the costs of completion or repair of poor workmanship on many of the On-Site systems currently authorized by DEQ rules. The statutory bond amount was established when systems cost \$500 more or less for installation. Current systems cost \$1,500 to \$8,000. Thus a bond that used to provide some consumer protection for 5 installations now covers one at best. If the bond is to provide any protection for consumers, it should be increased to achieve it's intent.

FISCAL IMPACT:

REVENUES: None

EXPENDITURES: None

AGENCIES & PERSONS AFFECTED:

PARTIES CONTACTED: (indicate support, opposition, no position)
None

PARTIES NOT CONTACTED: (indicate probable opinion)

Licensed Sewage Disposal Service Businesses--probably will be opposed due to increased bond costs. In addition, some will want to eliminate bond coverage since some (but not all) are covered by a Builders Board Bond.

Bond Companies--opinion unknown

INTEREST GROUPS AFFECTED: (indicate probable opinion)

DEQ Contract Agents--support is expected.

LEGISLATIVE CONCEPT

AGENCY Dept. of Env. Quality CONCEPT NUMBER _____
PROGRAM Water Quality SUBJECT/TITLE _____
CONTACT PERSON H. Sawyer RECOMMENDED DESIGN. (circle) A B C
PHONE 229-5324 POLICY EFFECT Maj ___ Min ___ None ___

CONCEPT (What): Enact amendment to ORS 454.725 to allow DEQ to contract with individuals or other government agencies to act as Agent for DEQ to issue permits and evaluate sites for On-Site Sewage Disposal Systems (Subsurface Sewage Systems).

PURPOSE (Why): The Attorney General's office has advised that current law limits DEQ to contracting with local governments. 24 Counties, through their Planning, Building, or Health Departments contract with DEQ to conduct the program. DEQ is left to provide service in 12 counties, most of which are sparsely populated. The potential exists to contract with qualified individuals in the area to provide better service at less cost than DEQ can provide. This added flexibility would help DEQ to plan for and provide better service while holding fees down.

FISCAL IMPACT:

REVENUES: Contracting has the impact of reducing fee revenues to the state.

EXPENDITURES: Contracting also reduces state expenditures. Since costs generally exceed revenues in the rural areas, additional contracting can benefit the state.

AGENCIES & PERSONS AFFECTED:

PARTIES CONTACTED: (indicate support, opposition, no position)
Tillamook and Willowa counties have inquired about the potential for contracting with private individuals as a means of providing better service at a lower cost.

PARTIES NOT CONTACTED: (indicate probable opinion)
Current employees of DEQ and Counties in the Program--Many would likely oppose contracting with private individuals for fear they would lose their jobs to private contractors.

INTEREST GROUPS AFFECTED: (indicate probable opinion)

Individual counties--some would support the added flexibility

LEGISLATIVE CONCEPT

AGENCY Dept. of Env. Quality
PROGRAM Water Quality
CONTACT PERSON H. Sawyer
PHONE 229-5324

CONCEPT NUMBER _____
SUBJECT/TITLE _____
RECOMMENDED DESIGN (circle) A B C
POLICY EFFECT Maj ___ Min ___ None ___

CONCEPT (What): Enact new legislation to regulate the installation, testing, and replacement of underground tanks used to store petroleum products, chemicals, or other substances which may pollute groundwater is leakage occurs.

PURPOSE (Why): The Department is increasingly becoming aware of groundwater pollution caused by leakage from underground petroleum storage tanks. Apparently, installation of such tanks is regulated by the State Fire Marshall and Local Building Codes--largely on the basis of Fire Safety. We are not currently aware of any requirements for testing after tanks have been in the ground to determine whether leakage is occurring. The Department has had difficulty in some cases getting owners of tanks to test their integrity when pollution of groundwater in the vicinity indicates that their tanks may be a potential cause of the problem. CLEAR AUTHORITY IS NEEDED FOR SOME AGENCY OF THE STATE TO REQUIRE TESTING OF EXISTING TANKS UPON DEMAND WHEN A PROBLEM IS SUSPECTED, ESTABLISH INSTALLATION AND TESTING STANDARDS TO PROVIDE EARLY DETECTION OF LEAKAGE.

FISCAL IMPACT:

REVENUES: Depending on the form of legislation, fees could be assessed to provide some revenue to assist in paying the costs of regulatory efforts.

EXPENDITURES: This legislation would increase state expenditures to fund the regulatory activities involved. Extent can not be determined until specific language is developed for the legislation.

AGENCIES & PERSONS AFFECTED:

PARTIES CONTACTED: (indicate support, opposition, no position)
None have been contacted to date.

PARTIES NOT CONTACTED: (indicate probable opinion)

State Fire Marshall--opinion on such a concept is unknown
Dept. of Commerce, Building Codes Division--opinion unknown

INTEREST GROUPS AFFECTED: (indicate probable opinion)

League of Oregon Cities--opinion unknown
Association of Oregon Counties--opinion unknown
Oregon Gasoline Dealers Association--opinion unknown, but opposition to increased costs is likely.
Other Associations of Petroleum or Chemical Manufacturers, Distributors, and Dealers--opinion unknown
Oregon Environmental Council--probable support.

LEGISLATIVE CONCEPT

Agency: Department of
Environmental Quality

Concept Number: NPC-4

Program Area: Noise

Subject: Plan Review

Contact Person: John Hector

Recommended Designation:

Phone: 229-5989

Policy Effect:

Concept: Add authority to require identified categories of noise emission sources to submit plans of proposed new and modified facilities for review and approval.

Purpose: At this time, major industrial and commercial facilities are installed and modified without the benefit of addressing potential noise impacts. This activity results in violations of noise standards thus requiring remedial action and the exposure of the public to excessive noise during the investigation and compliance period. It is evident that preventative noise controls, introduced at the initial planning stages, are much more cost efficient and protective of the public than remedial actions.

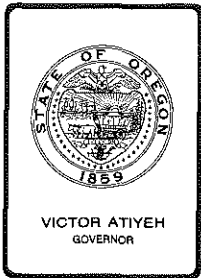
Fiscal Impact: This concept would require an additional 1 FTE to the budget. Funding could either be proposed as a General Funds position or incorporated into a permit fee program.

Persons Affected: This concept would affect major industrial and commercial sources that are developing or modifying facilities.

Interest Groups affected:

- a) A mandatory review of noise emissions prior to construction or modification would probably be opposed by industry associations.
- b) The general public would support preventative noise control capability.

NZ536



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: Luncheon Agenda Item, February 24, 1984, EQC Meeting
Woodstove Certification Rule Adoption Schedule

The schedule for adoption of Woodstove Certification Rules is now ready for finalization. Tentatively, the following schedule has been developed:

Tentative Woodstove Certification Rule Schedule

Feb. 27 Advisory Committee Completes Recommendations
Mar. 09 Mail Rule Package to EQC
*Mar. 16 EQC Authorizes Hearing (Telephone Meeting)
Mar. 20 Rule Package to Secretary of State for Notice Publication
Apr. 01 Public Hearing Notice Published
May 01 Hearing
May 18 Brief EQC on Hearing Results - Regular Meeting in Portland
May 25 Mail Final Department Recommendations to EQC
*June 08 EQC Adopts - Special Meeting in Portland
June 29 EQC Adopts (if delayed on June 8) - Regular Meeting in Bend

*Special EQC Meetings

Note that a special telephone hearing authorization would be needed on March 16 and a special adoption meeting would be needed on June 8 in Portland. There is not much flexibility in this schedule. The Hearing Authorization date could be slid a few days either side of March 16. The June 8 adoption meeting could be moved up or slid back a week or so.

Please review your schedules so we can finalize the meeting dates at our luncheon meeting.

Fred Hansen

John Kowalczyk:ahc
229-6459
February 15, 1984
AZ563



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Recycled
Materials



STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

Memorandum

To: Environmental Quality Commission Date: 1/31/84

From: Carol Spletstaszer *CS*

Subject: Locations for Future EQC Meetings

As you requested at your last meeting, I asked staff for recommendations on where future EQC meetings should be held. We'll ask for your final approval on this schedule at your February 24 meeting.

April 6 - Newport

1. Solid waste activities in Lincoln County.
2. Blue Magpie oil spill in Yaquina Bay (occurred 11/83).
3. NPDES permit for Georgia-Pacific, Toledo.

May 18 - Portland

1. Backyard burning rules.
2. Woodstove rules (?).

June 29 - Bend

1. Air quality in the Bend area.
2. Hazardous waste review of Deschutes Valley Farms (unless it is decided it needs to be discussed sooner).
3. Update of sewerage in the Bend area (drill hole program).

Future


1. We still need to meet in Medford on the vehicle inspection program, carbon monoxide non-attainment in Grants Pass and and update on air quality in Medford.
2. Pendleton or Hermiston. A field-oriented meeting can be planned to visit PGE Boardman, Chem Security at Arlington, Simplot feedlot. Possibly in August or September. There has been discussion about holding a meeting in Ontario, but it is a long way to go for possible interest of local issues. Pendleton or Hermiston could be substituted and still be in the general vicinity of the Eastern Region.



STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

Memorandum

To: Environmental Quality Commission Date: 2/23/84

From: Carol Splettstaszer 

Subject: Additional Testimony - Agenda Item L

Attached for your information is additional testimony on the request for a variance from noise control rules for the Salem YMCA. This letter was forwarded to us by Mathilda Gilles. The letter was originally sent directly to Mrs. Gilles.

/cs
Attachment

cc: Hansen
Downs
Hector
Haskins

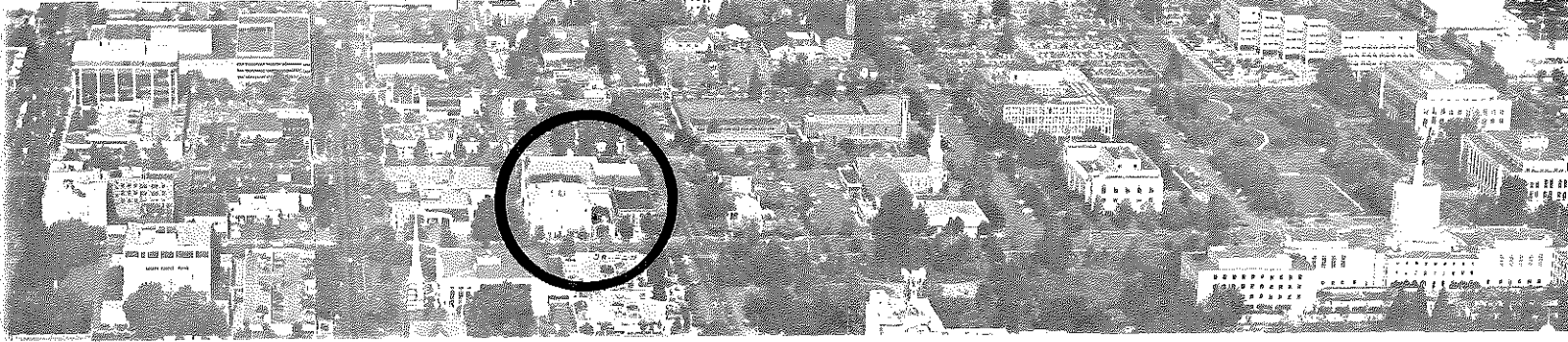
ALLAN HECKEL
3712 STANLEY LN S
SALEM 97302
2/20/84

DEAR TILLIE,

I JUST READ THE ARTICLE IN
TODAYS NEWSPAPER. FOR A TIME LAST YEAR
I LIVED IN APT. #25 WHICH IS ON THE ALLEY
ABOVE THOSE FANS MENTIONED IN THE ARTICLE.
THE NOISE THEY PRODUCE IS IN MY OPINION EXCESSIVE
FOR THOSE PEOPLE THAT LIVE ON THE END OF
THE BUILDING. I FOUND IT NECESSARY TO
WEAR EAR PLUGS TO BE ABLE TO SLEEP. IF
THE NOISE LEVEL IS THE SAME AS IT WAS
A YEAR AGO THEN YOU HAVE A VALID COMPLAINT.
IF I CAN BE OF FURTHER HELP LET ME KNOW.

SINCERELY,

Allan Heckel



**Salem Family
Young Men's Christian Association**

February 24, 1984



685 Court Street, N.E.
Salem, Oregon 97301
Telephone (503) 581-9622

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Mr. James E. Petersen
Chairman
Oregon Environmental Quality Commission
835 N. W. Bond Street
Bend, OR 97701

Dear Mr. Petersen:

First of all, I wish to thank you and members of the Commission for advancing my presentation to an earlier time.

I recognize that it is a difficult task for Commission members to grant a variance when the Department of Environmental Quality staff is recommending it be denied.

Our YMCA Board of Directors feel that our request is legitimate and will cause no health harm to any individual whatsoever. The YMCA has been in the "people business" for over one hundred years and our main objective is to provide and promote healthy practices and wholesome environment to our constituency.

For your record, the Salem Family YMCA received a certificate from the City of Salem, Department of Community Development, Building and Safety Division, for meeting all standards for safety and living environment. The YMCA installed one of the best smoke detector systems in the city throughout the apartment building. Also, last November, the Salem Family YMCA received one of the highest community health awards from Governor Victor Atiyeh for our health enhancement programs. The reason I point out this information is to let you and the staff know that we care about the health standards of our citizens contrary to what was stated in the newspaper by your staff.

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- RANDALL FRANKE
- JAMES G. HELTZEL
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- JAMES A. PERRY
- KRISTI PHILLIPPAY
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I am enclosing data taken by City of Salem officials on sound pressure levels. As you will note in your package, the noise levels inside the apartment building are all below State standards. The outside level exceeded the maximum by six (6) decibels by day time standards and seven (7) decibels by night standards. When we met with the Director of D.E.Q., he suggested that in order to meet required standards, one option to consider for controlling the noise level inside the building would be to seal the windows on the north side of the building. If this is true, we have, therefore, met these standards as stated in the readings of the City of Salem officials.

Gifts and Bequests to the YMCA Endowment Fund
are Investments in Youth.



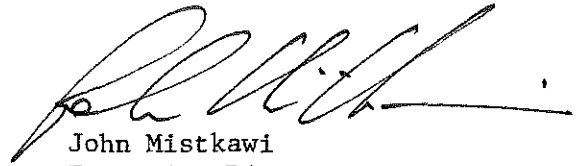
MEMBER UNITED WAY

2

Mr. James E. Petersen
February 24, 1984
Page 2

Again, we appreciate your time and your fair review of
our request.

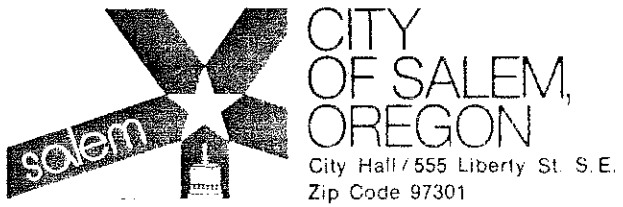
Sincerely,



John Mistkawi
Executive Director

JM:jec

Enclosures



January 28, 1982

YMCA
685 Court Street NE
Salem, OR 97301

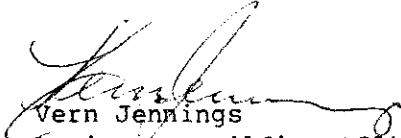
Dear Sirs:

RE: 695 Court Street NE, Salem, OR 97301

Reinspection of the occupied multifamily units 25 at the above-mentioned address on March 18, 1981 shows the structure to now be in conformance with the requirements of Title V of the Salem Revised Code.

Thank you for helping to improve this city's safety and living environment through your cooperation with our Community Conservation and Improvement Program.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Building and Safety Division, Room 320


Vern Jennings
Assistant Building Official (Commercial Housing)

C/0851D

CERTIFICATE OF INSPECTION

Housing Code Group R1 Occupancy

City of Salem, Oregon

DEPARTMENT OF COMMUNITY DEVELOPMENT – BUILDING AND SAFETY DIVISION

This certifies that the building at:

Address: 695 Court St NE Salem Oregon 97301

Use of Building: Multi-family

Portion of Building for Which This Certificate Is Issued:

1 structure 25 units

Owner: Y M C A
685 Court St. NE
Salem Oregon 97301

has been inspected on January 27, 19 82 and the above described portion of the building was found to comply with the requirements of Salem Revised Code Chapter 59 for Group R1 occupancy.

CODE CLASSIFICATION

Occupant Load: 50

Fire Zone: N/A

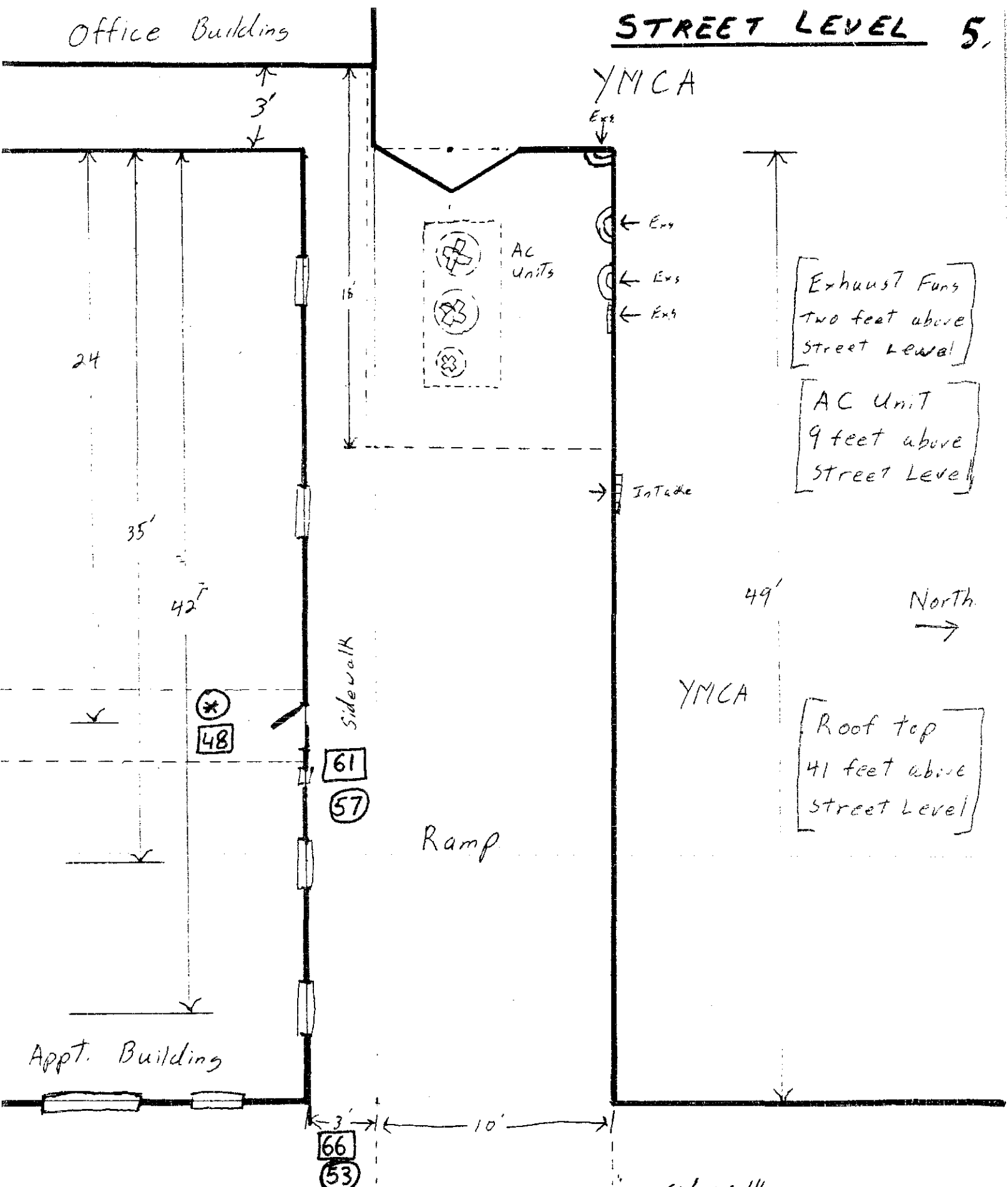
James Young
Building Official

This Certificate of Inspection shall be posted and maintained in a conspicuous place on the premises SRC 59.125 (b)

4.

Office Building

STREET LEVEL 5.

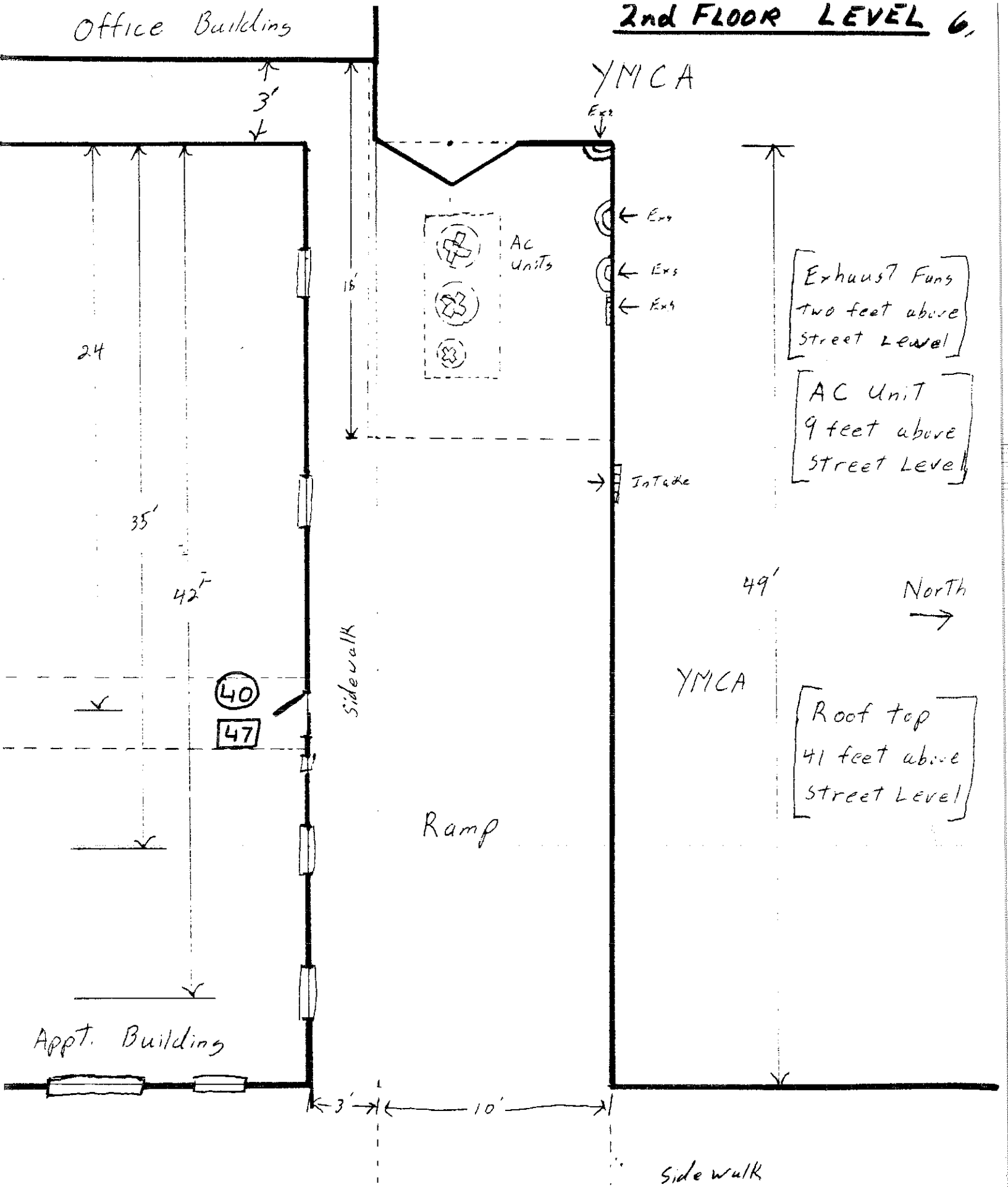


○ NIGHT Readings. □ Day Readings. * Less than 40 Decibels.

← Cottage street

2nd FLOOR LEVEL 6,

Office Building

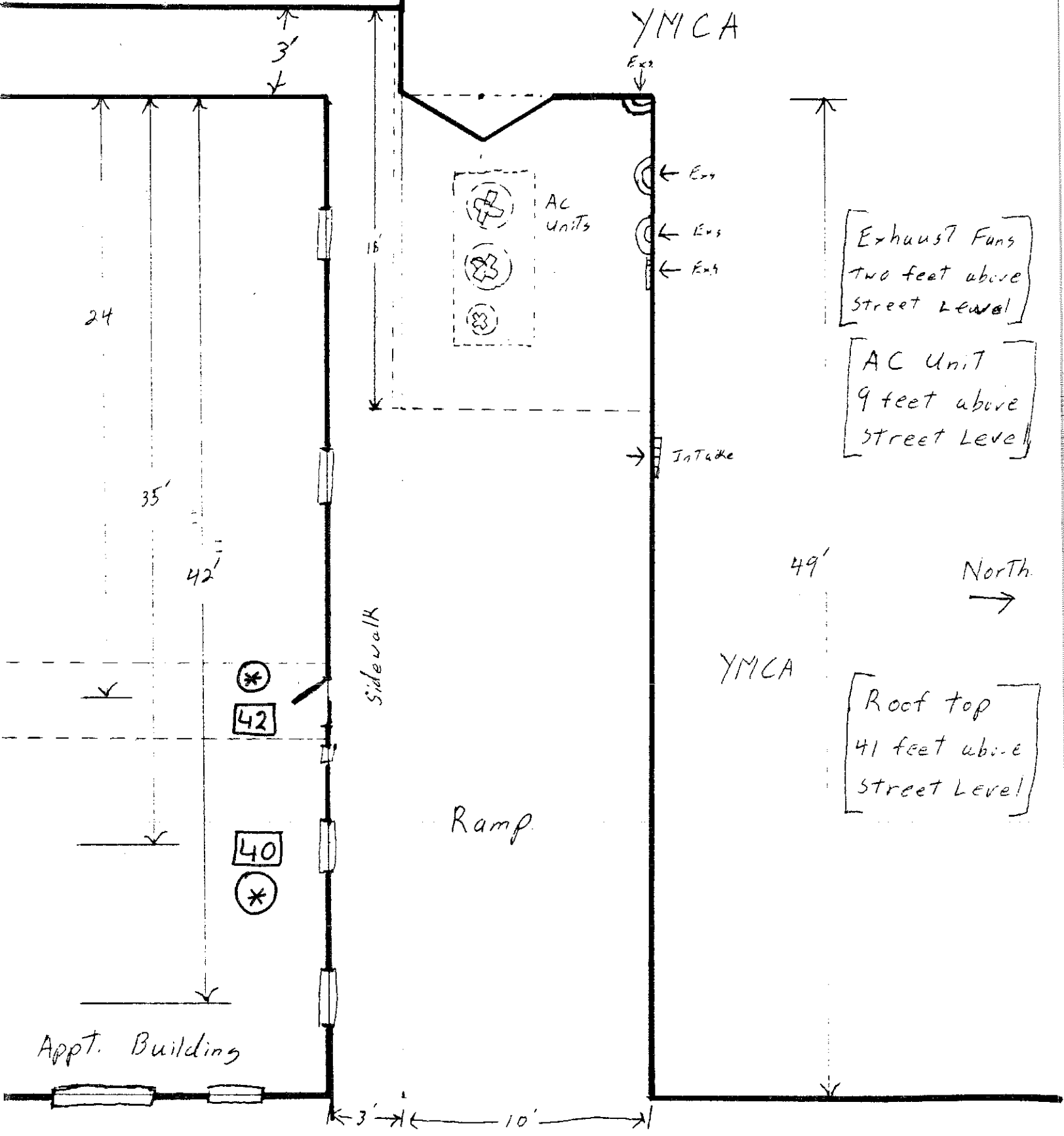


ONIGHT READINGS. □ DAY Readings. (*) Less than 40 Decibels.

← Cottage Street

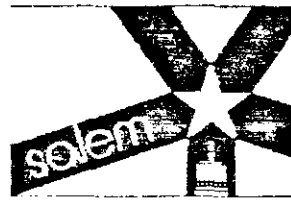
Office Building

3rd FLOOR LEVEL 7,



○ NIGHT Readings. □ Day Readings. * Less than 40 Decibels.

← Cottage Street



SOUND PRESSURE LEVEL DATA

SOURCE YMCA - Heat Pump/Ventilation
645 Court St NE

BY UK

COMPLAINANT Request by YMCA

DATE 2/22/84

SHEET 1/5

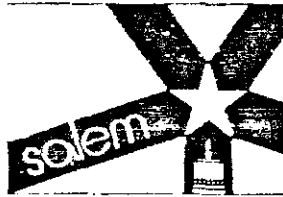
COMPLAINT DATE _____

Time	Bat. Ck.	Cal. dB	Dry	Wind
2133	✓	OK	✓	OK
2137	✓	OK	✓	OK
2137	✓	OK	✓	OK
2142	✓	OK	✓	OK

INSTRUMENTATION		
EQT	TYPE	SERIAL
SLM	1565B	9243
CAL	1567	16447
Windscreen		<input checked="" type="radio"/> ON <input type="radio"/> OFF

Measurement Position	Meter Fast/Slow	A Scale	L ₁	L _{10'}	L ₅₀	Peak Impulse
4 Residences/ Sidewalk	S	yes				65-66
Back door to 4 residences	S	yes				60-61

COMMENTS Heat pump in operation, Noise level constant, Readings
taken outside YMCA residence bldg



SOUND PRESSURE LEVEL DATA

SOURCE YMCA - Heat Pump/Ventilation
685 Court St NE

BY UK

COMPLAINANT Request by YMCA

DATE 2/22/84

SHEET 2/5

COMPLAINT DATE _____

Time	Bat. Ck.	Cal. dB	Dry	Wind
2210	✓	OK	✓	OK
2213	✓	OK	✓	OK
2214	✓	OK	✓	OK
2230	✓	OK	✓	OK

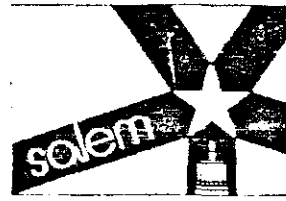
INSTRUMENTATION		
EQT	TYPE	SERIAL
SLM	1565 B	9243
CAL	1567	16447
Windscreen		<input checked="" type="radio"/> ON <input type="radio"/> OFF

Measurement Position	Meter Fast/Slow	A Scale	L ₁	L ₁₀	L ₅₀	Peak Impulse
Y Residences/ Sidewalk	S	yes				53
Back door to Y Residences	S	yes				56-57
Back door to Y Residences	S	yes				47

Heat Pump not operating

Both heat pump and fans not operating

COMMENTS Readings taken outside Y Residence bldg. Readings constant



SOUND PRESSURE LEVEL DATA

SOURCE YMCA - Heat Pump/Ventilation
685 Court St NE

BY UK

COMPLAINANT Request by YMCA

DATE 2/22/84

SHEET 3/5

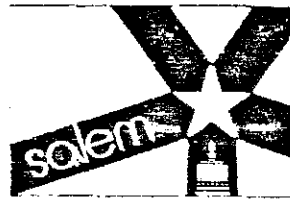
COMPLAINT DATE _____

INSTRUMENTATION		
EQT	TYPE	SERIAL
SLM	1565B	9243
CAL	1567	16447
Windscreen		<input checked="" type="radio"/> ON <input type="radio"/> OFF

Time	Bat. Ck.	Cal. dB	Dry	Wind
2144	✓	OK	✓	OK
2146	✓	OK	✓	OK
2149	✓	OK	✓	OK
2152	✓	OK	✓	OK

Measurement Position	Meter Fast/Slow	A Scale	L ₁	L _{10'}	L ₅₀	Peak Impulse
Approx 10' inside back door of 4 residences	S	yes				47-48'
Apt #26 at North window (window closed)	S	yes				40

COMMENTS Heat pumps in operation, noise level constant
Inside 4 residence bldg



SOUND PRESSURE LEVEL DATA

SOURCE YMCA - Heat Pump/Ventilation

BY UK

COMPLAINANT Request by YMCA

DATE 2/22/84

SHEET 4/5

COMPLAINT DATE _____

Time	Bat. CK.	Cal. dB	Dry	Wind
2153	✓	OK	✓	OK
2200	✓	OK	✓	OK

INSTRUMENTATION		
EQT	TYPE	SERIAL
SLM	1565 B	9243
CAL	1567	16447
Windscreen		<input checked="" type="radio"/> ON <input type="radio"/> OFF

Heat pump operating

Heat pump not operating

Measurement Position	Meter Fast/Slow	A Scale	L ₁	L ₁₀	L ₅₀	Peak Impulse
Hallway - N end of 2nd floor (window closed)	S	yes				41-42
Hallway - N end of 2nd floor (window open)	S	yes				56
Hallway - N end of 2nd floor (window open)	S	yes				45
Hallway - N end of 2nd floor (window closed)	S	yes				*

COMMENTS * Noise meter does not register readings less than 40 dBA
noise levels constant



CITY OF SALEM, OREGON
COMMUNITY DEVELOPMENT
BUILDING & SAFETY DIVISION

SOUND PRESSURE LEVEL DATA

SOURCE YMCA - Heat Pump/Ventilation
685 Court St NE

BY UK

COMPLAINANT Request by YMCA

DATE 2/22/84

SHEET 5/5

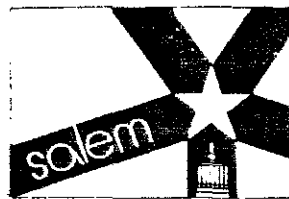
COMPLAINT DATE _____

INSTRUMENTATION		
EQT	TYPE	SERIAL
SLM	1565B	9243
CAL	1567	16447
Windscreen		<input checked="" type="radio"/> ON <input type="radio"/> OFF

Time	Bat. CK.	Cal. dB	Dry	Wind
2202	✓	OK	✓	OK
2206	✓	OK	✓	OK

Measurement Position	Meter Fast/Slow	A Scale	L ₁	L ₁₀	L ₅₀	Peak Impulse
Heat pump not operating N end of hall-1st floor (window closed)	S	yes				Approx* 40
Heat pump operating N end of hall-1st floor (window closed)	S	yes				47

COMMENTS * Noise meter does not register readings below 40 dBA
Readings taken in 4 residence bldg, level constant



CITY OF SALEM, OREGON
COMMUNITY DEVELOPMENT
BUILDING & SAFETY DIVISION

SOUND PRESSURE LEVEL DATA

SOURCE YMCA - Heat Pump/Ventilation
685 Court St NE

BY UK

COMPLAINANT Request by YMCA

DATE 2/22/84

SHEET 5/5

COMPLAINT DATE _____

INSTRUMENTATION		
EQT	TYPE	SERIAL
SLM	1565B	9243
CAL	1567	16447
Windscreen <input checked="" type="radio"/> ON <input type="radio"/> OFF		

Time	Bat. Ck.	Cal. dB	Dry	Wind
2202	✓	OK	✓	OK
2206	✓	OK	✓	OK

Heat pump not operating

Measurement Position	Meter Fast/Slow	A Scale	L ₁	L ₁₀	L ₅₀	Peak Impulse
N end of hall-1st floor (window closed)	S	yes				Approx * 40
N end of hall-1st floor (window closed)	S	yes				47

Heat pump operating

COMMENTS * Noise meter does not register readings below 40 dBA

Readings taken in Y residence bldg, levels constant



FROM THE DESK OF:
BROT BISHOP

It is the responsibility of the EDC
to regulate and control waste sources
so that impairment of the natural
quality of groundwater is minimized
to assure beneficial uses of these resources
by future generations.



United Way

Agenda Item #
Rec'd 2/24/84

February 23, 1984

As residents of an area that is often smothered with summer field-burning smoke, we do not feel that the D. E. Q. should give grass-seed farmers greater flexibility or allow nighttime burning.

Many nice summer days, we are forced to shut ourselves inside to avoid breathing the unhealthy smoke, even though we have outside work to do and the children would like to play in the fresh air.

We've lived in Oregon for six years and love the state, grass-seed farmers and all. We understand the complexity of making compromises in the field-burning issue. But the last two summers out here in Cheshire have been intolerable as far as smoke is concerned. To imagine the nights as smoky as the days were is a nightmare.

As for flexibility, it already seems that fires are set on days which do not turn out to be "good" burning days. (We've found this out when talking with some of the very courteous and informative people who man the Field-burning Complaint Line.)

On those "mistake" days, the smoke just hangs around forever while those of us trapped in our houses sigh and wonder if this is another day we'll have to go into Eugene to see the sky.

We "little" farmers out in the country deserve a summer, too. Many work in Eugene, having only evenings and weekends to enjoy the outside; that, and the health aspect, are important for the D.E.Q. to consider in balance to the very real economic necessity of the farmer.

Thank you for the opportunity to make these remarks; we appreciate that you're concerned with what we have to say.

Candace Syman-Degler
Michael Syman-Degler
26409 Valley View Drive
Chestire, Oregon 97419

Agenda Item H
Rec'd 2/20/84

To the Department of Environmental Quality:

We oppose the proposed rule change allowing field burning at night. We feel this practice will simply allow the sud council farmers to hide the pollution being inflicted upon us.

By increasing the hours that our air is filled with smoke, reducing our views and inhibiting our activities, field burners are proportionally increasing our frustrations over this issue.

In addition to health factors involved, we residents of the areas subjected to the accumulated pall are being robbed of our right to enjoy Oregon's brief sunny dry weather. To anticipate summer only to spend much of it indoors has become an annual disappointment.

We urge you to reject night burning, not to lower fines for violation, and to work toward preserving Oregon's reputation for a clean environment.

Margo M. Rae Ashcraft
Anthony J. Ashcraft
Cheshire, Oregon

LANE REGIONAL

AIR POLLUTION AUTHORITY



(503) 686-7618
1244 Walnut Street, Eugene, Oregon 97403

Donald R. Arkeil, Director

TO: Environmental Quality Commission
FROM: Don Arkeil, LRAPA Director
SUBJ: Agenda Item H, February 24, 1984, EQC Meeting

Public Hearing and Proposed Adoption of Open Field Burning
Rules, OAR 340-26-001 through 340-26-050.

The Board of Directors and staff of the Lane Regional Air Pollution Authority have reviewed the proposed changes to the Open Field Burning Rules, and offer the following comments.

The practice of field burning in the Willamette Valley generally presents a significant potential for severe smoke episodes in the populated areas of Lane County and, in fact, results in smoke intrusions into some communities, causing serious aggravation to sensitive people living in those areas. However, the Lane Regional Air Pollution Authority realizes that it is current state policy to recognize field burning as a necessary part of the grass seed industry. The Authority also realizes that state law mandates a program of smoke management by the Department of Environmental Quality to maximize permitted burning by growers of annual and perennial grass seed crops, while minimizing smoke intrusions into the population areas of the Willamette Valley. The Authority, through close association with the DEQ Field Burning Coordinator's office, is of the current opinion that the management of the field burning program has been largely successful in the last few years in satisfying these contradictory goals.

The Authority has concluded that several of the proposed rules should assist the Field Burning Coordinator by providing some additional discretion to regulate field burning based on real-time conditions. Other proposals provide some additional restrictions which, in general, fill some gaps in the current regulations, and otherwise simplify procedures and language.

The Authority believes that these proposals are not, by themselves, of a magnitude which would result in a greater or lesser incidence of field burning smoke in any one area. That, by and large, will continue to be the result of day-to-day monitoring of weather conditions, effective communications, and diligent surveillance during the burning season.

The Authority generally supports the package of proposed amendments, though we have some concerns:

1. The Authority supports extending priority area status to areas along both sides of major highways, which might further protect

the highway from smoke due to unusual wind shifts. However, the fine-tuning measure proposed here should accompany a general department review of priority burning and the residual problem of direct downwind impact on highways and small population centers.

2. The Authority is cautious in its support of the proposals relating to conditions under which test fires would be allowed. The Authority has occasionally questioned the use of test fires. In our view, the only purpose of conducting test fires is to reduce the uncertainty of plume behavior under marginal conditions. If the proposed minimum ventilation criteria are adopted, the proposed changes having to do with conducting test fires should minimize the risk of additional smoke problems.
3. The Authority supports the proposal to reduce the amount of acreage to be experimentally burned each year. Our support of this provision should not be construed as a means to increase a permanent burning program. We noted the DEQ staff report comment that a near-term alternative to burning is not yet feasible. However, we believe that the research program should continue to emphasize alternatives to field burning. Experimental burning should be one ingredient to minimize the effects of field burning smoke while work continues on alternatives.
4. The Authority supports restricting propane flaming operations which create a public nuisance or public safety hazard. Smoke emissions from propane operations have periodically been a source of complaints received by our office. There is a sense that propaning, which is now fully exempted, is increasing. If such is the case, the Department should be able to deal with additional resulting smoke problems. We would encourage review of propaning practices to determine if further control is needed.
5. The Authority supports the proposal allowing the Department additional authority to waive "drying-day" requirements under certain conditions. We would urge that some additional field surveillance occur on those days to confirm moisture content and evaluate smoke emissions likely to occur. Our support is conditioned on an automatic review of this proposed change after two seasons' experience.
6. The Authority's support of removing restrictions on the times of day in which burning could be allowed is based on the expectation that suitable meteorological conditions would be the only determining factor, and that nighttime visibility around airports would be protected. We would also expect that the enforcement effort would be maintained in the event that such burning occurred.

We appreciate the opportunity to comment on these proposed changes.

LIZ VAN EEUWEN
LINN COUNTY
DISTRICT 37

REPLY TO ADDRESS INDICATED:

- House of Representatives
Salem, Oregon 97310
- 27070 Irish Bend Loop
Halsey, Oregon 97348-9731



HOUSE OF REPRESENTATIVES
SALEM, OREGON

2/24/84

TO: Oregon Environmental Quality Commission
97310

RE: Proposed Field Burning Regulations

Dear Commission Members:

As State Representative for Linn County's House District 37, and personally, as a seed grower, I want to thank you for the positive efforts you are making to improve the Rules For Open Field Burning in the 9 Willamette Valley counties.

Attached is a copy of an August 9, 1983 letter to Governor Atiyeh from the Lebanon Area Chamber of Commerce asking for "a more reasonable, flexible application of burning regulations." Their basic concern is that burning rules be made more flexible to maximize burning when conditions are more favorable. The old rules often prohibited burning during the optimum hours for specific locations. I think you have begun to address their concerns with these new proposals. I would, however, request that you add the language on the bottom of page 15 to the section of 340-26-015 on the bottom of p.12 and the top of p. 13 so that the rules will be flexible enough to respond to item #2 on page 3 of the Lebanon letter. The section I'm requesting you to add says, "The Department may waive restrictions . . . above when dry fields are available as a result of special field preparation or conditions, irregular rainfall patterns or unusual high evaporative weather conditions."

I want to reiterate the concerns about propane burning of fields which I expressed to your director in a January 30th letter after reading the Jan. 6th rule change draft. Basically I'm supportive of much of the proposal, but do not feel it is fair to put such strict restrictions on the propaning of fields after removal of the straw. A field with a full load of straw can be lit, entirely burned and the smoke up and disapated in less than an hour. The same field takes hours and hours to propane, to say nothing of the added expense of removing the straw and the cost of the fuel and added operations. It takes long range planning of both work schedules and finances to propane, and once the straw is removed, a perennial grass seed farmer is trapped if he gets shut off from propaning. The burning treatment, in many grasses, is essential to having a paying crop the next season.

Another question raised by the proposed rules is in regards to ORS 468.450 (b) (2) which says: The Schedule shall give first priority to the burning of perennial grass seed crops used for grass seed production, second priority

to annual grass seed crops..., third priority to grain crop burning, and fourth priority to all other burning...

How does the deletion of OAR 340-26-010 affect this ORS? Does this enhance or lessen the opportunity for the burning of perennial fields? I hope you are aware that perennial fields have added problems for a number of reasons. Straw left on the fields for long periods smothers part of the stand and delayed burning usually causes stand burn out both of which reduce yields and increase other problems. Delayed burning usually results in added smoke because of regrowth. Do I have your assurance that there is no intent of leaving the perennial growers at a disadvantage?

I also would like reassurance from you that incorporating class 4 agricultural burning in with the backyard burning administrative rules in no way causes this class of burning to become more restrictive. ????

Does not say how restrictive

I wish to call your attention to the fact that the grass seed industry is one of the REALLY STABILIZING FACTORS in Western Oregon's economy. If environmental, regulatory, weather, or economic factors bring the growers returns to less than the cost of production, the growers simply can't shut the industry down and TURN the employees on unemployment and welfare. Because of the nature of the industry, the growers themselves are the ones who have to keep suffering the operating losses until things get better or they go bankrupt, or otherwise go out of business.

You may not be aware of the current financial condition in agriculture. Because of our intimate acquaintance with the industry and their credit relationships, we know that there are an alarming number of growers, especially young growers, who are either in bankruptcy or very close to it. My husband is not at this hearing today because the Willamette Production Credit Association Board, which he chairs, is struggling with problems caused by unprecedented operating losses by farmers in the nine counties which these rules affect.

Thank you for your consideration,

Liz VanLeeuwen, State Representative

COMMERCE

August 9, 1983

Governor Victor Atiyeh
State Capitol Building
Salem, Oregon 97310

Dear Governor Atiyeh:

The Lebanon Area Chamber of Commerce Board of Directors approved the following resolution at their last scheduled Board Meeting. This resolution was recommended by the Chamber's Agriculture Committee after study and deliberation of this issue. It is the Chamber's position that the Oregon grass seed industry is a major economic issue in our State and steps need to be taken immediately to maintain the current positive impact and good health of this industry.

"RESOLVED:

That the Governor's Economic Action Council be called on to encourage the Department of Environmental Quality to ~~repeal the rules governing field burning in the Valley.~~

We believe this to be a critical economic development issue in Oregon; To wit: The rigid, inflexible application of seemingly reasonable rules has proven agronomically ineffective, unnecessarily increases smoke intrusion incidents in Willamette Valley Communities, and negatively impacts the ability of those communities to attract and expand other industries (See EPA non-degradation standards for the region).

And, the seed production industry is itself an important component of Oregon's Economy, which includes approximately 900 production units, 450 processing/storage operators, and an estimated ~~10,000 Oregon jobs.~~

A more reasonable, flexible application of burning regulations needed to enforce Oregon law, can produce positive, cost-effective results without cost to the State of Oregon, while improving air-quality substantially."

(Documentation of the need for greater flexibility is attached, in the form of specific examples in which minor rule changes would have resulted in substantial gains without added costs.)

Please consider this issue carefully and take immediate action by calling upon the Economic Action Council to consider this issue. The good health of our grass seed industry is important to every Oregonian's future.

Thank you for your continued support and concern of our grass seed industry and its' impact on all of us.

Sincerely,

Ronald L. Baker
President
LEBANON AREA CHAMBER OF COMMERCE

CC: Senator Mae Yih
Representative Liz VanLeeuwen ✓
Albany-Millersburg Industrial Development Corporation
Oregon Pacific Economic Development Corporation

There are several rules in the field burning regulations that need to be made more flexible, or simply changed in order to maximize burning under conditions that are most favorable.

The first principle is to begin burning when conditions are developing instead of delaying the decision so late that the actual burning occurs on declining conditions.

The whole set of rules needs revision, but here are some specific examples of rules that prevented burning on conditions that could have been used with no impact on residents of the valley.

1. Last September 14th we had an unusual east, northeast wind with very low humidities. While we did burn about 23,000 acres the rules prohibit burning later than 1/2 hour after sunset. On that particular day we could have burned much later into the night and gotten rid of more acreage without impact on the valley, particularly Lebanon and Sweet Home. The rule needs to be amended so that the DEQ and the growers can take advantage of these unusual conditions and burn maximum acreages when conditions are most favorable.

2. Last Thursday, July 28, again on Northeast winds, we were prevented from burning early during developing conditions. On days when there are favorable Northeast winds the condition is most useable from about 11:00 A.M. to about 2:00 P.M. Plume rise is normally satisfactory during this time, however, humidities are probably above the rule limit for northerly winds. Having to wait for the humidity to drop to the rule limit prevents use of about 30% of what may be a very good opportunity to burn on the west side of the valley. This again would have a favorable impact on Lebanon and Sweet Home.

3. Last year the fluffing rule was interpreted to require that cereal grain fields be fluffed following a rain. Cereal fields can be burned to rotote to a small seed crop but not back to cereals. Wheat and other cereal fields have very stiff, upright growing stalks that do not need to be fluffed after a rain. In fact, fluffing does little except get rid of some diesel fuel. This rule needs to be clarified so that fluffing is not required where and when it is not needed.