

5/18/1984

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of
Environmental
Quality

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

May 18, 1984

Room 602, Multnomah County Courthouse
1021 SW Fourth Avenue
Portland, Oregon

AGENDA

9:00 a.m. 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 the April 6, 1984 regular meeting, and the April 20, 1984 special meeting.
- B. Monthly Activity Report for March, 1984.
- C. Tax Credits.

9:05 a.m. PUBLIC FORUM

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

HEARING AUTHORIZATIONS

- D. Request for authorization to conduct a public hearing to amend standards of performance for new stationary sources, OAR 340-25-510 to -675, to include new federal rules for metallic mineral processing and four volatile organic compound sources; and to amend the State Implementation Plan.

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.

- 9:15 a.m. E. Review of FY 85 State/EPA Agreement and opportunity for public comment.
- F. Petition to incorporate mandatory noise inspections into the Portland area vehicle inspection program.
- G. Request by City of Powers for extension of variance from rules prohibiting open burning dumps, OAR 340-61-040(2).
- * H. Proposed adoption of hazardous waste management facility permit fees.
- * I. Proposed adoption of amendments to rules governing on-site sewage disposal, OAR 340-71-100 through 340-71-600 and 340-73-075.

(OVER)

10:15 a.m. * J. Proposed adoption of amendments to rules for open burning OAR Chapter 340, Division 23, to ban burning of yard debris in the Portland metropolitan area; to add regulations of fourth priority agricultural open burning in the Willamette Valley; and to amend the State Implementation Plan.

THE COMMISSION WILL TAKE PUBLIC TESTIMONY ONLY ON THOSE ASPECTS OF THE PROPOSED RULES THAT HAVE BEEN CHANGED SINCE THE EXTENSIVE PUBLIC HEARINGS. THOSE ARE: HARDSHIP BURNING PERMIT CRITERIA AND PROVISIONS; DISALLOWING THE BURNING OF LEAVES AND GRASS IN THE BAN AREA (EVEN WITH HARDSHIP PERMITS); AND SHRINKING THE EASTERN BURN BAN BOUNDARY TO ABOUT 181st AVENUE.

WORK SESSION

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

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

The Commission will breakfast (7:30 a.m.) at the Portland Motor Hotel, 1414 SW Sixth Avenue, Portland. Agenda items may be discussed at breakfast. The Commission will hold a special luncheon honoring Commissioner Burgess.

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THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED FIFTY-SIXTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

May 18, 1984

On Friday, May 18, 1984, the one hundred fifty-sixth meeting of the Oregon Environmental Quality Commission convened in room 602 of the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, Oregon. Present were Commission Chairman James Petersen, Vice-Chairman Fred Burgess, and members Mary Bishop and Arno Denecke. Commissioner Wallace Brill 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.

BREAKFAST MEETING

Chairman Petersen, Vice-Chairman Burgess, and members Bishop and Denecke were present at the breakfast meeting along with Director Hansen and several members of the Department staff.

1. Update on field burning acreage registration; questions on Annual Report; field burning along highways study. Sean O'Connell of the Department's Field Burning Office reported on the status of registration for the 1984 burning season. As of this date 310,370 acres had been registered and 5,700 fields had been registered. The Commission did not have any questions on the Field Burning Annual Report.
2. Report on unlimited dragster noise. This report by John Hector of the Department's Noise Section, was prompted by the appearance at the April 6, 1984 meeting during public forum of Mr. James B. Lee who was concerned that the Department's noise control rules for motor racing exempted "top fuel" drag race vehicles from any muffler requirements. Mr. Hector said that review of this rule was scheduled to occur prior to January 31, 1985 and that staff felt this was a reasonable timeframe to completely review this issue.

3. September meeting date. Because of a conflict with the Bar Convention, the September meeting date was moved to the 14th. This meeting will be in Bend.
4. Legislative Concepts. Division Administrators reviewed with the Commission the legislative concepts to be forwarded to the Governor. The Commission agreed with the proposals.
5. Application to EPA for final authorization to operate Oregon Hazardous Waste Program. It was MOVED by Mary Bishop, seconded by Arno Denecke and passed unanimously that the Chairman be authorized to sign the final authorization application for hazardous waste.

FORMAL MEETING

AGENDA ITEM A: Minutes of the April 6, 1984 regular EOC meeting, and the April 20, 1984 special meeting.

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 March 1984.

It was MOVED by Commissioner Bishop, seconded by Commissioner Burgess and passed unanimously that the March 1984 Monthly Activity Report be approved.

AGENDA ITEM C: Tax Credit Applications

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

PUBLIC FORUM:

No one appeared.

AGENDA ITEM D: Request for authorization to conduct a public hearing to amend standards of performance for new stationary sources, OAR 340-25-510 to -675, to include new federal rules for metallic mineral processing and four volatile organic compound sources; and to amend the State Implementation Plan.

In the last year, EPA has adopted five New Source Performance Standards (NSPS). Oregon has an agreement with EPA to annually adopt new NSPS rules and request EPA delegation to administer them in Oregon. This agenda item starts this year's rule adoption process with a request for hearing.

Director's Recommendation

It is recommended that the Commission authorize the Department to hold a hearing to consider the amendments to OAR 340-25-510 to 340-25-690, rules on Standards of Performance for New Stationary Sources, and to submit those rule changes to EPA as amendments to the State Implementation Plan.

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

AGENDA ITEM E: Review of FY 85 State/EPA Agreement and opportunity for public comment.

Each year the Department and the Environmental Protection Agency (EPA) negotiate an agreement whereby EPA provides basic program grant support to the air, water and solid waste programs in return for commitments from the Department to perform planned work on environmental priorities of the state and federal government.

The Department is asking for Commission comment on the strategic policy implications of the program descriptions contained in the draft State/EPA Agreement, and for public comment on the draft Agreement.

Director's Recommendation

It is recommended that the Commission (1) provide opportunity for public comment on the draft State/EPA Agreement; and (2) provide staff its comments on the policy implications of the draft agreement. The public comment period will be open until May 28, 1984.

The Commission had no comments, and no one appeared.

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

AGENDA ITEM F: Petition to incorporate mandatory noise inspections into the Portland area vehicle inspection program.

We have received a rulemaking petition, signed by a number of supporters, to incorporate mandatory noise inspections into our Portland area "clean air" vehicle inspection program. Statutory authority exists to add noise inspections to this program. Thus, the Commission may adopt standards and procedures that would require passing both an air and noise emission test prior to vehicle registration or license plate renewal.

We believe there are a number of issues that must be resolved before rules are approved. However, we also believe the petition has merit and should not be denied. Therefore, it is recommended the Commission direct the Department to initiate studies as part of their rulemaking proceedings. If these issues can be resolved, we will recommend proposed rules be adopted, subject to public hearings.

Representative Jane Cease, House District 19, requested that the EQC fulfill the intent of the statutes and go to rulemaking on this petition. She said this would be an effort to get noisy vehicles off neighborhood streets and onto arterials.

Chris Wrench, Northwest District Association, stressed the need to make traffic compatible with dense population. She said the EQC was obligated to control noise under the existing vehicle inspection program.

Molly O'Reilly, Noise Review Board, City of Portland, testified that noise drives people out of cities. Noise testing would be an effort to get vehicles quieter. This would be an opportunity to get better enforcement of noise rules at racing events.

Elsa Coleman, for Portland City Commissioner Mike Lindberg, said the citizens of Portland considered noise control important to the quality of neighborhoods. The detrimental effects of noise led the City Council to adopt a noise ordinance. State regulation would be more effective than a city ordinance.

Mary Cyetta Peters, NWDA, testified in support of the petition saying it would aid in lessening the noise in Portland.

Michael Sievers, Irvington Community Association, said his group had been trying to manage traffic in their area through the Portland Police to lessen speed and noise. However, this was not a preventative approach to the problem, but a rule change would be. He endorsed the proposal.

Tom Gihring, Coalition for Livable Streets, said that now only about 100 vehicles per year are voluntarily checked for noise. This is an enormously disturbing problem in heavy traffic corridors adjacent to neighborhoods and causes people to move away and neighborhoods to be turned into commercial strips. People do not get used to noise. Police enforcement is not enough. He supported the petition.

Ray Polani, Citizens for Better Transit, wanted a curb on Tri-Met bus noise. He supported electric buses as quieter and recommended that the Tri-Met bus fleet be included in the proposal.

Linore Allison, Livable Streets Coalition, supports the petition. It is reasonable to require mobile sources to quiet down as well as stationary sources. People cannot get away from damage caused by mobile source noise. Motorcycle noise, buses and trucks need to be addressed also. This approach would have little cost to the public except for those with noncomplying vehicles. This proposal would require a lot of self-policing and preventative maintenance.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission accept the petition and direct the Department to initiate rulemaking.

The petitioners had asked for Commission action within 60 days of receipt of the petition. As the next Commission meeting was scheduled for June 29, 14 days after the 60-day deadline, Chairman Petersen asked the representatives of the petitioners if they would agree to the extra time. Linore Allison, speaking for the petitioners, said they did not have a problem with the extra time; their main concern was that the Commission move forward in a timely manner.

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

AGENDA ITEM G: Request by City of Powers for extension of variance from rules prohibiting open burning dumps, OAR 340-61-040(2).

The City of Powers is requesting a long-term extension of an existing variance from the Department's solid waste management rules. The variance would allow continued open burning of solid waste at the City's dump site. A long-term variance would conflict with federal solid waste management regulations. Accordingly, the Department is recommending that only a short-term variance be granted.

Frances Ellen McKenzie, City of Powers, testified that the City had made drastic changes to the site since January. The current site is two miles from the City; the Beaver Hill site is 70 miles. It would place an enormous burden on this small community with many elderly and low income residents to have to haul their garbage to Beaver Hill. The City was doing everything they could to remedy the problem and asked that the Commission consider no less than a five-year variance from the rule. They could purchase a garbage truck from the county for a reasonable amount, but they needed more time.

Mable Schorb, Mayor, City of Powers, said the road to the dump was very hazardous and there was no money to fix it. Coos County cannot help and the City has very low resources. She said they were doing everything they could with their limited resources.

Director Hansen commended Powers for their efforts.

Director's Recommendation

Based upon the findings in the summation in the staff report, it is recommended that the Commission grant the City of Powers an extension of their variance from rules prohibiting open burning of solid waste, OAR 340-61-040(2), until May 29, 1986. It is also recommended that the City be placed on notice that there is not at present any opportunity for a variance past that date and other options should be pursued.

It was MOVED by Commissioner Burgess, seconded by Commissioner Denecke and passed unanimously that the Director's Recommendation be approved, however, deleting the last sentence regarding no opportunity for a variance past May 29, 1986.

AGENDA ITEM H: Proposed adoption of hazardous waste management facility permit fees.

The Department is currently collecting annual fees from persons who hold hazardous waste storage, treatment or disposal facility permits. The amount of the fee is determined by the Department to cover some or all site-related administrative, monitoring and surveillance costs.

The most recent fee assessed to the Arlington disposal facility was \$103,654. The most recent fees for storage and treatment facilities varied from \$250 to \$2,500. No past effort was made to separate the fees into administrative, monitoring and surveillance categories.

As a result of statutory changes during the 1983 regular session of the Legislature, hazardous waste permit fees must be established by rule of the Commission. In addition, authority to assess generator and transporter fees was granted if necessary to maintain the program (i.e., to cover loss of federal funds). Current revenue projections, particularly if Congress appropriates \$55 to \$60 million for state programs in FY85 as they say they will, suggest adequate revenues through July 1985.

Therefore, the Department is recommending adoption of a modified hazardous waste permit fee program, separating out permit application filing and processing fees from compliance determination fees.

A public hearing was held on April 17, 1984, on the proposed rules. No verbal or written comments have been received regarding the proposed adoption of these fees.

Director's Recommendation

Based upon the findings in the summation of the staff report, it is recommended that the Commission adopt hazardous waste management facility permit fee schedule, OAR 340-105-070.

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

AGENDA ITEM I: Proposed adoption of amendments to rules governing on-site sewage disposal, OAR 340-71-100 through 340-71-600 and 340-73-075.

At the February 24, 1984, meeting, the Commission authorized a public hearing proposed amendments to the On-Site Sewage Disposal Rules. After proper notice, a hearing was held in Portland on April 3. Staff reviewed and discussed the issues raised at the hearing, and revised several of the proposed amendments accordingly.

Director's Recommendation

Based upon the findings in the summation of the staff report, it is recommended that the Commission adopt the proposed amendments to OAR 340-71-100 through 340-71-600 and 340-73-075.

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

AGENDA ITEM J: Proposed adoption of amendments to rules for open burning, OAR Chapter 340, Division 23, to ban burning of yard debris in the Portland metropolitan area; to add regulations of fourth priority agricultural open burning in the Willamette Valley; and to amend the State Implementation Plan.

At the direction of the Commission, the Department held several hearings throughout the Portland area on a proposed rule which would ban open burning of yard debris and provide a hardship burning permit to those few individuals who do not have reasonable alternative disposal methods available to them.

Hearing testimony generally opposed the proposed rules with those opposed generally being elderly who testified that they had large lots and large quantities of yard debris to dispose of, but not sufficient financial resources to pay for the removal. Many of these individuals appeared likely candidates for hardship permits.

The Department believes the best course of action on this issue to meet air quality objectives while addressing many of the concerns raised by hearing testimony is to amend the proposed rules to add, among other things:

- Economic criteria for issuance of hardship permits.
- A waiver provision for hardship permit fees in cases of extreme economic hardship.
- A prohibition on burning grass clippings and leaves.
- A restriction on burning if significant rainfall is expected.
- Limiting hardship burning to three days per season unless justification is made for a higher frequency.
- Excluding the area generally east of 181st Avenue from the burn ban on the basis of extreme remoteness to existing landfills and recycling centers.

It will be the Department's intent to increase its enforcement activities with respect to backyard burning and the addition of the permit system in the proposed rules will provide resources and tools to do so.

The Department, therefore, recommends that the Commission reaffirm its findings that a ban on yard debris burning in the Portland metropolitan area is necessary to meet air quality standards, and that reasonable alternative disposal methods are available to a substantial majority of the affected individuals, and the Department further recommends that the revised proposed rules be adopted.

Gordon Crimes, testified that he could not claim personal hardship, but asked about senior citizens on fixed incomes who would find paying fees prohibitive. He agreed with Mayor Ivancie that there was no need to ban backyard burning.

Jeanne Roy, League of Women Voters, supported the rules and said the most recent three amendments were improvements. She was concerned about enforcement and the length of time that hardship permits could be used, and believed yearly permits would make enforcement very difficult. Ms. Roy believes DEQ needs more staff to handle enforcement so someone could go out on every complaint. She asked for a well-publicized number to call in complaints.

Owen P. Cramer, asked who was going to monitor the number of days hardship permittees burn. He suggested it would be more appropriate to tighten up on weather conditions for burn days. Mr. Cramer said no effort had been made to educate burners on proper burning methods. A good fire can result on rainy days if set properly and it was a mistake to prevent burning on rainy days. It is good to prohibit the burning of leaves and grass. Mr. Cramer suggested that the words "or any other plant material that will not burn in a flaming fire" be added. In any event, he asked that a "flaming fire" be required.

Elsa Coleman, for Portland City Commissioner Mike Lindberg, said the City did not have a position on backyard burning, however Commissioner Lindberg does support the ban. Commissioner Lindberg also supports neighborhood cleanup and composting programs and hopes this will help.

John Lang, Portland City Council Task Force, said the task force concluded that citywide collection was essential if a burning ban was imposed. Once the ban was in place, the task force will pursue the matter.

Bobby Simons, supported the ban but was concerned about adequate enforcement. She encouraged recycling and neighborhood cleanups.

Vern Lenz, was concerned about enforcement of the hardship permits. He recommended a shorter term of five to seven days with a lower fee.

Maureen Steinberger, Oregon Environmental Council, supported the ban but preferred the hardship permit for just a one-time burn. She also encouraged recycling.

Robert Mountain, West Linn Recycling Committee, testified for himself. He said that recycling needs education; he promotes on-site composting, and said that grass and leaves should not go to the dump.

Ann Kloka, Physiologist, supported the ban with the proposed changes, and said it was a reasonable compromise that should substantially reduce air pollution.

Robert Smith, supported the ban but had reservations about the exclusion of Gresham. He asked the Commission to consider including this area when a disposal site becomes available. He agreed that grass and leaves should not be burned, and congratulated the EQC on their stand on backyard burning.

Judy Dehen, commended the Commission's hearing officer, Linda Zucker. She said people needed the will to recycle and they would find a way. She hoped extra yard debris would not end up in the dump but be recycled.

S. R. Haatjedt, is an advocate of organic gardening. He sells a chipper/shredder as an alternative to backyard burning.

Commissioner Denecke commended the staff for their efforts in this matter.

Commissioner Burgess made the motion with the following comments:

"Well, Mr. Chairman, as you know this is my last meeting of the Environmental Quality Commission and I'd like to have the prerogative of making the motion. This June I'll have worked for 34 years since graduating from Oregon State University engineering professionally in the field of environmental engineering--teaching, research, consulting with industry, and as an employee of both industry and government agencies. I think before I make my motion I'd just like to make a comment or two.

Oregon has made enormous strides in that period of time. When I went to work for the old State Sanitary Authority, the City of Portland just had a primary plant just barely under completion. Portland and most every other city in the Willamette Valley were dumping raw sewage into the Willamette River. Virtually every industry was dumping it's industrial waste directly into the nearest nearby stream because it was convenient and it was cheap, and the cities used the same argument. All industries were pumping air pollution into the atmosphere with really no control and unfortunately really no concern. Garbage was simply dumped wherever it was convenient. If you went along the Willamette River you'd find that most cities--I don't want to mention any names--but there were many; many of the larger cities simply dumping their garbage over the nearby bank, the fire department would burn it, and the river would wash it away in time.

That was the level of environmental concern that was in Oregon. Whenever you'd try to change that, as the State Sanitary Authority did, invariably they got the same type of excuses that are on this piece of paper (referring to a summary of hearing testimony that was distributed at the meeting). It's too costly, it's inconvenient, and it violates my rights. Well, the people of Oregon finally got fed up with that and the Legislature acted the will of the people. Pollution laws were enacted. Over the years the Department of Environmental Quality and the other agencies were very effective in implementing those laws. Cities, industries and government responded and today the amount of pollution that we have from those sources is indeed a fairly minor part of the overall pollution we have in our atmosphere and our streams. Our problems are largely from nonpoint sources. Backyard burning is one of those nonpoint sources. I think that as we dealt with industries and cities and other point sources of pollution, to the arguments that it is inconvenient, it's too costly, and it violates my rights--people said garbage, we don't believe that now or ever again.

YOU DO NOT HAVE ANY GOD-GIVEN RIGHT TO POLLUTE ANOTHER PERSON'S AIR, WATER OR LAND.

And with that little lecture, it is now, I think, incumbent upon the people of Oregon, because most of our pollution problems today are not point source problems of pollution, but are essentially nonpoint sources because they involve dispersed areas. Much of that comes from the activities of individual people. Clearly it's time for individuals to accept their full responsibility for the improvement of our atmosphere, our waters and our environment in general.

With that little lecture from an aging professor at Oregon State University, I make the motion that we approve the Director's Recommendation with the amendments as shown."

The motion was seconded by Commissioner Bishop and passed unanimously.

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

Respectfully submitted,


Carol A. Splettstaszer
EQC Assistant

CAS:d

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED FIFTY-FIFTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

April 6, 1984

On Friday, April 6, 1984, the one hundred fifty-fifth meeting of the Oregon Environmental Quality Commission convened in the 14th Floor Conference Room of the Department of Environmental Quality Offices, 522 SW Fifth Avenue, Portland, 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.

BREAKFAST MEETING

Chairman Petersen and members Brill, Bishop and Denecke were present at the breakfast meeting along with Director Hansen and several members of the Department staff.

1. Review of Salem YMCA Noise. John Hector of the Department's Noise Control Section, presented a written status report. Mr. Hector indicated the staff would request additional information on control alternatives and costs of all options. The Commission agreed such a request would be appropriate.
2. Georgia-Pacific, Toledo, NPDES Permit Issuance Hearing. Harold Sawyer, Water Quality Division Administrator, reviewed the status of this process. He said a public notice was issued April 4, 1984, and the hearing was scheduled for May 9, 1984 in Newport. Linda Zucker will be the hearings officer.
3. Medford Indirect Source Rule. John Kowalczyk of the Department's Air Quality Division, reviewed the status of the carbon monoxide State Implementation Plan in Medford. Mr. Kowalczyk said EPA was moving to disapprove the State Implementation Plan because of the failure to implement the Inspection/Maintenance Program.

The staff proposed emergency adoption of revised indirect source rules for the area, and told the Commission this item had been added to their regular agenda.

FORMAL MEETING

AGENDA ITEM A: Minutes of the February 24, 1984 regular EQC meeting, and the March 16, 1984 special meeting.

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

AGENDA ITEM B: Monthly Activity Reports for January and February 1984.

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

AGENDA ITEM C: Tax Credit Applications

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

PUBLIC FORUM:

James Lee, Portland, appeared with concerns about noise at the Portland International Raceway (PIR) in North Portland. He was mainly concerned about the exemption in the Commission's rules for unlimited class dragsters. He asked that the Commission take another look at this exemption as he felt there was technology available to adequately muffle these vehicles. The staff agreed to review this matter and report back to the Commission.

AGENDA ITEM D: Request for authorization to conduct a public hearing on proposed rules for Pollution Control Tax Credit Program.

Commissioner Denecke asked that a statement be included in all public hearing notices that the hearing would be before a hearings officer and not the Commission themselves.

This agenda item requests authorization to hold a public hearing on the proposed pollution control tax credit rules. The proposed rules would implement statutory authority given the EQC to adopt rules providing guidance for calculation of the percent allowable for pollution control facilities. They would, also, meet the need to provide guidance related to applying and qualifying for tax credits and make minor amendments to existing tax credit-related rules.

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 proposed Pollution Control Tax Credit Rules, Chapter 340, Division 16.

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

AGENDA ITEM E: Request for authorization to conduct a public hearing on the Construction Grants Management System and Priority List for FY 85.

This agenda item is a request for a June 20, 1984, public hearing on the proposed federal construction grants priority list for federal fiscal year 1985. The list will be used to allocate approximately \$27 million which is expected to be appropriated for Oregon. Also proposed is one administrative rule change which would provide for a limited amount of state discretion in determining which projects are eligible for a grant.

The administrative rule is included in the agenda item. The proposed priority list for FY 85 is currently being accumulated; it will be available for public distribution by May 15, 1984.

Director's Recommendation

Based on the summation in the staff report, the Director recommends that the Commission authorize a public hearing on the FY 85 priority management system and priority list, to be held on June 20, 1984. All testimony entered into the record by 5 p.m. on June 27, 1984, will be considered by the Commission.

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

AGENDA ITEM F: Request for authorization to conduct a public hearing on a proposed rule amendment relating to the exemption of certain classes of disposal sites from the solid waste permit requirements, OAR 340-61-020(2).

The legal definition of "solid waste disposal site" includes recycling facilities and transfer stations. Solid waste disposal sites are required to have permits from the Department unless exempted by rule. The Department has drafted amendments to the rules to exclude recycling depots and one type of transfer station from the permit requirement. The Department requests authorization to conduct a public hearing on this matter.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission authorize a public hearing to take testimony on the proposed exemption of certain classes of disposal sites from the Department's permit requirements, OAR 340-61-020(2).

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 a public hearing on proposed hazardous waste permit fees, OAR 340-105-070.

The Department has been assessing annual permit fees for hazardous waste disposal sites since 1976; for hazardous waste storage and treatment sites since 1983. The amount of the fee has been determined by the Department and sought to recover part or all of our costs related to permit issuance, inspections and monitoring. The most recent disposal fee is \$103,654. The most recent schedule for storage and treatment varies from \$250 to \$2,500 depending on size.

Chapter 90 - Oregon Laws 1983 Regular Session, expanded the Department's authority to assess fees to generators and transporters, as well as, storage, treatment and disposal facilities. Chapter 90 also requires that the Commission adopt the fee schedule rather than the Department.

The request for hearing is to adopt the schedule we are currently using, except that permit filing and application processing fees are proposed to reflect the actual costs these activities periodically require. The disposal site fee was dropped \$3,654 to balance the likely money generated from the filing and processing fees.

Adequate federal funds appear available through June 30, 1985 so no fees are being proposed at this time on generators or air and water transporters.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission authorize a public hearing to take testimony on the proposed hazardous waste management facility permit fee schedule OAR 340-105-070.

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

AGENDA ITEM H: Proposed adoption of hazardous waste management rules, OAR Chapter 340, Divisions 100 to 110.

Due to a high potential for human health and environmental damage, hazardous wastes require special management controls. The Department has provided these controls since 1971 and today controls hazardous waste from the time of generation through transportation, storage, treatment and disposal.

However, as a result of the passage of RCRA in 1976, hazardous waste management has been taken over by EPA but it is possible for a state to be authorized to manage hazardous waste in EPA's place.

The adoption of these rules will enable the Department to apply for that authorization. They are basically a recodification of the Federal rules and differ from our present rules by having much more detailed construction, operating, and monitoring standards for facilities managing hazardous wastes.

The rules are the result of a process which included seven public meetings and two public hearings.

Director's Recommendation

Based upon the findings in the summation of the staff report, it is recommended that the Commission repeal OAR Chapter 340, Divisions 62 and 63, and adopt OAR Chapter 340, Divisions 100 to 110.

Lt. Colonel Jan A. Van Prooyen, Commander of U.S. Army Activity, Umatilla, said the state regulation was potentially a problem for national security. He said DEQ regulation was not necessary as federal control is already substantial and more stringent than proposed state rules. Colonel Van Prooyen also said they were not informed of this Commission meeting by DEQ, but learned of it from a reporter so they have not had time to thoroughly review the proposed rules. Colonel Van Prooyen requested that nerve gas agents be removed from the proposed rules and that the Army be given at least six months to evaluate the proposed rules. Colonel Van Prooyen was also concerned that if the rules were adopted the Army would be in technical non-compliance for six months. Staff told the Colonel that they could be put on a compliance order.

Commissioner Brill asked if the Department was aware of the potential security problem. Director Hansen replied that the proposed rules would not breach security and that the Department's concern was with the safety of Oregonians and in treating all hazardous waste in the same manner. Nerve gas was not included in EPA's rule because it was not anticipated it would be a waste. Richard Reiter of the Department's hazardous waste section, said that in any event the propellant in the nerve gas bombs was included by EPA and would have to be regulated.

Chairman Petersen said his preference would be to exclude nerve gas at this point and reevaluate in six months as the Army has requested. Mr. Reiter said the exclusion of nerve gas would not affect the Department's application for authorization, but the Army's application for incinerators may need to be reevaluated.

Kenneth Lepic, Chem Security, was concerned that the proposed rules would only allow a trust fund as financial assurance for disposal facilities. Currently, Chem Security uses a combination of a trust fund and surety bond. Mr. Lepic said these two mechanisms were essentially equivalent. Mr. Lepic requested the rules be amended to provide minor changes allowing less stringent financial assurance.

Tom Donaca, Associated Oregon Industries, was also concerned about financial assurance for closure and post-closure. Mr. Donaca said a better definition was needed for "parent," and that definition should include sole corporations that do not have a parent. Mr. Donaca urged that the financial assurance test in the original proposed rules be retained and that the rest be set over for an additional hearing.

Mr. Donaca was also concerned about the landfilling of liquid hazardous waste. He asked for a one year extension of the prohibition date to allow continued landfilling, but agreed that it must cease. Mr. Donaca said this would be consistent with regulations in Washington and California. The closest incinerator for these wastes is in Texas.

Bob Westcott, Westco Parts Cleaners, runs a business that rents a parts cleaning solvent. Mr. Westcott said that small business could not operate under the proposed rules. They only recycle solvent owned by them, and if they did not recycle it there was no licensed facility to take it. Mr. Westcott asked that a very narrow exemption be written into the rules for his business.

It was MOVED by Commissioner Denecke, seconded by Commissioner Bishop and passed unanimously that action on this item be deferred until a telephone conference call meeting on April 20, 1984.

AGENDA ITEM I: Informational report: Uncontrolled (abandoned) hazardous waste disposal site survey - Progress Report IV.

Department staff investigates uncontrolled (abandoned) hazardous waste disposal sites and initiates remedial action where necessary. Staff also submits names of candidate sites to the EPA for entry on the national Superfund list. It is recommended that the Commission concur with the Department's intention to continue investigating sites, initiate remedial action where necessary, and determine candidate sites for inclusion on the national Superfund list.

Director's Recommendation

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

1. Continue investigating uncontrolled (abandoned) hazardous waste disposal sites and initiate remedial action where necessary.
2. Submit candidate sites to the EPA for entry on the national Superfund list.

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

AGENDA ITEM J: Proposed adoption of temporary rules for indirect sources in the Medford area (amendments to OAR 340-20-100 to 340-20-135).

This item concerns proposed adoption of Temporary Rules for Indirect Sources in the Medford area. The Department is proposing this action as a first step toward the rapid development of an alternative package of control measures that could effectively replace the recently defeated vehicle inspection and maintenance program in the Medford area. A revised carbon monoxide State Implementation Plan needs to be developed in a relatively short period of time in order to head off EPA-imposed sanctions on new industry and on funding of highway projects, air program activities, and sewage treatment.

Director's Recommendation

Based upon the summation in the staff report, the Director recommends that the Commission adopt temporary rule revisions to OAR 340-20-100 to 20-135 for indirect sources in the Medford area. The temporary rule revisions will be effective for 180 days after adoption. The Director also recommends that the Commission direct the Department to proceed expeditiously to develop an alternative CO control strategy for the Medford area which will bring the State Implementation Plan into conformance with the Federal Clean Air Act.

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

Failure to immediately adopt temporary rule changes to OAR 340-20-100 to 20-135 may result in serious prejudice to the public interest by allowing moderate size indirect sources (50 to 1,000 parking spaces) to construct in the Medford area without evaluating and mitigating CO impacts and by delaying traffic planning actions that the City of Medford could take to help develop an alternative strategy. This could specifically result in:

- a. Further delay or permanent prevention of attainment of the CO health standard in Medford;
- b. Permanent imposition of a federal construction moratorium on major new or modified CO sources in the Medford area; and
- c. Permanent imposition of federal sanctions on transportation projects, air planning, and sewage treatment funding.

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

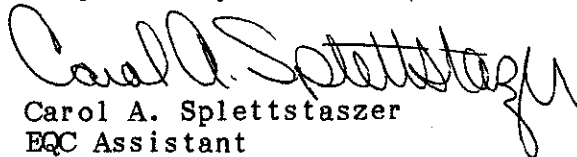
LUNCH MEETING

Chairman Petersen and members Bishop, Brill and Denecke were present for the lunch meeting along with Director Hansen and several members of the Department staff.

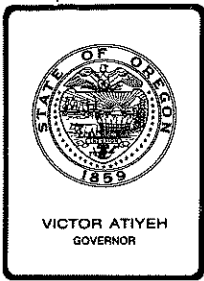
John Kowalczyk of the Department's Air Quality Division reviewed proposed woodstove rules with the Commission and answered questions.

The Commission discussed with staff the process for proceeding to adoption of proposed backyard burning rules. The Commission asked that a discussion of how to procedurally handle their May 18, 1984 meeting take place during their special conference call meeting April 20, 1984.

Respectfully submitted,


Carol A. Spletstaszer
EQC Assistant

CAS:d
DOD768



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. B, May 18, 1984, EQC Meeting
March 1984 Program Activity Reports

Discussion

Attached is the March 1984 Program Activity Report.

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

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

The purposes of this report are:

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

KNOlson:d
MD26
229-6484
Attachment

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Reports

March 1984

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions (Reporting Unit)	March 1984 (Month and Year)
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SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>	<u>Pending</u>
<u>Air</u>							
Direct Sources	7	130	2	123	0	0	24
Small Gasoline Storage Tanks Vapor Controls	-	-	-	-	-	-	-
Total	7	130	2	123	0	0	24
 <u>Water</u>							
Municipal	16	118	25	125	0	3	7
Industrial	9	38	-	42	-	1	10
Total	25	156	25	167	0	4	17
 <u>Solid Waste</u>							
Gen. Refuse	2	22	1	17	-	1	7
Demolition	-	3	-	2	-	-	1
Industrial	-	7	-	5	-	-	4
Sludge	-	2	-	4	-	-	1
Total	2	34	1	28	0	1	13
 <u>Hazardous Wastes</u>							
	-	6	-	8	-	-	-
 <u>GRAND TOTAL</u>							
	34	326	28	326	0	5	54

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

COUNTY	NUMBER	SOURCE	PROCESS DESCRIPTION	DATE OF ACTION	ACTION
LINN	928	PERMAWOOD NW CORP	FILTER AND ENCLOSURE	02/27/84	APPROVED
WASHINGTON	953	TEKTRONIX, INC	HGT AIR LEVELING MACHINE	02/29/84	APPROVED
TOTAL NUMBER QUICK LOOK REPORT LINES			2		

2

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

March, 1984
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	FY	Month	FY			
<u>Direct Sources</u>							
New	3	17	0	21	12		
Existing	1	17	2	11	22		
Renewals	11	152	20	130	110		
Modifications	<u>0</u>	<u>20</u>	<u>4</u>	<u>32</u>	<u>12</u>		
Total	15	206	26	194	156	1647	1681
<u>Indirect Sources</u>							
New	2	14	0	12	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>2</u>	<u>14</u>	<u>0</u>	<u>12</u>	<u>2</u>	<u>218</u>	<u>220</u>
<u>GRAND TOTALS</u>	17	220	26	206	158	1865	1901

Number of
Pending Permits

Comments

32	To be reviewed by Northwest Region
22	To be reviewed by Willamette Valley Region
23	To be reviewed by Southwest Region
3	To be reviewed by Central Region
4	To be reviewed by Eastern Region
17	To be reviewed by Program Operations Section
45	Awaiting Public Notice
<u>10</u>	Awaiting end of 30-day Public Notice Period
156	

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
CROOK	OCHOCO FEED & FARM SUPPLY	07	0013 02/21/84	PERMIT ISSUED	03/02/84	MOD
DESCHUTES	MID-OREGON READY-MIX	09	0061 12/21/83	PERMIT ISSUED	03/02/84	RNW
JACKSON	BIOMASS ONE, L.P.	15	0159 02/01/84	PERMIT ISSUED	03/02/84	MOD
MULTNOMAH	WESTERN PACIFIC CNST HTLS	26	1909 06/15/83	PERMIT ISSUED	03/02/84	RNW
MULTNOMAH	SAM BARLOW HIGH SCHOOL	26	2388 01/27/84	PERMIT ISSUED	03/02/84	RNW
TILLAMOOK	AMERICAN SHINGLE CO	29	0027 02/08/84	PERMIT ISSUED	03/02/84	MOD
PORT.SOURCE	DESCHUTES READY MIX S & G	37	0026 12/30/83	PERMIT ISSUED	03/02/84	RNW
PORT.SOURCE	DESCHUTES READY MIX S&G	37	0207 12/30/83	PERMIT ISSUED	03/02/84	RNW
PORT.SOURCE	DESCHUTES READY MIX S & G	37	0220 12/30/83	PERMIT ISSUED	03/02/84	RNW
UMATILLA	PENDLETON READY MIX	30	0019 06/03/83	PERMIT ISSUED	03/05/84	EXT
JEFFERSON	DESCHUTES READY MIX S & G	16	0018 12/30/83	PERMIT ISSUED	03/07/84	RNW
UNION	PEACOCK LUMBER CO.	31	0005 01/27/82	PERMIT ISSUED	03/07/84	RNW
HOOD RIVER	MID-COLUMBIA ASPHALT CO.	14	0017 12/15/83	PERMIT ISSUED	03/09/84	RNW
HOOD RIVER	MT. HOOD MEADOWS, OR LTD.	14	0024 02/03/84	PERMIT ISSUED	03/09/84	RNW
BAKER	BAKER REDI MIX INC	01	0028 05/20/83	PERMIT ISSUED	03/12/84	RNW
BAKER	BAKER REDI-MIX, INC.	01	0001 11/21/83	PERMIT ISSUED	03/14/84	RNW
HARNEY	DESCHUTES READY MIX S & G	13	0011 12/30/83	PERMIT ISSUED	03/14/84	RNW
COOS	COOS HEAD TIMBER CO	06	0005 05/09/83	PERMIT ISSUED	03/15/84	RNW
JACKSON	SOUTHWEST FOREST INDUSTR.	15	0006 03/09/83	PERMIT ISSUED	03/15/84	RNW
LINN	NORTH SANTIAM PLYWOOD CO	22	2522 06/20/83	PERMIT ISSUED	03/15/84	MOD
MARION	BOISE CASCADE CORP	24	4171 03/02/83	PERMIT ISSUED	03/15/84	RNW
MORROW	KINZUA CORP	25	0020 08/24/83	PERMIT ISSUED	03/15/84	RNW
MULTNOMAH	WACKER SILTRONIC CORP	26	3002 08/23/83	PERMIT ISSUED	03/15/84	RNW
MULTNOMAH	HEARTH CRAFT INC	26	3037 10/24/83	PERMIT ISSUED	03/15/84	EXT
MULTNOMAH	NORTHWEST MARINE IRON WKS	26	3101 00/00/00	PERMIT ISSUED	03/15/84	RNW
PORT.SOURCE	MORSE BROS. INC	37	0293 02/29/84	PERMIT ISSUED	03/15/84	RNW

TOTAL NUMBER QUICK LOOK REPORT LINES

26

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

March, 1984
(Month and Year)

PERMIT ACTIONS COMPLETED

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

Indirect Sources

NONE

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

March 1984
(Month and Year)

PLAN ACTIONS COMPLETED 25

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL WASTE SOURCES 25

Curry	Twenty Eight Acres Sanitary System, Treatment Plant and Outfall	3/5/84	P.A.	
Crook	Prineville S.W. Addition Prelim. Sewer Design	3/6/84	Comments to Engineer	
Marion	Jack Isberg R.V. Park Convenience Store Service Connection	3/14/84	P.A.	
Baker	City of Baker Pocahontas Rd Between Imnaha Rd and Hwy 30	3/14/84	P.A.	
Clackamas	Sandy Firwood Village Apartments Sewerage System Expansion	3/14/84	P.A.	
Columbia	St. Helens Campbell Park Sanitary Sewer	3/14/84	P.A.	
Lane	Florence LDS Church, Lift Station and Force Main	3/14/84	P.A.	
Douglas	RUSA Kenwood Street Sanitary Sewer Extension	3/14/84	P.A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

March 1984
(Month and Year)

PLAN ACTIONS COMPLETED

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

Crook	Prineville Industrial Park Pressure Sewer	3/14/84	P.A.	
Coos	North Bend Projects RS-81-7, RS-82-2, RS-84-1 Sanitary Sewers	3/15/84	P.A.	
Tillamook	NTCSA Lateral P-2-1 Sanitary Sewers	3/15/84	P.A.	
Lincoln	Lincoln City Devils Lake Golf & Racquet (Revised)	3/15/84	P.A.	
Deschutes	Sunriver Fairway Point Village II Sewerage System Expansion	3/15/84	P.A.	
Marion	Woodburn Pauline's Addition Sewerage System Expansion	3/15/84	P.A.	
Lincoln	Yachats Richard Hope Property Sewerage System Expansion	3/15/84	P.A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

March 1984
(Month and Year)

PLAN ACTIONS COMPLETED

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

Jackson	Applegate Christian Fellowship Septic Tank, Dose Tank and Sand Filter	3/28/84	Comments to Engineer	
Lane	Florence Bay Street Replacement (Revised)	3/29/84	P. A.	
Coos	North Bend Montana Ave. to Connecticut Ave. on Hamilton, Sewer Extension	3/29/84	P. A.	
Jackson	Ashland Oak Knoll Meadows (Revised)	3/29/84	P. A.	
Jackson	BCVSA Hamrick-Beebe Road Project No. 83-2	3/29/84	P. A.	
Clackamas	Milwaukie Par Estates Subdivision	3/29/84	P. A.	
Tillamook	Pacific City Rivergate First Addition - Sewers and Pump Station	3/29/84	P. A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

March 1984
(Month and Year)

PLAN ACTIONS COMPLETED

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

Clackamas	Wilsonville Montgomery Way Extension	3/29/84	P.A.	
Clackamas	Wilsonville Boberg Rd and Boeckman Rd Extension	3/29/84	P.A.	
Jackson	BCVSA Gebhard-Wilson Road Project No. 80-17	3/29/84	P.A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

March 1984
(Month and Year)

PLAN ACTIONS COMPLETED 25

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

INDUSTRIAL WASTE SOURCES 0

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

March 1984
(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	2 /0	5 /9	0 /1	4 /10	4 /3		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	0 /3	40 /16	10 /1	35 /14	35 /10		
Modifications	0 /0	1 /2	0 /0	0 /1	1 /1		
Total	2 /3	46 /27	10 /2	39 /25	40 /14	237/137	241/140
<u>Industrial</u>							
New	1 /1	5 /4	0 /0	3 /5	2 /4		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	4 /0	27 /17	4 /3	23 /19	35 /13		
Modifications	0 /0	4 /0	0 /0	2 /0	2 /0		
Total	5 /1	36 /21	4 /3	28 /24	39 /17	192/161	194/165
<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 /4	0 /0		
Modifications	0 /0	0 /0	0 /0	0 /4	0 /0		
Total	0 /0	0 /0	0 /0	0 /4	0 /0	2 /12	2 /12
<u>GRAND TOTALS</u>	7 /4	82 /48	14 /5	67 /53	79 /31	431/310	437/317

* NPDES Permits
 ** State Permits
 3 General Permits Granted
 1 WPCF Permit Dropped From Pending List

MAR.5W (8/79) WG3382

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality</u>	<u>March 1984</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 NPDES (14)

Lane	Borden Inc. Chemical Division Springfield		3-6-84	Permit Renewed
Washington	The Hervin Company Tualatin		3-6-84	Permit Renewed
Lane	Rosboro Lumber Company Springfield		3-6-84	Permit Renewed
Union	City of Elgin, STP		3-14-84	Permit Renewed
Tillamook	City of Garibaldi, STP		3-14-84	Permit Renewed
Lane	Lane Community College STP, Eugene		3-14-84	Permit Renewed
Clackamas	Oak Lodge S.D. STP		3-19-84	Permit Renewed
Wheeler	City of Fossil, STP		3-19-84	Permit Renewed
Morrow	City of Heppner, STP		3-19-84	Permit Renewed
Yamhill	City of Lafayette, STP		3-19-84	Permit Renewed
Columbia	PGE Company Beaver Generating Plant		3-19-84	Permit Renewed
Lincoln	Pixieland RV Park, Inc. STP		3-19-84	Permit Renewed
Clackamas	City of Canby, STP		3-20-84	Permit Renewed
Gilliam	City of Arlington, STP		3-29-84	Permit Renewed

MAR.3 (5/79) WG3078

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality</u>	<u>March 1984</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 (5)

Lane	Bohemia, Inc. Particleboard Plant Eugene	3-6-84	Permit Renewed
Baker	Cornucopia Placers, Inc. Baker County	3-6-84	Permit Renewed
Linn	Selmet, Inc. REM Products, Albany	3-6-84	Permit Renewed
Sherman	City of Moro, STP	3-14-84	Permit Renewed
Klamath	Willamette Pass Ski Corp. Willamette Pass	3-14-84	Permit Issued

MUNICIPAL AND INDUSTRIAL SOURCES GENERAL PERMITS (3)

Log Ponds, Permit 0400J, File 32575 (1)

Douglas	Sun Studs, Inc. Roseburg	3-15-84	Transferred to General Permit
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Gold Mining, Permit 0600, File 32580 (1)

Josephine	Gary Griffin and Fred Layman Cave Junction	3-20-84	General Permit Granted
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Gravel Mining, Permit 1000, File 32565 (1)

Douglas	Tri-City Ready Mix, Inc. Riddle	3-30-84	General Permit Granted
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MAR.3 (5/79) WG3078

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

March 1984
(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	12	2	6	6		
Existing	-	-	-	-	-		
Renewals	4	16	-	3	19		
Modifications	-	6	-	5	1		
Total	5	34	2	14	26	170	170
<u>Demolition</u>							
New	-	2	-	2	-		
Existing	-	-	-	-	-		
Renewals	2	5	1	1	4		
Modifications	-	1	-	1	-		
Total	2	8	1	4	4	15	15
<u>Industrial</u>							
New	-	3	-	2	4		
Existing	-	-	-	-	-		
Renewals	3	10	-	3	17		
Modifications	1	1	1	1	3		
Total	4	14	1	6	24	97	97
<u>Sludge Disposal</u>							
New	-	-	-	-	-		
Existing	-	-	-	-	-		
Renewals	-	7	-	4	4		
Modifications	-	-	-	2	-		
Total	0	7	0	6	4	15	15
<u>Hazardous Waste</u>							
New	-	1	-	2	5		
Authorizations	231	933	231	933	-		
Renewals	-	-	-	-	1		
Modifications	-	-	-	-	-		
Total	231	934	231	935	6	14	19
<u>GRAND TOTALS</u>	241	996	235	965	64	311	316

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Solid Waste Division</u>	<u>March 1984</u>
(Reporting Unit)	(Month and Year)

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project	* Date of	* Action	*
*	* /Site and Type of Same	* Action	*	*
*	*	*	*	*
Linn	Ron Norris Landfill Existing Facility	3/1/84	Permit Revoked at Owner's Request	
Lincoln	Salmon River Hatchery New Disposal Site for Fish Carcasses	3/2/84	Letter Authorization Issued	
Lane	So. Willamette Landfill Existing Demolition Site	3/21/84	Permit Renewed	
Linn	Lebanon Transfer Station New Facility	3/21/84	Permit Issued	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

March 1984
(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 - 231

OREGON - 73

3/5	Lab chemicals	School	0	4,000 gal.
3/6	Leaded gasoline contaminated filters	Oil Co.	0	2 drums
3/6	Chromic acid duct residues	Electro-plating	15 drums	0
3/6	PCB capacitors	Steel Mill	0	3,000 lb.
3/7	Calcium carbonate paint sludge with Hg.	Paint Manuf.	0	4,000 gal.
3/7	Alkyd resin paint sludge	Paint Manuf.	0	1,000 gal.
3/7	Chrome pigment empty bags	Paint Manuf.	0	12 drums
3/7	Nickel/chloride/nickel/sulfamate solution	Electronic Co.	0	4 drums
3/7	Sulfuric acid - tin plating bath	Electronic Co.	0	4 drums
3/7	Sodium persulfate solution with Cu.	Electronic Co.	0	4 drums

* Date *	Type	Source	Quantity	
* * *	* * *	* * *	Present	Future
3/7	Lead sulfate/sulfuric acid and fluoboric acid solution	Electronic Co.		
3/8	Lead contaminated hydrochloric acid	Car Wash Equipment	0	10,000 gal.
3/8	PCB Transformers	Elec. Util.	0	5,000 gal.
3/8	PCB contaminated dirt	Elec. Util.	100 cu.yd.	0
3/8	Hydrogen peroxide/ ammonium bifluoride solution	Electronic Co.	0	15 drums
3/8	Nitric acid solution with Cu, Sn, Pb & Sn	Electronic Co.	0	20 drums
3/8	Sulfuric acid/copper sulfate solution	Electronic Co.	2 drums	0
3/8	Empty hydrofluoric acid drums	Manuf. of Titanium	10 drums	40 drums
3/8	PCB transformers	University	0	500 gal.
3/8	PCB contaminated transformers	University	0	500 gal.
3/8	Various chemical reagents in lab packs.	Oil Co.	0	5 drums
3/8	Foam control agent with heavy alcohols	Chemical Co.	1 drum	0
3/9	Hydrochloric acid	Electronic Co.	0	5,000 gal.
3/12	PCB Transformers	Electric Contractor	0	500 gal.
3/12	Lead-tin fluoborate plating solution	Electronic Co.	0	6 drums
3/12	Hydrochloric acid	Electronic Co.	1 drum	0

* * *	* * *	* * *	* * *	* * * <u>Quantity</u> * * *		* * *
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Date	Type	Source	Present	Future		
3/12	Latex paint processed water with heavy metals	Paint Manuf.	1 drum	0		
3/12	Heavy metals sludge	Electronic Co.	0	5,000 gal.		
3/22	Waste water containing MCPA ester	Herbicide Manuf.	6 drums	6 drums		
3/22	2,4 D sludge	Herbicide Manuf.	8 drums	8 drums		
3/22	Trichloroethylene sludge	Mining Equip.	0	800 gal.		
3/22	PCB Capacitors	Tools	0	75 lb.		
3/22	Caustic sand	Foundry	10 cu.yd.	40 cu.yd.		
3/22	Foam control agent containing paraffinic oil and cynthetic wax	Chemical Co.	8 drums	0		
3/22	Nitric/hydrofluoric acid solution	Manuf. of Non-Ferrous Metals	0	300 gal.		
3/22	Mixed ignitable solvents	Electronic Co.	400 gal.	1,600 gal.		
3/22	Sodium cyanide and contaminated lab equipment	Manuf. of Non-Ferrous Metals	0	3 drums		
3/22	Calcium phosphate sludge with arsenic	Manuf. of Non-Ferrous Metals	1 drum	0		
3/22	Arsenic contaminated diatomaceous earth	Chemical Co.	7.4 cu.yd.	0		
3/22	OFF-SPEC. Mineral Oil	Chemical Co.	2 drums	0		
3/22	Sodium silicate	Chemical Co.	2 drums	0		
3/22	Ethylene glycol	Chemical Co.	1 drum	0		

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	3/22	Concrete admixture containing sodium lignin-sulfonate & triethanolamine	Chemical Co.	1 drum	0	
	3/22	Concrete air entraining admixture containing caustic & hydrocarbon resin	Chemical Co.	1 drum	0	
	3/22	Leaded gasoline tank bottoms	Oil Co.	6 drums	0	
	3/22	Rezcuse 200 M concrete admixture containing hydrocarbon resin, xylene, oleic acid and T ₁ O ₂	Chemical Co.	22 drums	0	
	3/22	Electroless Cu bath containing caustic, formaldehyde & tartrate salts	Electronic Co.	1 drum	4 drums	
	3/22	Copper plating soln.	Electronic Co.	4 drums	16 drums	
	3/22	Solder/tin strip soln. containing fluoboric acid, Sn, Pb.	Electronic Co.	2 drums	8 drums	
	3/22	Trichloroethylene-methylene chloride-toluene and acetone degreasing solvents	Electronic Co.	500 gal.	2,000 gal.	
	3/22	Hydrochloric acid soln.	Electronic Co.	330 gal.	1,320 gal.	
	3/22	Sulfuric acid nickel stripping solution	Electronic Co.	1 drum	4 drums	
	3/22	Sulfuric acid solution	Electronic Co.	2 drums	8 drums	
	3/23	Arsenic contaminated articles	Electronic Co.	4 drums	48 drums	
	3/22	Nitric acid solution	Electronic Co.	330 gal.	1,320 gal.	

* * *	* * *	* * *	* * *	* * * <u>Quantity</u> * * *		* * *
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Date	Type	Source	Present	Future		
3/23	Mixed solvents: methylene chloride, trichloroethylene, trichloroethane and perchloroethylene	Chemical Co.	220 gal.	880 gal.		
3/23/	Formaldehyde contaminated rinse water	Chemical Co.	110 gal.	440 gal.		
3/26	Soldering oil polyethylene glycol with rosin flux	Electronic Co.	250 gal.	1,000 gal.		
3/26	Bromoxynil octanoate contaminated debris	Chemical Co.	0	6 drums		
3/26	Oily caustic solution	Drum Reconditioning	0	60,000 gal.		
3/27	Dry storage batteries containing Hg and electrolyte caustic potash	Dept. of Transportation	0	15 cu. yd.		
3/27	Wet storage batteries containing Hg and electrolyte KOH	Dept. of Transportation	0	131 cu. yd.		
3/29	Gasoline saturated foam gaskets	Oil Co.	20 drums	0		
3/29	PCB transformers	Manuf. of Lifting Equipment	0	50 gal.		
3/30	PCB capacitors	Plywood Mill	0	4 drums		
3/30	Waste oil with over 500 ppm PCBs	EPA ordered Site Cleanup	5 drums	0		
3/30	Waste oil with less than 500 ppm PCBs	EPA ordered Site Cleanup	5 drums	0		
3/30	PCB contaminated tanks	EPA ordered Site Cleanup	6.1 cu.yd.	0		

* * *	* Date *	* Type	* Source	* Present	* Quantity Future *	* *
	3/30	PCB contaminated rags	EPA ordered Site Cleanup	10 drums	0	
	3/30	Decontaminated PCB transformers	Wood Product Co.	12 cu.yd.	0	
	3/30	PCB contaminated inert solids	Wood Product Co.	8 drums	0	
	3/30	PCB liquids	Wood Product Co.	8 drums	0	
WASHINGTON - 117						
	2/28	Otto fuel	Dept. of Defense	0	350,000 gal.	
	3/1	PCB contaminated water, contaminated debris	Site Cleanup	1,500 cu.yd.	0	
	3/1	PCB contaminated light ballast (5)	Site Cleanup	35 drums	0	
	3/5	PCB contaminated lab equipment	Brewery	1 drum	0	
	3/5	PCB transformers	Brewery	400 gal.	0	
	3/5	Paint wash water	Paint Co.	0	8,000 gal.	
	3/5	PCB transformers	Food Processing	270 gal.	0	
	3/5	Sodium benzoate contaminated charcoal diatomaceous earth & filter paper	Chemical Co.	0	280 drums	
	3/5	Nonyl phenol waste	Chemical Co.	0	30 drums	
	3/5	Dipropylene, propylene and diethylene glycol dibenzoate waste	Chemical Co.	0	60 drums	

* * *	* Date *	* Type *	* Source *	* Present *	* <u>Quantity</u> * Future *	* *
	3/5	Boiler baghouse dust with CuO, MgO, CoO and charcoal	Chemical Co.	0	110 drums	
	3/6	Ink sludge with heavy metals	Printing	0	400 drums	
	3/6	Chrome contaminated hydrochloric acid	Electro-plating	0	180 gal.	
	3/6	Mercury contaminated lab chemicals	Research	0	5 drums	
	3/6	Tank sludge with Telone C-17 soil fumigant	Pesticide Application	0	550 gal.	
	3/6	Tank sludge with soil fumigant Telone II	Pesticide Application	0	550 gal.	
	3/6	Tank sludge with DD soil fumigant	Pesticide Application	0	550 gal.	
	3/6	Tank sludge with Vapam soil fumigant	Pesticide Application	0	550 gal.	
	3/8	PCB contaminated oil	Elec. Util.	0	200 gal.	
	3/8	Coal tar creosote and pitch contaminated soil	Site Cleanup	770 gal.	0	
	3/8	PCB transformers	Paper Mill	0	55 gal.	
	3/8	PCB contaminated Oil	Paper Mill	0	55 gal.	
	3/8	PCB contaminated solid materials	Paper Mill	0	2 drums	
	3/8	PCB transformers	Steel Co.	60 gal.	0	
	3/8	PCB capacitors	Steel Co.	27 units	0	
	3/8	PCB contaminated solids	Steel Co.	5 drums	0	
	3/8	PCB transformers	Paper Co.	0	25 units	

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	3/9	PCB contaminated transformers	Paper Co.	0	25 units	
	3/9	Petroleum based lube oil with fatty acid esters and antitoxidants	Manuf. of Heating & Air Conditioning Units	0	1,000 gal.	
	3/9	Pentachlorophenol Sludge	Wood Treatment	0	3,000 gal.	
	3/9	PCB contaminated wood, rags, clothing	Elec. Util.	0	100 drums	
	3/9	PCB transformers	Elec. Util.	6 units	0	
	3/9	Sulfuric acid - ammonium persulfate solution	Electronics	0	1,600 gal.	
	3/9	Sodium bisulfate solution	Electronics	0	150 gal.	
	3/9	Nitric acid solution with Cu. Sn. & Pb	Electronics	0	350 gal.	
	3/9	Nitric acid solution with Cu. Sm. & Pb	Electronics	0	350 gal.	
	3/9	Nitric acid hydrofluoric acid - organic acid solution	Electronics	0	400 gal.	
	3/9	Hydrochloric acid/ ammonium chloride solution	Electronics	0	12,000 gal.	
	3/12	Heavy metals sludge	Waste Treatment	0	100 drums	
	3/12	Penta sludge	Wood Treatment	32 drums	0	

* * *	* * *	* * *	* * *	* * * <u>Quantity</u> * * *		* * *
* Date *	Type	Source	Present	Future		
3/12	Soil contaminated with fungicide "Vitavax 200" & Thiram	Pesticide Application	275 gal.	0		
3/12	Caustic paint sludge	Drum Reconditioning	0	12,000 gal.		
3/12	Trichloroethane Solvent	Aluminum Co.	0	800 gal.		
3/22	Phenol contaminated water	Urea-Phenolic Resins Manuf.	1,500 gal.	6,000 gal.		
3/22	Dewatered leaded gasoline tank bottoms	Waste Treatment	0	120 drums		
3/22	Sulfuric acid solution	Electronic Co.	0	12,000 gal.		
3/22	Ammonium hydroxide	Electronic Co.	0	15,000 gal.		
3/22	Nickel chloride solution	Electronic Co.	0	5,000 gal.		
3/22	Sodium hydrogen sulfate	Electronic Co.	0	5,000 gal.		
3/22	Sulfuric acid/H ₂ O ₂ /NH ₄ F solution with Pb.	Electronic Co.	0	10,000 gal.		
3/22	Nitric acid	Electronic Co.	0	5,500 gal.		
3/22	Fluoboric acid	Electronic Co.	0	10,000 gal.		
3/22	Ammonium persulfate-sulfuric acid solution	Electronic Co.	0	5,000 gal.		
3/22	Ammonium bifluoride-HCl solution	Electronic Co.	0	7,000 gal.		
3/22	Pb & Sn fluoborate-fluoboric and boric acid solution	Electronic Co.	0	10,000 gal.		

* * *	* * *	* * *	* * *	* * *	* * *	* * *
Date	Type	Source	Present	Quantity	Future	
3/22	Calcium hypochlorite	Dept. of Defense	0	3 drums		
3/22	Acetic acid	Dept. of Defense	0	3 drums		
3/22	Hydrofluoric acid	Dept. of Defense	0	2 drums		
3/22	Freon 12	Dept. of Defense	0	2 drums		
3/22	Sodium hydrogen sulfite	Dept. of Defense	0	5 drums		
3/22	Sodium bisulfate solution	Dept. of Defense	0	10 drums		
3/22	Sodium bicarbonate	Dept. of Defense	0	10 drums		
3/22	Potassium cyanide	Dept. of Defense	0	1 drum		
3/22	Potassium bicarbonate	Dept. of Defense	0	5 drums		
3/22	Ethylene glycol monobutyl ether	Dept. of Defense	0	5 drums		
3/22	Calcium peroxide	Dept. of Defense	0	3 drums		
3/22	Calcium chloride	Dept. of Defense	0	3 drums		
3/22	Ethylene glycol n-butyl ether/phosphates & detergents	Dept. of Defense	0	20 drums		
3/22	Banvel DMA salts	Dept. of Defense	0	10 drums		
3/22	Trichloroethane solvent	Dept. of Defense	0	10 drums		
3/22	Phenol	Dept. of Defense	0	3 drums		

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	3/22	Ethoxyethanol	Dept. of Defense	0	10 drums	
	3/22	Calcium hydroxide	Dept. of Defense	0	20 drums	
	3/22	Trichloroethylene/ chlorobenzene/Pb silico chromate/ cyclohexane/ aromatic polysocyanate solvent	Dept. of Defense	0	5 drums	
	3/22	MSA Cleaner with trisodium phosphate & dimethyl benzyl ammonium chloride	Dept. of Defense	0	5 drums	
	3/22	Copper sulfate	Dept. of Defense	0	5 drums	
	3/22	Paper filters soaked with paint thinner	Kitchen Cabinets	0	48 drums	
	3/22	Chromic acid	Repair Shop	0	1,100 gal.	
	3/22	Lime kiln brick contaminated with CR+6	Pulp & Paper	0	200 tons	
	3/22	Leaded contaminated sandblast aggregates	Oil Co.	12 tons	0	
	3/22	Hydrochloric acid solution	Electronic Co.	0	350 gal.	
	3/22	Sulfuric acid solution	Electronic Co.	0	2,000 al.	
	3/22	Fluoboric acid	Electronic Co.	0	2,500 gal.	
	3/22	Alkaline solution with monoethanolamine	Electronic Co.	0	1,000 gal.	
	3/22	Caustic solution with Cr	Electronic Co.	0	200 gal.	

* * * *	* * * *	* * * *	* * * *	* * * *		* * * *
				Present	Future	
* * * *	* * * *	Type	Source			
3/22	Degreasing solvent: IPA, methyl chloroform, & trichlorotrifluoro- ethane	Electronic Co.	0	165 gal.		
3/22	Iron oxide/copper oxide shot blasting dust	Aluminum Production	0	1 drum		
3/22	Electromelt dust: C, SiO ₂ , Fe ₂ O ₃ and trace amounts of heavy metals	Aluminum Production	0	6 drums		
3/23	Metal etch primer solvent containing toluene, ethanol, IPA, methanol, etc.	Plywood Mill	10 drums	40 drums		
3/23	Zinc chromate metal etch primer	Plywood Mill	8 drums	32 drums		
3/23	Potroom dust with cyanides	Al Reduction	0	700.000 cu. yd.		
3/23	Mixed solvents: IPA, chloroform, toluene, acetone	Al Reduction	0	30 drums		
3/26	Alkaline electroless copper solution	Electronic co.	0	150 gal.		
3/26	Isonate CPR - Component A	Manuf. of Railroad Cars	15 drums	0		
3/26	Isonate CPR - Component B	Manuf. of Railroad Cars	15 drums	0		
3/26	Spent Cellosolve solvent	Manuf. of Railroad Cars	10 drums	0		
3/26	Spent paint thinner	Manuf. of Electrical Equipment	0	2 drums		
3/26	Paint sludge	Manuf. of Electrical Equipment	0	9 drums		

* * *	* Date *	* Type *	* Source *	* Quantity *		* *
				Present	Future	
	3/26	Old paints	Manuf. of Electrical Equipment	770 gal.	0	
	3/26	MEK/cellosolve acetate contaminated with paint residues	Manuf. of Electrical Equipment	0	30,000 lb.	
	3/26	Caustic electroless copper solution	Electronic Co.	0	10,000 gal.	
	3/26	Ethanolamine	Electronic Co.	0	15,000 gal.	
	3/26	Acid cleaner	Electronic Co.	0	3,000 gal.	
	3/26	Caustic dry film stripper	Electronic Co.	0	2,000 gal.	
	3/26	Copper cleaner with HCl and ethylene glycole butyl ether	Electronic Co.	0	5,000 gal.	
	3/26	PCB contaminated tank	Site Cleanup	11 cu.yd.	0	
	3/26	PCB transformers	Site Cleanup	1 drum	0	
	3/26	Pb and Cd contaminated soil	Site Cleanup	1,000 tons	0	
	3/26	Lime filter cake containing Ti, V, Zr, Hf, etc.	Titanium Purification	0	250 tons	
	3/27	Dry storage batteries containing Hg and electrolyte caustic potash	Dept. of Transportation	0	20.5 cu. yd.	
	3/27	Wet storage batteries containing Hg and electrolyte KOH	Dept. of Transportation	0	146 cu. yd.	
	3/29	Unwanted herbicide	City Agency	35 gal.	0	
	3/29	Otto fuel and MEK contaminated rags and inert solids	Dept. of Defense	0	1,500 drums	

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	3/30	Asbestos insulation	Oil Co.	0	180 cu. yd.	
	3/30	Acid contaminated inert solids	Waste Treatment	0	400 drums	
	3/30	Caustic solution	Waste	0	10,000 gal.	
OTHER STATES - 41						
	3/6	DDT insecticide	State Agency (Hawaii)	4 drums	0	
	3/6	Caustic sludge	Chemical Co. (Alberta)	5,000 gal.	0	
	3/6	Cr ⁺⁶ contaminated sump water	Electroplating (Montana)	30,000 gal.	0	
	3/6	Preservative solution containing ethyl alcohol, propylene, glycol, formalin, propionic acid, cupric sulfate, etc.	Museum (British Columbia)	11 drums	0	
	3/6	Solution of formalin, cupric and cuprous chloride, cupric, acetate, sulfate and nitratee, ethyl alcohol, etc.	Museum (British Columbia)	8 drums	0	
	3/6	Solution of sulfurous acid, formic acid, acetic acid, formalin, and capric and cuprous salts	Museum (British Columbia)	6 drums	0	
	3/12	Caustic paint booth wash water	Electronic Co. (Idaho)	0	2,000 gal.	
	3/12	Mixed solvents - propanol, acetone, xylene, and hexamethyldisilane	Electronic Co. (Idaho)	0	40 drums	

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity * Future *	* *
	3/12	Phenol	Electronic Co. (Idaho)	0	100 drums	
	3/12	Hydrofluoric acid solvent	Electronic Co.	0	120,000 gal.	
	3/22	Ignitable chemicals in lab packs	University (Hawaii)	0	4 drums	
	3/22	Corrosive chemicals in lab packs	University (Hawaii)	0	2 drums	
	3/22	Toxic lab chemicals in lab packs	University (Hawaii)	0	6 drums	
	3/22	Otto Fuel II contaminated paper towels, protective suits, plastic drum liners, etc.	Dept. of Defense (Hawaii)	0	200 drums	
	3/22	PCB contaminated Fuller's Earth from PCBX Mobile Treatment Units	Waste Treatment (Pacific NW)	0	2,000 drums	
	3/23	Thimet insecticide rinse water	Pesticide Application (Idaho)	0	1,250 gal.	
	3/26	PCB transformers and oils	Research Facility (Idaho)	0	1,000 gal.	
	3/26	PCB contaminated transformers and oils	Research Facility (Idaho)	0	1,000 gal.	
	3/26	PCB contaminated rags and articles	Research Facility (Idaho)	0	100 drums	
	3/26	PCB capacitors	Research Facility (Idaho)	0	75 cu. ft.	

* * *	* * *	* * *	* * *	* * * Quantity		* * *
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Date	Type	Source	Present	Future		
3/26	2,4-D empty bags	Pesticide Supplier (Montana)	0	60,000 lb.		
3/26	PCB contaminated oil	Chemical Co. (Idaho)	0	75 gal.		
3/26	PCB contaminated cleanup waste	Chemical Co. (Idaho)	0	500 lb.		
3/26	Sodium dichromate contaminated absorbent material	Spill Cleanup (Idaho)	1 drum	0		
3/26	Sodium dichromate contaminated rags, clothing, etc.	Spill Cleanup (Idaho)	1 drum	0		
3/26	Sodium dichromate contaminated water	Spill Cleanup (Idaho)	39 drums	0		
3/30	Sulfuric acid	Dept. of Defense (Guam)	605 gal.	0		
3/30	Granulated ammonium chloride	Dept. of Defense (Guam)	25 lb.	0		
3/30	Chemicals in lab packs	Research Facility (Idaho)	0	20 drums		
3/30	PCB contaminated transformers	City Govt. (Idaho)	100 gal.	0		
3/30	PCB transformers	City Govt. (Idaho)	100 gal.	0		
3/30	PCB capacitors	City Govt. (Idaho)	50 gal.	0		
3/30	PCB contaminated solids	City Govt. (Idaho)	1 cu.yd.	0		

* * *	* Date *	* Type *	* Source *	* Present *	* <u>Quantity</u> * Future *	* *
	3/30	PCB capacitors	Mining Co. (Montana)	0	5 drums	
	3/30	PCB contaminated electrical switches	Mining Co. (Montana)	0	6 drums	
	3/30	PCB filled electrical switches	Mining Co. (Montana)	0	4 drums	
	3/30	PCB contaminated transformers	Oil Refining (Montana)	0	3,000 gal.	
	3/30	PCB transformers	Oil Refining (Montana)	0	2,000 gal.	
	3/30	PCB filled electrical switches	Oil Refining (Montana)	0	6 drums	
	3/30	PCB contaminated electrical switches	Oil Refining (Montana)	0	6 drums	
	3/30	PCB capacitors	Oil Refining (Montana)	0	2 drums	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit)	March, 1984 (Month and Year)
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SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	<u>Mo</u>	<u>FY</u>	<u>Mo</u>	<u>FY</u>	<u>Mo</u>	<u>Last Mo</u>
Industrial/ Commercial	9	76	5	65	124	120
Airports			2	10		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit)	March, 1984 (Month and Year)
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FINAL NOISE CONTROL ACTIONS COMPLETED

County	Name of Source and Location	Date	Action
Clackamas	McNally-Rathbone, Inc., S. E. Portland	03/84	Operations Moved.
Lane	Engle Construction Company, Cottage Grove	03/84	Temporary Activity Ceased.
Lane	Grass Fiber, Junction City	03/84	Source Closed.
Jackson	Far West Steel, Medford	03/84	No Violation.
Grant	Lands End Ranch Airport	03/84	Boundary Approved.
Washington	Taghon Field Airport	03/84	Boundary Approved.
Douglas	Bohemia, Drain	03/84	Source Closed.

CIVIL PENALTY ASSESSMENTS
DEPARTMENT OF ENVIRONMENTAL QUALITY
1984

CIVIL PENALTIES ASSESSED DURING MONTH OF MARCH, 1984:

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Wayne Simmons Polk County	AQ-FB-83-20 Late field burning.	3/7/84	\$300	Hearing request and answer received 3/29/84.
Robert Newton Benton County	AQ-FB-83-13 Late field burning.	3/7/84	\$500	Hearing request and answer received 3/30/84
Roger E. Loe Mation County	AQ-FB-83-15 Late field burning.	3/7/84	\$750	Hearing request received 3/27/84.
Edgar Lafayette Linn County	AQ-FB-83-18 Late field burning.	3/7/84	\$300	In default.
Lee A. Kuenzi Marion County	AQ-FB-83-01 Late field burning.	3/7/84	\$500	Hearing request and answer received 3/21/84.
Kurt Kayner Linn County	AQ-FB-83-12 Late field burning.	3/7/84	\$500	Hearing request and answer rec'd. 4/3/84.
Jeffrey A. Goracke dba/Goracke Bros. Benton County	AQ-FB-83-02 Late field burning.	3/7/84	\$500	Hearing request and answer rec'd. 4/10/84.
Tim Dombrowsky Linn County	AQ-FB-83-03 Late field burning.	3/7/84	\$300	In default.
Doerfler Farms, Inc. Marion County	AQ-FB-83-10 AQ-FB-83-11 Late field burning and burning w/o permit.	3/7/84	\$1,000	Awaiting response to notice.
Mike Coon Linn County	AQ-FB-83-19 Open field burning an unregistered field.	3/7/84	\$750	Hearing request and answer rec'd. 3/29/84.

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Gary Buyserie Polk County	AQ-FB-83-21 AQ-FB-83-22 Field burning w/o a permit and propaning a field w/o first removing the straw fuel load.	3/7/84	\$1,050	Hearing request received 4/4/84.
Robert D. Bronson Linn County	AQ-FB-83-16 Field burning w/o a permit.	3/7/84	\$500	Hearing request and answer received 3/30/84.
Birchwood Farms, Inc. Marion County	AQ-FB-83-05 Late field burning.	3/7/84	\$300	Paid 3/21/84.
Greg Williams Linn County	AQ-FB-83-07 Late field burning.	3/8/84	\$500	In default.
Orval Smucker Linn County	AQ-FB-83-06 Field burning w/o a permit.	3/8/84	\$500	Paid 3/26/84.
David C. Malpass Linn County	AQ-FB-83-14 Late field burning.	3/8/84	\$500	Hearing request and answer rec'd. 3/27/84.
Joe L. Heitzman Lane County	AQ-FB-83-08 Late field burning.	3/8/84	\$300	Paid 4/3/84.
Robert W. Harper Marion County	AQ-FB-83-23 Propaning a field w/o removing the straw fuel load.	3/8/84	\$1,000	Hearing request and answer received 3/19/84.
Ben Grossen Washington County	AQ-FB-83-AG1 Unauthorized fourth priority burning.	3/8/84	\$300	Paid 3/23/84.
Roger Boyer Yamhill County	AQ-FB-83-17 Late field burning.	3/8/84	\$300	Paid 3/20/84.
David Bielenberg Marion County	AQ-FB-83-04 Late field burning.	3/8/84	\$300	Hearing request and answer rec'd. 3/30/84.

MARCH 1984
DEQ/EQC Contested Case Log

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT</u>
Preliminary Issues	2	14
Discovery	2	0
Settlement Action	4	5
Hearing to be scheduled	5	5
Hearing scheduled	1	3
HO's Decision Due	2	1
Briefing	1	1
Inactive	5	2
 SUBTOTAL of cases before hearings officer.	 <u>22</u>	 <u>31</u>
HO's Decision Out/Option for EQC Appeal	0	3
Appealed to EQC	0	0
EQC Appeal Complete/Option for Court Review	0	0
Court Review Option Pending or Taken	0	0
Case Closed	1	0
 TOTAL Cases	 <u>23</u>	 <u>34</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

March 1984

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	Stipulated settlement to be submitted to EQC for approval.
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	<u>Order of dismissal issued 3/26/84.</u>
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	<u>Decision issued 3/15/84.</u>
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	<u>Order of dismissal issued 3/26/84.</u>
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	Post hearing argument re privilege.
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	01/26/84	Hrngrs	43-AQ-FB-82-05 FB Civil Penalty of \$400	Hearing deferred pending EQC settlement approval.
FAXON, Jay dba/Faxon Farms	01/03/83	01/07/83	02/09/84	Hrngrs	44-AQ-FB-82-07 FB Civil Penalty of \$1,000	Hearing deferred pending EQC settlement approval.
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.
HAYWORTH FARMS, INC., and HAYWORTH, John W.	01/14/83	02/28/83	04/04/84	Hrngrs	50-AQ-FB-82-09 FB Civil Penalty of \$1,000	<u>Hearing conducted 4/4/84 and continued 4/11/84.</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 CHANG ALBANY	09/07/83	09/08/83		Prtys	53-AQOB-WVR-83-73 OB Civil Penalty of \$4000	To be scheduled.
CRAWFORD, Raymond, M.	09/15/83	09/16/83		Prtys	54-AQOB-NWR-83-63 OB Civil Penalty of \$2000	To be scheduled.
MID-OREGON CRUSHING	09/19/83	09/27/83		Prtys	55-AQ-CR-83-74 AQ Civil Penalty of \$4500	To be scheduled.
McINNIS ENTERPRISES, LTD., et al.	09/20/83 10/25/83	09/22/83 10/26/83	<u>05/14/84</u>	Prtys	56-WQ-NWR-83-79 WQ Civil Penalty of \$14,500, and 59-SS-NWR-83-33290P-5 SS license revocation.	<u>Consolidated hearing scheduled.</u>
WARRENTON, City of	8/18/83	10/05/83		Prtys	57-SW-NWR-PMT-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	To be scheduled.
WILLIS, David T., Jr.	01/05/84	01/18/84		Prtys	<u>01-AQOB-NWR-83-102</u> <u>OB Civil Penalty of \$200</u>	Preliminary issues.

CONTES.TA

March 1984

DEQ/EQC Contested Case Log

<u>Pet/Resp Name</u>	<u>Hrng Rqst</u>	<u>Hrng Rfrl</u>	<u>Hrng Date</u>	<u>Resp Code</u>	<u>Case Type & No.</u>	<u>Case Status</u>
<u>CLEARWATER IND., Inc.</u>	<u>01/13/84</u>	<u>01/18/84</u>		<u>Prtys</u>	<u>02-SS-NWR-83-103 SS Civil Penalty of \$500</u>	<u>Preliminary issues Answer filed 1/13/84.</u>
<u>HARPER, Robert W.</u>	<u>03/13/84</u>	<u>03/21/84</u>		<u>Prtys</u>	<u>03-AQ-FB-83-23 FB Civil Penalty of \$1,000</u>	<u>Review requested. Preliminary issues.</u>
<u>KUENZI, Lee A.</u>	<u>03/17/84</u>			<u>Prtys</u>	<u>04-AQ-FB-83-01 FB Civil Penalty of \$500</u>	<u>Review requested. Preliminary issues.</u>
<u>MALPASS, David C.</u>	<u>03/26/84</u>			<u>Prtys</u>	<u>05-AQ-FB-83-14 FB Civil Penalty of \$500</u>	<u>Review requested. Preliminary issues.</u>
<u>LOE, Roger E.</u>	<u>03/27/84</u>			<u>Prtys</u>	<u>06-AQ-FB-83-15 FB Civil Penalty of \$750</u>	<u>Review requested. Preliminary issues.</u>
<u>SIMMONS, Wayne</u>	<u>03/27/84</u>			<u>Prtys</u>	<u>07-AQ-FB-83-20 FB Civil Penalty of \$300</u>	<u>Review requested. Preliminary issues.</u>
<u>COON, Mike</u>	<u>03/29/84</u>			<u>Prtys</u>	<u>08-AQ-FB-83-19 FB Civil Penalty of \$750</u>	<u>Review requested. Preliminary issues.</u>
<u>BIELENBERG, David</u>	<u>03/28/84</u>			<u>Prtys</u>	<u>09-AQ-FB-83-04 FB Civil Penalty of \$300</u>	<u>Review requested. Preliminary issues.</u>
<u>BRONSON, Robert W.</u>	<u>03/28/84</u>			<u>Prtys</u>	<u>10-AQ-FB-83-16 FB Civil Penalty of \$500</u>	<u>Review requested. Preliminary issues.</u>
<u>NEWTON, Robert</u>	<u>03/30/84</u>			<u>Prtys</u>	<u>11-AQ-FB-83-13 FB Civil Penalty of \$500</u>	<u>Review requested. Preliminary issues.</u>
<u>KAYNER, Kurt</u>	<u>04/03/84</u>			<u>Prtys</u>	<u>12-AQ-FB-83-12 FB Civil Penalty of \$500</u>	<u>Review requested. Preliminary issues.</u>
<u>BUYSERIE, Gary</u>	<u>03/26/84</u>			<u>Prtys</u>	<u>13-AQ-FB-83-21 FB Civil Penalty of \$300</u>	<u>Review requested. Preliminary issues.</u>
<u>BUYSERIE, Gary</u>	<u>03/26/84</u>			<u>Prtys</u>	<u>14-AQ-FB-83-22 FB Civil Penalty of \$750</u>	<u>Review requested. Preliminary issues.</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

April 1984

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

Timber Products (15-0025)	Medford	Particle Dryer Standards OAR 340-30-045(d)	12/19/80	6/30/83	Additional time granted for testing	
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	<u>Company in bank-</u> <u>ruptcy, waiting for</u> <u>settlement</u>	
Coos County Garbage Incinerators (06-0099)	Beaver Hill	Particulate Standards OAR 340-21-025(2) (b)	10/9/81	Permanent	<u>Stipulation signed</u> <u>canceling variance</u>	
Champion International (22-5195)	Lebanon	Veneer Dryer Standards OAR 340-25-315(1) (b)	8/19/83	9/1/84	On schedule	
FMC (26-2944)	Portland	VOC Standards OAR 340-22-170	10/15/82	12/31/86	On schedule	
Carnation Can (34-2677)	Hillsboro	VOC Standards OAR 340-22-170(4) (a) (D)	10/15/82	12/31/85	On schedule	
Rancho-Rajneesh Funeral Pyre (16-0021)	Jefferson County	Opacity Standards OAR 340-21-025(b)	12/3/82	Permanent		
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	<u>Exceeding schedule.</u> <u>Now expect to be</u> <u>in compliance by</u> <u>4/28/84</u>	
Winter Products (26-3033)	Portland	VOC Standards OAR 340-22-170(4) (j)	1/14/83	1/1/87	On schedule	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

April 1984

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

<u>Leading Plywood Corp. (02-2479)</u>	<u>Corvallis</u>	<u>Veneer Dryer OAR 340-25-315 (1) (b)</u>	<u>10/7/83</u>	<u>10/1/84</u>	<u>On schedule</u>
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These variances were a class variance for industrial painting operations granted at the 11/18/83 EQC.

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

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

April 1984

* Source and * Permit No. *	* Location *	* Variance From * (Rule) *	* Date * Granted *	* Date * Expires *	* Status *
<u>AIR QUALITY (cont.)</u>					
Pacific Fireplace Furnishings (34-2676)	Tualatin	VOC Standards OAR 340-22-170	11/18/83	7/1/85	On schedule
Portland Willamette Co. (26-2435)	Portland	VOC Standards OAR 340-22-170	11/18/83	7/1/85	On schedule
Portland Wire & Iron Works (26-2486)	Portland	VOC Standards OAR 340-22-170	11/18/83	7/1/85	On schedule
Reimann and McKenny (26-2572)	Portland	VOC Standards OAR 340-22-170	11/18/83	7/1/85	On schedule
Tektronix, Inc. (34-2638)	Beaverton	VOC Standards OAR 340-22-170	11/18/83	7/1/85	On schedule
Union Pacific (26-3098)	Portland	VOC Standards OAR 340-22-170	11/18/83	7/1/85	On schedule
Wade Manufacturing (34-2667)	Tualatin	VOC Standards OAR 340-22-170	11/18/83	7/1/85	On schedule
Wagner Mining Equipment (26-3039)	Portland	VOC Standards OAR 340-22-170	11/18/83	7/1/85	On schedule

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

April 1984

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

Murphy Veneer	Myrtle Point	Log loader noise OAR 340-35-035	<u>2/24/84</u>	<u>7/1/87</u>	<u>On schedule.</u>
Med Co.	Rogue River	Noise emission standards OAR 340-35-035	8/27/82	12/31/83	<u>Extension request received and additional time granted to measure results of compliance efforts.</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

VARIANCE LOG

April 1984

* Source and * Permit No. *	* Location *	* Variance From * (Rule) *	* Date * Granted *	* Date * Expires *	* Status *
<u>SOLID WASTE DISPOSAL SITES</u>					
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	<u>City is proposing an extended extension of the Open Burning Variance. Variance request will be on EOC's May agenda.</u>
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

April 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
Coquille (3679-J)	Coos Co.	Establish time schedule	10/15/82	7/31/84	Compliance schedule incorporated in permit
Silverton (3146-J)	Marion Co.	Establish time schedule	1/14/83	4/1/85	On schedule
Tangent	Linn Co.	Establish time schedule	11/1/83	1/1/86	On schedule

DEPARTMENT OF ENVIRONMENTAL QUALITY

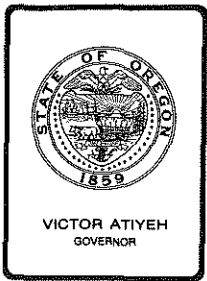
MONTHLY ACTIVITY REPORT

VARIANCE LOG

April 1984

AIR QUALITY NEGOTIATED COMPLIANCE SCHEDULES

<u>Source and Permit No.</u>	<u>Location</u>	<u>Schedule</u>
Eugene Chemical Works (22-4009)	Harrisburg	<u>In compliance.</u>
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.
<u>Bend Mill Work (09-0015)</u>	<u>Bend</u>	<u>Install additional particulate controls by April 15, 1984.</u>
<u>Hoff-Ronde Lumber</u>	<u>Union</u>	<u>Install particulate controls by May 1, 1984 and demonstrate compliance by June 1, 1984.</u>



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item C, May 18, 1984, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation:

It is recommended the Commission take the following actions:

1. Approve tax credit applications:

Appl. No.	Applicant	Facility
T-1682	Eugene Chemical & Rendering Works	Air-to-air condenser
T-1689	Precision Castparts Corp.	Dewaxing autoclave system

2. Deny Application T-1676, Trojan Nuclear Project, as applicant did not file for preliminary certification before construction (see attached review report).
3. Revoke Pollution Control Facility Certificates 899 and 900 issued to Pennwalt Corporation as the certified facilities have been removed from service (see attached review report).
4. Revoke Pollution Control Facility Certificates 226 and 372 issued to Boise Cascade Corporation because the certified facilities are no longer in service (see attached review report).

Michael Hansen

Fred Hansen

KNOlson
229-6484
5/4/84
Attachments

Agenda Item C
Page 2
May 18, 1984, EQC Meeting

PROPOSED MAY 1984 TOTALS

Air Quality	\$ 65,751
Water Quality	-0-
Solid/Hazardous Waste	257,093
Noise	-0-
	<hr/>
	\$ 322,844

1984 CALENDAR YEAR TOTALS

Air Quality	\$1,553,786
Water Quality	1,310,052
Solid/Hazardous Waste	378,021
Noise	-0-
	<hr/>
	\$3,241,859

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Eugene Chemical & Rendering Works
PO Box 244
Harrisburg, OR 97446

The applicant owns and operates an animal, fish and restaurant grease rendering plant at 30400 Tosta Drive, Harrisburg, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a Marley Cooling Tower Company air to air condenser. The costs are:

Air to Air Condenser	\$45,714.00
Freight	2,322.00
Installation	8,462.22
Plumbing, Electrical	<u>9,252.78</u>
Total	\$65,751.00

Request for Preliminary Certification for Tax Credit was made on May 24, 1983, and approved on July 13, 1983.

Construction was initiated on the claimed facility in October 1983, completed on January 9, 1984, and the facility was placed into operation on January 10, 1984.

This facility is subject to the provisions of the new tax credit law, Chapter 637, Oregon Law 1983.

Facility Cost: \$65,751.00 (Accountant's Certification was provided).

3. Evaluation of Application

The rendering plant's odor control system was modified as required by the Department because of odor complaints. An air to air condenser was added to the odor control system. The odor control system consisted of a Venturi scrubber and a packed tower. The added air to air condenser cools the cooker off gas and thereby reduces the air volume so that the scrubber and packed tower can better handle the volume of gas flow.

The system was inspected by the Department and found to operate satisfactorily. The principal purpose of construction and installation of the facility is to comply with a requirement imposed by the Department to control odors.

The only function of the air to air condenser is to provide odor control and there is no return on the investment. Therefore, the portion of the cost properly allocable to pollution control is 100 percent.

The application was received on February 29, 1984, additional information was received on March 26, 1984, and the application was considered complete on April 3, 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 in accordance with the requirements of ORS 468.155(1) and (2).
- 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 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 \$65,751.00 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1682.

Ray Potts:s
(503) 229-6093
April 20, 1984
AS15

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Precision Castparts Corp.
4600 S.E. Harney Drive
Portland, OR 97206

The applicant owns and operates a casting foundry at Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a dewaxing autoclave system to recover pattern wax and storage facilities for urea water.

Request for Preliminary Certification for Tax Credit was made on August 4, 1982, and approved on August 30, 1982.

Construction was initiated on the claimed facility on August 6, 1982, completed in March, 1983, and the facility was placed into operation in March, 1983.

Facility Cost: \$257,093.28 (Accountant's Certification was provided).

3. Evaluation of Application

The sole purpose of the facility is to recover pattern wax and urea water which had previously been disposed of in area landfills. Wax recovered is reintroduced into the manufacturing process. Currently 532,488 lbs./year are recovered with a value of \$0.29/lb. or \$154,422. Yearly 25,982 gallons of urea water are now removed from the waste stream and given to area farmers. It is expected that in the future the urea water will be valued at \$0.03/gal. Disposal of both the wax and urea water caused in plant handling problems. All landfill permits prohibit landfilling of liquids in excess of 25 gallons without Department approval. The landfilling of over 25,000 gallons of urea water presented unique and unusual handling problems to efficient landfill operation.

Since the facility was completed prior to January 1, 1984, it is not subject to percentage allocable.

4. Summation

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

- b. As required by ORS 468.165, the facility was under construction on or after January 1, 1973, and
- (1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste, by mechanical process; through the use of materials which have useful physical properties;
 - (2) The end product of the utilization is an item of real economic value;
 - (3) The end product of the utilization, 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 is necessary to assist in solving an unusual solid waste problem during landfilling due to the excessive volume of liquid urea water produced by the company;

and

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 \$257,093.28 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1689.

R. L. Brown:b
(503) 229-5157
April 25, 1984
SB3338

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Trojan Nuclear Project
121 S.W. Salmon St.
Portland, OR 97204

The applicant owns and operates a nuclear fueled electrical generating unit at Prescott.

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 gravity oil/water separator consisting of an in-ground 33' x 22' x 16' reinforced concrete chamber (concrete partition approximately 24' from influent) with associated piping and manholes.

The applicant claims construction of the claimed facility was initiated in October 1976 and completed in December 1976. A Request for Preliminary Certification for Tax Credit dated 2/25/77 was received by the Department on February 28, 1977--approximately 2 months after construction completion.

On March 16, 1977, the Department issued a form response which noted that Plans had been previously approved by letter dated 12/9/76 and that Preliminary Certification was approved with the condition that "This preliminary certification makes the proposed facility eligible for consideration for tax credit but does not insure that any specific part or all of the pollution control facility will be issued a tax credit."

Facility Cost: \$91,643 (Accountant's Certification was provided).

3. Evaluation of Application

Drainage from the turbine, diesel generator, control and demineralizer buildings is routed through the oil water separator. These areas contain various sources of oil which could potentially spill into floor drains. The separator acts as a quiescent skimming device to collect any oil which may enter the device. To date, there has been no need to remove oil from the separator due to the small volume of oil collected. There has been no return on investment from this

facility. Radiation restrictions by the Nuclear Regulatory Commission preclude off site use of any separated oil, but it could be reused on-site. Oil free effluent from the separator mixes with other plant waste waters prior to discharge to the Columbia River.

The claimed facility meets requirements for certification as a water pollution control facility with the exception of the requirement for preliminary certification.

A review of Department files indicates the following:

- a. ORS 468.175 was amended effective September 13, 1975, to require filing of a request for preliminary certification (rather than a notice of construction) prior to construction.
- b. The Department received letter advice from legal counsel dated June 14, 1978, providing interpretation of the preliminary certification requirements. (Attached)
- c. Plans for an Oil/Water separator were submitted to DEQ for review on October 13, 1976.
- d. DEQ approved the plans by letter dated October 28, 1976. (A second approval letter ated December 9, 1976, is also on file.) It should be noted that ORS 468.742 requires approval of plans for water pollution control facilities prior to construction.
- e. Construction of the claimed facility was completed during December 1976.
- f. On January 7, 1977, a DEQ staff member telephoned the PGE Environmental Services Manager and inquired if they intended to apply for tax credit. The response was that he would check into it and get back to the Department.
- g. A Request for Preliminary Certification dated 2/25/77 was received by DEQ on February 28, 1977.
- h. On March 16, 1977, the Department issued a form response which noted that Plans had been previously approved by letter dated 12/9/76, and that Preliminary Certification was approved with the condition that "This preliminary certification makes the proposed facility eligible for consideration for tax credit but does not insure that any specific part or all of the pollution control facility will be issued a tax credit."

PGE did have some prior experience with the requirement for Preliminary Certification for air pollution control facilities at the Boardman Coal Plant as follows:

- a. A notice of construction (plans) for pollution control facilities was submitted to DEQ on August 25, 1975.
- b. ORS 468.175 was amended effective September 13, 1975, to require filing of a request for preliminary certification (rather than a notice of construction) prior to construction.
- c. On October 1, 1975, DEQ advised PGE by letter of the requirement of ORS 468.175 for preliminary certification.
- d. Construction started during February 1976.
- e. PGE submitted a request for Preliminary Certification on November 22, 1976.
- f. DEQ did not act on the request for preliminary certification due to an apparent oversight.
- g. The EQC approved the Pollution Control Certificate under the 1973 act since a notice of construction was submitted prior to September 13, 1975. (See attached letter from Robert Haskins dated March 12, 1982.)

A review of other files suggests that in one case where preliminary certification was requested after construction commenced, preliminary certification was considered granted because, after extensive discussions, the facility was required to be constructed by a Stipulation and Final Consent Order issued to the applicant by the Department.

In another case, certification was denied because construction was initiated prior to the application for preliminary certification and the Department had no prior knowledge of the installation and had not reviewed plans.

The Department concludes that PGE had knowledge of the requirement for preliminary certification, but did not file an application for preliminary certification prior to initiation of construction as required by ORS 468.175. The Department is unable to determine whether plans for the facility were approved prior to initiation of construction. (Plans were received 10/13/76, approved 10/28/76, and construction is claimed to have commenced in October 1976.)

Therefore, based on the above information, the Department recommends that the Commission deny the request for a Pollution Control Facility Certificate.

4. Summation

- a. Facility was not constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification; however, the facility would otherwise be eligible for tax credit.
- 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 be denied for the facility claimed in Tax Credit Application No. T-1676.

L. D. Patterson:g

WG3335

(503) 229-5374

May 4, 1984



DEPARTMENT OF JUSTICE

PORTLAND DIVISION
500 Pacific Building
520 S.W. Yamhill
Portland, Oregon 97204
Telephone: (503) 229-5725

Management Services Div.
Dept. of Environmental Quality

R E A E I V E D
JUN 15 1978

June 14, 1978

Mr. Mike Downs
Department of Environmental
Quality
Yeon Building
522 S.W. Fifth Avenue
Portland, Oregon 97204

Re: Applications for Preliminary Tax Credit Certification

Dear Mike:

This letter responds to your June 6, 1978 memorandum to me requesting an informal legal opinion as to the questions stated therein.

1. ORS 468.175 provides that the request by an applicant for preliminary tax credit certification "shall be in a form prescribed by the department." In view of this provision, it seems to me that the Department has some flexibility in determining what constitutes a "request." If the Department is satisfied with a verbal request or a written request not on Form No. DEQ/TC-1-10/77, I believe that request may satisfy the statute, though the better administrative practice may be to see that said form is used by each applicant. Such request, in form satisfactory to the Department, would then be followed by the submission by the applicant of the necessary information leading to consideration of the preliminary tax credit certification by the Department pursuant to ORS 468.175.

2. It is my opinion that the statute requires, as a jurisdictional matter, the filing of a request for preliminary certification with DEQ before commencement of erection, construction or installation of the facility. ORS 468.175(1).

Thus, if the request, whether oral or written or on the DEQ form, is given after such commencement, there can be no preliminary tax credit certification.

You asked me to consider the following circumstances when responding to the questions above:

- (a) Applicant was unaware of the requirements of ORS 468.175(1). Ignorance of the law by the applicant would be no excuse for not meeting the requirements of ORS 468.175(1).
- (b) Applicant verbally requested agency staff for preliminary certification. As indicated above, this might be acceptable by the Department as a "request."
- (c) Applicant filed a written request for preliminary certification on the wrong form or in a letter. As indicated above, it would be within the discretion of the Department under the statute to determine whether a satisfactory "request" had been made.
- (d) Agency staff has mistakenly told applicant that he didn't need to file a request for preliminary certification. If the applicant's action did not constitute a "request," as indicated above, the fact that the applicant had been misled by the agency staff would not eliminate the statutory requirement of request prior to commencement of erection, construction or installation of the facility. Nor would it eliminate the requirement of ORS 468.170 for preliminary tax credit certification prior to final certification.

3. Yes, sec 2, ch 831, Or Laws 1973 (now a part of ORS 468.175) did apply to solid waste pollution control facilities constructed after the effective date of that 1973 Act, unless the erection, construction or installation of

June 14, 1978

the pollution control facility was begun before the effective date of that 1973 Act. Secs 3 and 4, ch 831, Or Laws 1973.

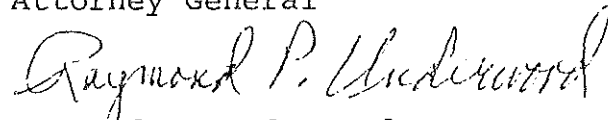
4. Sec 2, ch 831, Or Laws 1973, provided that the notice of construction required to be filed with the Department of Environmental Quality "shall be in a form prescribed by the department." Therefore, the same reasoning which I have applied to previous questions would apply here and I believe it would be within the discretion of the Department to determine whether what the applicant filed was a "notice of construction" within the meaning of the statute. However, if the applicant's action did not constitute a "notice of construction," the fact that the applicant had been misled by the agency staff would not eliminate the statutory requirement of prior notice of construction.

Both under sec 2, ch 831, Or Laws 1973, and ORS 468.175 the Department must determine whether to issue a preliminary tax credit certification following its receipt of the proper notice or request.

Please let me know if you have further questions regarding this matter.

Very truly yours,

JAMES A. REDDEN
Attorney General



Raymond P. Underwood
Chief Counsel

ej



RECEIVED
MAR 15 1982

DEPARTMENT OF JUSTICE

PORTLAND DIVISION
500 Pacific Building
520 S.W. Yamhill
Portland, Oregon 97204
Telephone: (503) 229-5725
March 12, 1982

Carol Splettstaszer
Department of Environmental Quality
522 S.W. Fifth Avenue
Portland, Oregon 97204

Re: Preliminary Certification for Tax Credit
PGE Boardman (T-1449)

Dear Carol:

In your memorandum dated January 7, 1982, you forwarded to me copies of the following:

- (a) January 5, 1981, memorandum from Larry Patterson to you;
- (b) October 1, 1975, letter from John F. Kowalczyk to PGE;
- (c) November 22, 1976 letter from George J. Eicher to H. M. Patterson;
- (d) November 30, 1981 letter from Harold L. Sawyer to Number One Boardman Station;
- (3) December 30, 1981 letter from Edward P. Miska to Harold L. Sawyer.

In your memorandum you asked me whether PGE's compliance with the 1973 tax credit act (timely filing of notice of construction) satisfied the 1975 act which substituted a request for preliminary certification for the notice of construction requirement. The answer is yes.

In 1967 the legislature adopted a system of providing tax credits for investments in air and water pollution control facilities. Oregon Laws, 1967, ch 592. It gave the Environmental Quality Commission's predecessor, the State Sanitary Authority, the function of reviewing applications and issuing certificates in particular sums for completed facilities. Oregon Laws 1967, ch 592, § 4.

After six years of experience under the program the Department of Environmental Quality concluded that it would be desirable to have an opportunity to review plans for pollution control facilities seeking tax credits prior to their construction rather than only after construction as then was the case regarding certain facilities. Testimony of Tom Donaca before the Senate Environment and Land Use Committee, March 29, 1973 (Tape 13, side 1, nos. 0700-0724); testimony of Tom Donaca and B. J. Seymour before the House Environment and Land Use Committee, May 21, 1973 (Tape 21, side 1, nos. 0424-0737 [174-177 and 254-257]). Therefore, when it was proposed that solid waste facilities be added to the types of facilities allowed to obtain tax credits, the DEQ proposed to require DEQ preconstruction review as a condition precedent to obtaining a final tax credit certificate after construction. Id. What was enacted, Oregon Laws 1973, ch 831, §§ 2, 3 (SB 661), was modeled after the then existing air quality preconstruction notice requirement contained in ORS 449.712, (now 468.325). Briefly, under the 1973 act, in order to be eligible to obtain a final tax credit certificate after completion of construction the applicant was required to:

- (1) File a "notice of construction" prior to commencement of construction;
- (2) Submit plans and specifications, upon request; and
- (3) Obtain a "certificate of approval" by action of the DEQ, or by operation of law.

In 1975 the DEQ supported SB 713, § 5, which proposed amendments to the 1973 act. DEQ witness Bill Bree described the proposed amendments as "strictly clarifying." Testimony of Bill Bree before the Senate Environment and Energy Committee, April 16, 1975, (Tape 16, side 2, nos. 0420-0754). Oregon Laws 1975, ch 496, § 5 (SB 713) provides as follows:

"Section 5. ORS 468.175 is amended to read:

- "(1) Any person proposing to apply for certification of a pollution control facility pursuant to ORS 468.165, before the commencement of erection, construction or installation of the facility, shall file a [notice of construction] request for preliminary certification with the Department of Environmental Quality. The [notice] request shall be in a form prescribed by the department.

"(2) Within 30 days of the receipt of such [notice] request, the department may require, as a condition precedent to issuance of a preliminary certificate of approval, the submission of plans and specifications. After examination thereof, the department may request corrections and revisions to the plans and specifications. The department may also require any other information necessary to determine whether the proposed construction is in accordance with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.315 to 454.355, 454.405 to 454.425, 454.505 to 454.535, 454.605 to 454.745, this chapter and ORS chapter 459, and applicable rules and standards adopted pursuant thereto.

"(3) If the department determines that the proposed erection, construction or installation is in accordance with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.315 to 454.355, 454.405 to 454.425, 454.505 to 454.535, 454.605 to 454.745, this chapter and ORS chapter 459, and applicable rules or standards adopted pursuant thereto, it shall issue a preliminary certificate approving the erection, construction or installation. If the department determines that the erection, construction or installation does not comply with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.315 to 454.355, 454.405 to 454.425, 454.505 to 454.535, 454.605 to 454.745, this chapter and ORS chapter 459, and applicable rules or standards adopted pursuant thereto, the commission shall issue an order denying certification.

"(4) If within 60 days of the receipt of plans, specifications or any subsequently requested revisions or corrections to the plans and specifications or any other information required pursuant to this section, the department fails to issue a preliminary certificate of approval and the commission fails to issue an order denying certification, the preliminary certificate shall be considered to have been issued. The construction must comply with the plans, specifications and any corrections or revisions thereto, if any, previously submitted.

"(5) Within 20 days from the date of mailing of the order, any person against whom an order is directed pursuant to subsection (3) of this section may demand a hearing. The demand shall be in writing, shall state the grounds for hearing and shall be mailed to the director of the department. The hearing shall be conducted in accordance with the applicable provisions of ORS chapter 183."

Carol Splettstaszer
March 12, 1982
Page No. 4

The only changes made by Section 5 of Chapter 496, Oregon Laws 1975, were to substitute the language "request for preliminary certification" for "notice of construction" and to add the word "preliminary" immediately preceding the term "certificate of approval." Otherwise the procedures were not changed. The changes were of form not substance. Prior to the amendment, if a person wanted to obtain a final tax credit certificate he had to first file a "notice of construction" prior to commencing construction. The amendment merely changed the names of what was being filed and what was received. No special provision was made in the statute for the transition period. Status under the amended act of timely notices of construction filed before the effective date of the act was not discussed.

It would be reasonable to presume that a "notice of construction" filed under the 1973 act would be equivalent to a "request for preliminary certification" under the 1975 act and that a subsequent filing would not be necessary. The timely filing of a "notice of construction" under the 1973 act gave an applicant the right to obtain a prompt decision on his application. If it was not granted or denied within 60 days of submission of plans and specifications it was deemed granted. Oregon Laws 1973, ch 831, § 2. The same effect was given to timely "requests for preliminary certification." Oregon Laws 1975, ch 496, § 5. There is nothing in the 1975 act to indicate that pending "notices of construction" would expire. The purposes of the two acts were identical: to allow the DEQ an opportunity for preconstruction review. The purpose was served by PGE's timely filing of its "notice of construction." No legitimate purpose would be served by considering PGE's "notice of construction" null and void upon the effective date of the 1975 act and thereafter requiring a "request for preliminary certification" prior to construction. To so interpret the 1975 act would be to exult form over substance. The only reasonable interpretation of the 1975 act is that it effectuated a change of form not substance and that, therefore, any timely "notice of construction" under the 1973 act would continue in effect and would be considered to be the equivalent of a timely "request for preliminary certification."

Please call me if you have any questions.

Sincerely,



Robert L. Haskins
Assistant Attorney General

RLH/bc

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State of Oregon
Department of Environmental Quality

REVOCATION OF POLLUTION CONTROL FACILITY CERTIFICATES

1. Certificates Issued To:

Pennwalt Corporation
Inorganic Chemicals Division
P. O. Box 4102
Portland, Oregon 97208

Certificates were issued for water pollution control facilities.

2. Summation:

By letter of February 21, 1984 (copy attached), the Department was informed that the facilities certified in the following Pollution Control Facility Certificates had been removed from service.

<u>Certificate Number</u>	<u>Plant</u>	<u>Date Issued</u>
899	N. W. Front Avenue, Portland	April 28, 1984
900	N. W. Front Avenue, Portland	April 28, 1984

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

3. Director's Recommendation:

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

<u>Certificate Number</u>	<u>Revocation Date</u>
899	February 21, 1984
900	February 21, 1984

KNOlson
229-6484
4/26/84
Attachments



P. O. BOX 4102, PORTLAND, OREGON 97208

(503) 228-7655

cc NWRO
~~WJS WJF WF~~
file
CC MOMENT SERVICES

February 21, 1984

DEPARTMENT OF ENVIRONMENTAL QUALITY
State Of Oregon
522 S.W. Fifth Avenue
P. O. Box 1760
Portland, Oregon 97207

Gentlemen:

This is to notify you that the equipment covered under Pollution Control Facility Certificate Number 899 and 900 is no longer in use. The caustic evaporators for which these entrainment separators are for are not presently being operated.

Yours very truly,

PENNWALT CORPORATION

EDWARD L. LOCKE
Plant Manager

ELL/sml

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
FEB 23 1984
AIR QUALITY CONTROL

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State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 899

Date of Issue 4/28/78

Application No. I-988 (A)

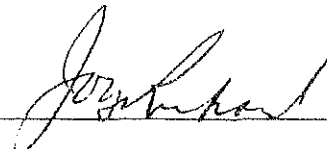
POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Pennwalt Corporation Inorganic Chemicals Division P. O. Box 4102 Portland, Oregon 97208	Location of Pollution Control Facility: 6400 N.W. Front Avenue Portland, Oregon
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: Entrainment separators; sets A and B evaporators (sodium hydroxide)	
Type of Pollution Control Facility: <input type="checkbox"/> Air <input type="checkbox"/> Noise <input checked="" type="checkbox"/> Water <input type="checkbox"/> Solid Waste	
Date Pollution Control Facility was completed: <u>12/15/77</u> Placed into operation: <u>12/15/77</u>	
Actual Cost of Pollution Control Facility: \$ <u>71,569.00</u>	
Percent of actual cost properly allocable to pollution control: 80% or more	

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

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

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

Signed 
 Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on
 the 28th day of April, 1978.

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State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 900
Date of Issue 4/28/78
Application No. T-988 (B)

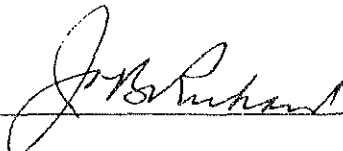
POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Pennwalt Corporation Inorganic Chemicals Division P. O. Box 4102 Portland, Oregon 97208	Location of Pollution Control Facility: 6400 N.W. Front Avenue Portland, Oregon
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: Entrainment separators sets C and D evaporators (sodium hydroxide), and evaporator building sumps	
Type of Pollution Control Facility: <input type="checkbox"/> Air <input type="checkbox"/> Noise <input checked="" type="checkbox"/> Water <input type="checkbox"/> Solid Waste	
Date Pollution Control Facility was completed: <u>12/15/77</u> Placed into operation: <u>12/15/77</u>	
Actual Cost of Pollution Control Facility: \$ <u>176,228.00</u>	
Percent of actual cost properly allocable to pollution control: <u>80% or more</u>	

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

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

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

Signed 
Title Joe B. Richards, Chairman

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

State of Oregon
Department of Environmental Quality

REVOCATION OF POLLUTION CONTROL FACILITY CERTIFICATE

1. Certificates Issued To:

Boise Cascade Corporation
P. O. Box 610
LaGrande, Oregon 97850

Certificates were issued for air pollution control facilities.

2. Summation:

By letter of March 29, 1984 (copy attached), the Department was informed that the facilities certified in Pollution Control Facility Certificates 226 and 372 had been removed from service.

Pursuant to ORS 317.072(10), it is necessary that the Commission revoke these Pollution Control Facility Certificates.

3. Director's Recommendation:

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

Certificate 226 - March 29, 1984
Certificate 372 - March 29, 1984

KNOlson
229-6484
4/30/84
Attachments



Boise Cascade Corporation

General Offices

One Jefferson Square
Boise, Idaho 83728
208/384-6161
Cable: BOCASCO

March 29, 1984

Ms. Carol A. Splettstaszer
Department of Environmental Quality
522 S. W. Fifth Avenue, Box 1760
Portland, Oregon 97207

Re: Pollution Control Certificates
#372 and 226

Dear Ms. Splettstaszer:

Please cancel Pollution Certificates #372 and #226. The equipment has been removed from our LaGrande (Island City), Oregon, plant so the certificates are no longer relevant.

Your assistance is appreciated, as always.

Sincerely,

Pete L. Wilson
Property Tax Administrator
PLW/dh

641

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

Local To: Boise Cascade Corporation La Grande Particleboard Plant Post Office Box 610 La Grande, Oregon 97850	Asst. Owner	Location of Pollution Control Facility: Industrial Park Island City, Oregon Union County
Description of Pollution Control Facility: RADER Pneumatic WF (cyclone) Filter System.		
Date Pollution Control Facility was completed and placed in operation:		January 1971
Actual Cost of Pollution Control Facility:		\$ 44,927.00
Percent of actual cost properly allocable to pollution control:		80 percent or more.

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

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

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

Signed _____

Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 24th day of March 19 72

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Asst. Owner Boise Cascade Corporation T & BM - Wood Products Division Post Office Box 610 La Grande, Oregon 97850	Location of Pollution Control Facility: Industrial Park Island City, Oregon Union County
Description of Pollution Control Facility: Control of emission of sanderdust to the atmosphere consisting of: two Carter Day 144 R J 60 filter units, sanderdust collection and handling ducts, and necessary foundations, fans, motors and electrical controls.	
Date Pollution Control Facility was completed and placed in operation: September, 1972	
Actual Cost of Pollution Control Facility: \$ 57,416.62	
Percent of actual cost properly allocable to pollution control: 80 percent or more	

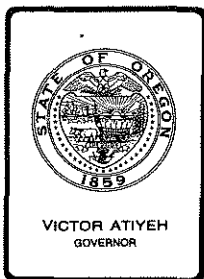
In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January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

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

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

Signed _____
 Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission
 on the 30th day of April 1973



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. D, May 18, 1984, EQC Meeting

Request for Authorization to Hold a Public Hearing to Amend Standards of Performance for New Stationary Sources Oregon Administrative Rules (OAR) 340-25-510 to 675 to Include New Federal Rules for Metallic Mineral Processing and Four Volatile Organic Compound Sources; and to Amend the State Implementation Plan.

Background and Problem Statement

The U.S. Environmental Protection Agency (EPA) adopted New Source Performance Standards (NSPS) beginning in 1971. To acquire delegation to administer these standards, the Commission adopted Oregon Administrative Rules (OAR) OAR 340-25-505 to 705 in September 1975, and amended them in 1981, 1982, and 1983. EPA delegated NSPS to the Department in 1976, 1981, and 1983.

Problem Statement

EPA is continuously bringing new source categories under NSPS. DEQ has committed to bring these rules up to date with EPA rules on a once a year basis.

Five new NSPS rules published by EPA in the last year will necessitate new DEQ rule adoptions. These rules cover the following source categories:

<u>40 CFR Subpart</u>	<u>Title</u>	<u>Federal Register Date</u>
LL, 60.380 to 60.386	Metallic Mineral Processing Plants	02/21/84
RR, 60.440 to 60.447	Tape and Label Surface Coating	10/18/83
VV, 60.480 to 60.489	Volatile Organic Compound (VOC) Leaks in Synthetic Organic Chemical Industry	10/18/83
WW, 60.490 to 60.496	Beverage Can Surface Coating	08/25/83
XX, 60.500 to 60.506	Bulk Gasoline Terminals	08/18/83



Contains
Recycled
Materials

Authority for the Commission to act is given in Oregon Revised Statutes (ORS) 468.020 and 468.295(3) where the Commission is authorized to establish emission standards for sources of air contaminants. A "Statement of Need for Rulemaking" is appended to Attachment 2 of this memorandum.

Alternatives and Evaluation

1. The Commission could take NO ACTION.

A no-action consequence would be that both the Department and EPA staffs would have to review certain emission sources in Oregon, because the DEQ's rules have not been kept up to date with EPA's.

2. The Commission could authorize the attached amendments to Oregon Administrative Rules for a public hearing.

This would help EPA-Department cooperation to achieve single, state jurisdiction and review of certain new and modified sources.

Rule Development Process

The Department has assembled a complete list of amendments to NSPS, and the Federal Registers describing those rule changes, and has made appropriate changes in wording to fit these rules into the OAR format.

The proposed rules should be considered as changes in the Oregon State Implementation Plan (SIP) in order to allow EPA to delegate administration of applicable Federal Rules.

PROPOSED RULE ADDITIONS

Metallic Mineral Processing Plants, Subpart LL, was added by 49 FR 6458, February 21, 1984. This new standard for Particulate Matter is proposed to be added as OAR 340-25-652. It limits opacity and particulate concentration from processing and handling equipment.

Tape and Label Surface Coating, Subpart RR, was added by 48 FR 48368, October 18, 1983. This new standard for VOC is proposed to be added as OAR 340-25-662. It limits VOC emissions to 0.20 Kg of VOC per Kilogram of coating solids applied.

VOC Leaks From the Synthetic Organic Chemical Industry, Subpart VV, was added by 48 FR 48328, October 18, 1983. This new standard for VOC is proposed to be added as OAR 340-25-680. It regulates how leaks are to be detected, repaired, logged, and reported. Formaldehyde plants in Oregon will be affected.

Beverage Can Surface Coating, Subpart WW, was added by 48 FR 38728, August 25, 1983. This new standard for VOC is proposed to be added as OAR 340-25-

685. It limits VOC to 0.29 to 0.89 kg of VOC per liter of coating solids applied for the various coating operations.

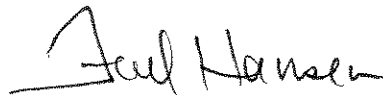
Bulk Gasoline Terminals, Subpart XX, was added by 48 FR 37578, August 18, 1983. This new standard for VOC is proposed to be added as OAR 340-25-690. It sets limits for VOC from loading gasoline delivery trucks at bulk gasoline terminals.

Summation

1. EPA adopted the first New Stationary Source Performance Standards (NSPS) in 1971. More have been added since then, the most recent one in February 1984.
2. To acquire delegation to administer NSPS in Oregon, the Commission adopted equivalent administrative rules in September 1975 and subsequently received delegation.
3. The Commission amended the NSPS rules in April 1981, in October 1982, and in October 1983 to bring them up to date with EPA rules.
4. The proposed rule changes (Attachment 1) would bring the State rules up to date with the federal EPA NSPS rules. The regulated sources affected are:
 - a. Metallic Mineral Processing Plants
 - b. Tape and Label Surface Coating
 - c. VOC Leaks in Synthetic Organic Chemical Industry
 - d. Beverage Can Surface Coating
 - e. Bulk Gasoline Terminals

Director's Recommendation

It is recommended that the Commission authorize the Department to hold a hearing to consider the attached amendments to OAR 340-25-510 to 340-25-690, rules on Standards of Performance for New Stationary Sources, and to submit those rule changes to EPA as amendments to the State Implementation Plan.



Fred Hansen

- Attachments:
1. Proposed Rules 340-25-510 to 340-25-690
 2. Notice of Public Hearing with attached Statement of Need for Rulemaking

P.B. BOSSERMAN:a
(503) 229-6278
April 12, 1984
AA4345

**Standards of Performance for
New Stationary Sources**

Statement of Purpose

340-25-505 The U.S. Environmental Protection Agency has adopted in **Title 40, Code of Federal Regulations, Part 60**, Standard of Performance for certain new stationary sources. It is the intent of this rule to specify requirements and procedures necessary for the Department to implement and enforce the aforementioned Federal Regulation.

Definitions

340-25-510 (1) "Administrator" herein and in **Title 40, Code of Federal Regulations, Part 60**, means the Director of the Department or appropriate regional authority.

(2) "Federal Regulation" means **Title 40, Code of Federal Regulations, Part 60**, as promulgated prior to [June 2, 1983] April 18, 1984.

(3) "CFR" means Code of Federal Regulations.

(4) "Regional authority" means a regional air quality control authority established under provisions of ORS 468.505.

Statement of Policy

340-25-515 It is hereby declared the policy of the Department to consider the performance standards for new stationary sources contained herein to be minimum standards; and, as technology advances, conditions warrant, and Department or regional authority rules require or permit, more stringent standards shall be applied.

Delegation

340-25-520 The Commission may, when any regional authority requests and provides evidence demonstrating its capability to carry out the provisions of these rules, authorize and confer jurisdiction upon such regional authority to perform all or any of such provisions within its boundary until such authority and jurisdiction shall be withdrawn for cause by the Commission.

Applicability

340-25-525 This rule shall be applicable to stationary sources identified in rules 340-25-550 through [340-25-675] 340-25-690 for which construction or modification has been commenced, as defined in **Title 40, Code of Federal Regulations (40 CFR) 60.2** after the effective dates of these rules.

General Provisions

340-25-530 Title 40, CFR, Part 60, Subpart A as promulgated prior to [June 2, 1983] April 18, 1984, is by this reference adopted and incorporated herein. Subpart A includes paragraphs 60.1 to 60.16 which address, among other things, definitions, performance tests, monitoring requirements, and modifications.

Performance Standards

Federal Regulations Adopted by Reference

340-25-535 Title 40, CFR, Parts 60.40 through 60.154, and 60.250 through [60.404] 60.506, as established as final rules prior to [June 2, 1983] April 18, 1984, is by this reference adopted and incorporated herein. As of [June 2, 1983] April 18, 1984, the Federal Regulations adopted by reference set the emission standards for the new stationary source categories set out in rules 340-25-550 through [340-25-675] 340-25-690 (these are summarized for easy screening, but testing conditions, the actual standards, and other details will be found in the **Code of Federal Regulations**).

...

Standard of Performance for Metallic Mineral Processing Plants

340-25-652 The pertinent federal rules are 40 CFR 60.380 to 60.386 also known as Subpart LL. The following emission standards, summarizing the federal standards set forth in Subpart LL, apply to the following affected facilities in metallic mineral processing plants: each crusher and screen in open pit mines; at the mill or concentrator, each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station. These facilities are affected only if construction of them, or modification, commenced after August 24, 1982, and if they are located not in underground mines.

Standards for Particulate Matter: No owner or operator shall cause to be discharged into the atmosphere from any affected facility:

(1) any stack emissions that contain particulate matter in excess of 0.05 grams per dry standard cubic meter (0.02 gr/dscf);

(2) any stack emissions that exhibit greater than 7 percent opacity;

(3) any process fugitive emissions that exhibit greater than 10 percent opacity.

...

Standards of Performance for Tape and Label Surface Coating

340-25-662 The pertinent federal rules are 40 CFR 60.440 to 60.447, also known as Subpart RR. The following emission standard, summarizing the federal standard set forth in Subpart RR, applies to each coating line used in the manufacture of pressure sensitive tape and label materials which commenced construction, modification, or reconstruction after December 30, 1980.

Standard for Volatile Organic Compounds: no owner or operator shall cause to be discharged into the atmosphere Volatile Organic Compounds in excess of 0.20 kilograms per kilogram of coating solids applied, averaged over a calendar month.

...

Standards of Performance for VOC Leaks from Synthetic Organic Chemical Manufacturing

340-25-680 The pertinent federal rules are 40 CFR 60.480 to 60.489, also known as Subpart VV. The emissions standards, in the federal standards set forth in Subpart VV, apply to VOC leaks from the following equipment which commenced construction or modification after January 5, 1981.

(1) The affected facilities are those in the Synthetic Organic Chemicals Manufacturing Industry with a design capacity of 1000 Mg/yr (1102 tons/yr) or greater:

- (a) pumps in light liquid service
- (b) compressors
- (c) pressure relief devices in gas/vapor service
- (d) sampling connection systems
- (e) open-ended valves or lines
- (f) valves
- (g) closed vent systems and control devices.

(2) The detailed standards are found in seven pages of federal rules, along with the record keeping and reporting requirements.

Standards of Performance for Beverage Can Surface Coating

340-25-685 The pertinent federal rules are 40 CFR 60.490 to 60.496, also known as Subpart WW. The following emission standard, summarizing the federal standard set forth in Subpart WW, applies to beverage can surface coating lines which commenced construction, modification, or reconstruction after November 26, 1980.

Standard for Volatile Organic Compounds: no owner or operator shall cause to be discharged into the atmosphere Volatile Organic Compounds that exceed the following volume-weighted calendar month average emissions:

(a) 0.29 kilograms of VOC per liter of coating solids from each two piece can exterior base coating operation, except clear base coat;

(b) 0.46 kilogram of VOC per liter of coating solids from each two-piece can clear base coating operation and from each overvarnish coating operation; and

(c) 0.89 kilogram of VOC per liter of coating solids from each two-piece can inside spray coating operation.

Standards of Performance for Bulk Gasoline Terminals

340-25-690 The pertinent federal rules are 40 CFR 60.500 to 60.506, also known as Subpart XX. The following emission standard, summarizing the federal standard set forth in Subpart XX, applies to each gasoline tank truck loading rack at a Bulk Gasoline Terminal, which commenced construction, modification, or reconstruction after August 18, 1983.

Standards for VOC (1) The emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 35 milligrams of total organic compounds per liter of gasoline loaded, except as noted in paragraph (2) of this section.

(2) For each affected facility equipped with an existing vapor processing system, the emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 80 milligrams of total organic compounds per liter of gasoline loaded.

A CHANCE TO COMMENT ON...

Additions to New Source Performance Standards

Date Prepared: May 3, 1984
Hearing Date: July 2, 1984
Comments Due: July 6, 1984

**WHO IS
AFFECTED:**

Industry which may build new, reconstruct, or modify the categories listed below.

**WHAT IS
PROPOSED:**

The Department of Environmental Quality is proposing to amend OAR 340-25-510 to 340-25-690 to add five New Source Performance Standards, made final by the federal Environmental Protection Agency in the last year:

1. Metallic Mineral Processing Plants, .02 gr/scf, 7% opacity
2. Tape and Label Surface Coating, .20 Kg VOC/l solids
3. VOC Leaks From Synthetic Organic Chemical Plants; regulates how leaks are detected, repaired, logged, reported (affects Oregon's urea-formaldehyde resin plants)
4. Beverage Can Surface Coating, .29 to .89 kg VOC/l solids
5. Bulk Gasoline Terminals, 35 mg VOC/liter loaded into gasoline tanks trucks

**WHAT ARE THE
HIGHLIGHTS:**

The Department proposes to adopt these federal rules and to request EPA to delegate jurisdiction over these sources in Oregon to DEQ.

This has been done previously with 26 other sources, some of them more common, like asphalt batch plants. This is considered a routine rule making action, since the sources must abide by an identical federal rule, already in force.

**HOW TO
COMMENT:**

Copies of the complete proposed rule package may be obtained from the Air Quality Division in Portland (522 S.W. Fifth Avenue) or the regional office nearest you. For further information contact Peter Bosserman at (503) 229-6278.

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

3:00 p.m.
Monday, July 2, 1984
Room 4A, 4th Floor, Yeon Bldg.
522 S.W. 5th, Portland, OR 97204



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 1-800-452-7810, and ask for the Department of Environmental Quality.

1-800-452-4011



Oral and written comments will be accepted at the public hearing. Written comments may be sent to the DEQ Air Quality Division, P.O. Box 1760, Portland, OR 97207, but must be received by no later than July 6, 1984.

**WHAT IS THE
NEXT STEP:**

After public hearing the Environmental Quality Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted rules will be submitted to the U. S. Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation should come on August 10, 1984 as part of the agenda of a regularly scheduled Commission meeting.

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

RULEMAKING STATEMENTS

for Standards of Performance for New Stationary Sources

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

STATEMENT OF NEED:

Legal Authority

This proposal amends Oregon Administrative Rules 340-25-510 to 340-25-690. It is proposed under authority of Oregon Revised Statutes 468.020(1) and 468.295(3) where the Environmental Quality Commission is authorized to establish different rules for different sources of air pollution.

Need for the Rule

The proposed changes bring the Oregon rules up-to-date with the latest changes and additions to the federal "Standards of Performance for New Stationary Source", 40 CFR 60. As Oregon rules are kept up-to-date with the federal rules, then the federal EPA delegates jurisdiction for their rules to the Department, allowing Oregon industry and commerce to be regulated by only one environmental agency.

Principal Documents Relied Upon

1. 40 CFR 60 Code of Federal Regulations, as amended in recent Federal Registers, concerning "Standards of Performance for New Stationary Sources":

<u>Subpart</u>	<u>Title</u>	<u>Federal Register Date</u>
LL, 40 CFR 60.380 to 60.386	Metallic Mineral Processing Plants	02/21/84
RR, 60.440 to 60.447	Tape and Label Surface Coating	10/18/83
VV, 60.480 to 60.489	VOC Leaks in Synthetic Organic Chemical Industry	10/18/83
WW, 60.490 to 60.496	Beverage Can Surface Coating	08/25/83
XX, 60.500 to 60.506	Bulk Gasoline Terminals	08/18/83

FISCAL AND ECONOMIC IMPACT STATEMENT:

The NSPS rules are already promulgated by EPA. Adoption by and delegation to DEQ simplifies environmental administration generally at less cost.

Small businesses will have less trouble following several of these environmental rules if they are administered by only one agency, the DEQ.

LAND USE CONSISTENCY STATEMENT:

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

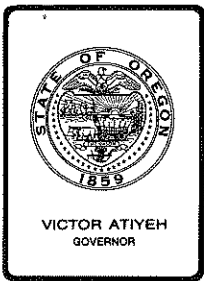
With regard to Goal 6 (air, water, and land resources quality), the rules are designed to enhance and preserve air quality in the affected area and are considered consistent with the goal.

Goal 11 (public facilities and services) is deemed unaffected by the rule. The rule does not appear to conflict with other goals.

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

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

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



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item E, May 18, 1984, EQC Meeting

Review of FY 85 State/EPA Agreement and Opportunity for Public Comment

Background

Each year the Department and the Environmental Protection Agency (EPA) negotiate an agreement whereby EPA provides basic program grant support to the air, water and solid waste programs in return for commitments from the Department to perform planned work on environmental priorities of the state and federal government.

Commission review of the annual grant application materials is intended to achieve two purposes:

1. Commission comment on the strategic policy implications of the program descriptions contained in the draft State/EPA Agreement; and
2. Opportunity for public comment on the draft Agreement.

Further public comment is being provided under federal A-95 clearinghouse procedures and a public notice containing a brief synopsis of the Agreement was mailed to persons who have expressed interest in Department activities.

An Executive Summary of the Agreement is attached to this report. A complete copy of the draft agreement will be forwarded to the Commission under separate cover. It may be reviewed by interested persons at the DEQ headquarters office in Portland, or at the DEQ regional offices.

Director's Recommendation

It is recommended that the Commission (1) provide opportunity for public comment at today's meeting on the draft State/EPA Agreement; and (2) provide staff its comments on the policy implications of the draft agreement. The public comment period will be open until May 28, 1984.


Fred Hansen

Attachment
Michael Downs:cs
229-6485
April 27, 1984

DRAFT

STATE/EPA AGREEMENT
STATE FISCAL YEAR 1985
JULY 1, 1984 TO JUNE 30, 1985

BETWEEN

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

AND

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10

EXECUTIVE DOCUMENT

OREGON STATE/EPA AGREEMENT

FY 1985

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DETAILED PROGRAM WORK PLANS

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Water Quality Program
Hazardous Waste Management Program

SECTION III: OTHER U.S. EPA/STATE AGREEMENTS

(either referenced or included)

Note: Sections II and III are bound under separate cover.

FY 1985
STATE/EPA AGREEMENT

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

AND

U.S. ENVIRONMENTAL PROTECTION AGENCY

The undersigned, for the Oregon Department of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency, Region 10 (EPA), enter into this Agreement to manage programs which protect and enhance Oregon's environment in the following areas:

Air Quality
Water Quality

Hazardous Waste Control and
Disposal

The Agreement, known as the Oregon State/EPA Agreement (SEA), describes priorities, tasks, and resources which comprise the cooperative Federal and State environmental management program in Oregon during fiscal year 1985. This Agreement includes required workplans and is the application for consolidated EPA program grants to Oregon under provisions of the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and Safe Drinking Water Act (for underground injection control).

The SEA consists of two documents, which are incorporated as part of this Agreement. They are:

- Section I - An Executive Document including this Agreement -- to provide the public and agency program managers with the formal Agreement, a clear overview of environmental issues, program priorities, and major tasks for the fiscal year.
- Section II - A Program Document -- to provide detailed workplans to be carried out by each program during the fiscal year. This document also contains the FY 85 consolidated grant application.

This Agreement covers the period of time from July 1, 1984 through June 30, 1985. The two agencies hereby agree to cooperatively work towards achieving environmental results and comply with the provisions set forth herein.

FOR THE STATE OF OREGON:

Frederic J. Hansen, Director
Department of Environmental Quality

Date

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

Ernesta B. Barnes, Regional Administrator
Environmental Protection Agency, Region 10

Date

FY 1985
OREGON STATE/EPA AGREEMENT

TERMS AND CONDITIONS

State/EPA Coordination

Implementing this Agreement requires extensive coordination between DEQ and EPA. The role of "Agreement Coordinator" has been put into effect. For EPA, the coordinator is the Director, Oregon Operations Office; for DEQ, the coordinator is the Administrator of Management Services. Coordinators have responsibility to plan and schedule agreement preparation and public participation, assure compliance with all grant terms, establish a format and agenda for agreed-to performance reviews, resolve administrative problems, and assure that this Agreement is amended as needed if conditions change.

The Director, Oregon Operations Office, is the primary EPA official in Oregon with the authority to issue, interpret, and coordinate EPA program directives to the DEQ. The Director of the Oregon Operations Office is the EPA official responsible to facilitate continued informal program contact between Federal and State agencies and to resolve problems which may arise in the course of implementing this agreement.

The parties to this Agreement acknowledge that improved coordination of State programs with each EPA program results in major benefits for both agencies, and that conflicts or unanticipated requirements may undermine the plans and purposes of this Agreement. Program contact between respective agency staffs will continue on a frequent and voluntary basis. The exchange of operating information among respective program staffs in air, water, and waste management will be encouraged to ensure that problems which might occur can be readily resolved.

Local Government Coordination

DEQ has been assigned a strong leadership role in managing and enhancing Oregon's environment, which EPA recognizes. Both EPA and DEQ further acknowledge that interested and affected local governments play a vital role in planning, decision making, and implementing environmental management programs. For example, the Lane County Air Pollution Authority has the primary role for regulating most air pollution sources in Lane County, consistent with State and Federal regulations.

The policy of DEQ and EPA is to assure maximum effective participation of local governments in operating and implementing local environmental management programs consistent with statewide program goals and objectives. EPA will work to facilitate effective DEQ/local government relations, and to avoid direct EPA/local government decisions which contradict this policy.

Fiscal Reporting

DEQ and EPA agree that budget and fiscal reports for work planned under the provisions of this Agreement shall continue to be by program (air, water, hazardous waste) and by category (personal services, services and supplies, and capital outlays). Resource estimates for program accomplishments have been included in the Program Document to describe priorities and program emphases, to help assure that adequate resources will be available to achieve commitments, and to forecast resource needs in future fiscal years.

State Primacy

It is Federal policy that the state environmental agency should be the primary manager of environmental programs operated within the state. In Oregon, DEQ is primary manager of environmental programs. DEQ emphasizes that it will continue this responsibility to the fullest extent of its resources.

As part of its commitment to implement this Agreement, EPA will endeavor to improve Federal oversight operations to accomplish more effective State program results, improve assistance and advice to DEQ, and reduce paperwork and duplication of efforts between the two agencies. Furthermore, EPA will provide DEQ with advance notice when conducting work with local governments and industry in Oregon, and will coordinate these efforts with DEQ as appropriate.

Performance and Evaluation

Both DEQ and EPA will commit their best efforts to assure that the terms, conditions and provisions contained or incorporated in this Agreement are fully complied with. To the extent that DEQ does not fulfill provisions of this Agreement as related to the award of grants being applied for herein, it is understood that EPA will not be precluded from imposing appropriate sanctions under 40 CFR Part 30, including withholding of funds, and termination or annulment of grants.

The tasks and expected results contained in this Agreement reflect information known and objectives identified at the time of its signing. Both agencies recognize that events outside the control of the parties of this Agreement (e.g., changes in authorizing legislation or levels of resources) may affect the ability of either party to fulfill the terms, or conditions, and provisions of the Agreement. Therefore, both parties agree that a system for review and negotiated revision of plans is central to the Agreement to assure that priorities, needs and resources provide the basis for both agencies' operations.

Performance evaluations will be conducted quarterly by DEQ, and will be the means to identify problems and propose revisions. Exceptions in meeting work plans will be reported to EPA. A joint DEQ/EPA evaluation will be conducted semi-annually in the offices of DEQ. The Agreement Coordinators are responsible to schedule this evaluation and prepare the agenda. The Coordinators may, at their discretion, schedule extraordinary general or special topic evaluations when performance issues or changed conditions appear to warrant such an evaluation.

A brief written progress report will be produced following the semi-annual evaluation. This report will emphasize, by exception, the policy and/or performance issues that require executive review and action. Such issues shall be resolved by respective agency executives.

INTRODUCTION

The Oregon State/EPA Agreement (SEA) describes environmental program commitments, priority problems, and solutions which the State of Oregon (represented by the Department of Environmental Quality) and the U.S. Environmental Protection Agency, Region 10, have agreed to work on during Fiscal Year 1985 (July 1, 1984, to June 30, 1985). The programs include:

Air Quality
Water Quality

Hazardous Waste Control
and Disposal

The State will operate the programs discussed and EPA will support these commitments with program grants and technical assistance. All program commitments, grants, and assistance are subject to approval of the State Legislature and funding by Congressional appropriations.

Environmental programs are managed through a Federal/State partnership. This Agreement for mutual Federal and State problem-solving and assistance is the primary mechanism to coordinate Federal and State programs to achieve a comprehensive approach to managing Oregon's environment. The SEA has been written to accomplish two purposes:

1. Effective and efficient allocation of limited Federal and State resources.
2. Achievement and maintenance of established environmental standards.

This Executive Document has been written to facilitate use of the SEA by State and Federal program managers and by the public. Following this introduction, there is a discussion of Oregon's environmental goals and priorities, profiles of existing environmental conditions, and summaries of the FY 85 program strategies. After each discussion, a table shows program priorities, specific problems, FY 85 tasks, and expected outcomes. There is also a budget summary table showing both State and Federal resources.

Appended to this Executive Document is the FY 85 Policy Direction Agreement, signed on March 28, 1984, by the EPA Regional Administrator and the DEQ Director, which sets forth the policy and program framework for developing and conducting the FY 85 SEA work programs.

In addition to specific program plans and commitments, there are three cross-cutting elements on which DEQ and EPA agree to provide continued emphasis, as follows:

--Delegation to the State. The State should be the primary and delegated authority implementing environmental programs in Oregon and not the Federal Government, whose role should be one of guidance, assistance, and limited oversight. Highest FY 85 priorities will be to maintain effective on-going delegated programs; complete the delegation process for the Underground Injection Control Program (SDWA); proceed to final RCRA authorization (hazardous materials); and annually update delegation for

applicable New Source Performance Standards (air), and National Emission Standards for Hazardous Air Pollutants. Also DEQ will continue to consider delegation of the sewerage works Construction Grants Program if it is determined that Oregon grantees are or may be disadvantaged without that delegation.

--EPA Oversight. EPA oversight of State programs is intended to provide the basis for EPA to 1) assure that delegated programs are conducted and maintained consistent with Federal requirements; 2) assess status of work progress; and 3) focus technical assistance and guidance. Key elements of effective oversight are EPA's commitment to focus on results, reduce paperwork, and minimize duplication of effort; a good data base and mutual communication; and the State's commitment to fully accept delegation and its requirements. To improve oversight, EPA this year developed in coordination with the States a Regional Oversight Policy which includes procedures and mechanisms for use in conducting effective oversight of State programs in Region 10. Existing program and compliance assurance agreements are being upgraded in accordance with the new policy.

--Compliance Assurance/Enforcement. A basic goal of EPA Region 10 and Oregon DEQ is to administer a fair, firm, and even-handed compliance assurance and enforcement program consistent with:

- protecting public health and the environment,
- EPA's responsibility to assure a consistently high level of compliance with Federal laws and regulations in Region 10,
- mutual EPA/DEQ commitment to an effective State/Federal partnership, including allocation of resources, and
- clear understanding by both the public and the regulated community of the need for compliance with environmental laws and the willingness of both agencies to enforce them.

EPA recognizes that the State has prime responsibility to assure compliance in Federally delegated program areas and is, therefore, committed to provide technical assistance or back-up enforcement as appropriate. DEQ acknowledges the need for EPA to be kept advised of compliance status within the programs and to be regularly informed by DEQ of State progress to resolve priority violations. Both agencies are committed to informal resolution of routine violations, provided that such resolution occurs within a limited time frame, generally less than 90 days; otherwise, formal enforcement will be initiated.

Finally, all Oregonians are affected by and, therefore, interested in environmental programs described in the FY 85 State/EPA Agreement. A public participation plan was prepared and conducted to encourage public input to this SEA. The plan and a detailed Public Responsiveness Summary is included as an appendix to the Executive Document (Section I).

Oregon is known for its high quality environment and its commitment to ongoing environmental programs; however, there are some problems and issues to be addressed. The following section of this Executive Document highlights these in terms of environmental goals, profiles, priorities, and strategies for each media program.

AIR

Program Goals:

- Achieve and maintain air quality standards statewide.
- Prevent significant deterioration of air quality where air is now clean.

Profile:

Oregon's air quality is generally very good. There are, however, areas of concern which require priority attention. These are shown in Figure #1.

The Portland, Salem, Eugene/Springfield, and Medford areas have been officially designated as nonattainment areas, since they are not in compliance with specific National Ambient Air Quality Standards:

- Portland/Vancouver: Carbon monoxide, Ozone (primary standards)
Total suspended particulates (secondary standard only)
- Salem: Carbon monoxide, Ozone (primary standards)
- Eugene/Springfield: Carbon monoxide (primary standard)
Total suspended particulates (secondary standard)
- Medford/Ashland: Carbon monoxide, Ozone (primary standards)
Total suspended particulates (primary and secondary standards)

Air quality has shown improvement in certain areas and the State will propose re-designation to attainment as follows:

Salem - Carbon monoxide

Medford - Ozone

Although an official designation of nonattainment has not been made, exceedances of the lead standard have been recorded in Portland. By the end of 1984, it is expected that the lead standard will be attained.

The Grants Pass area will be designated as nonattainment for carbon monoxide by November 15, 1983. During FY 85, DEQ will develop an attainment strategy and adopt an approvable SIP revision for the area.

Air quality in nonattainment areas has a potentially adverse effect on public health and welfare. Therefore, planning and implementing air quality control strategies are being given top priority in these areas. Significant emission sources are shown in Figure #2.

Recent studies have shown that air pollution caused by industrial sources has been greatly reduced, particularly in Oregon's major urban areas. Oregon industries have invested heavily in pollution control equipment. Industrial sources now contribute relatively minor amounts of air pollutants. However, these benefits could be lost unless (1) new sources are controlled with the best available technology, and (2) monitoring, surveillance, and enforcement activities are maintained at a high level.

Massive conversion to residential wood heating has been identified as one of the "new" important sources of air pollution in Oregon's urban areas. Wood fires are a source of particulates, carbon monoxide, and some toxic organic pollutants. Other areawide sources, such as road dust and vehicular emissions, are also prominent. New, socially acceptable ways of controlling these sources can be developed through research studies and demonstration projects.

Several years' time is needed for nonattainment areas to meet Federal air quality standards. Managing growth until standards have been met, and after, will require continued implementation of new, cost-effective management tools such as emission offset and banking programs, parking and circulation plans, and processes for airshed allocation.

Field burning effects in the Eugene/Springfield area are being minimized by implementation of continued improvements to the smoke management plan. Further efforts will be made to improve the field burning smoke management program to control effects on the Lebanon and Sweet Home areas and on less populated and more pristine areas. Slash burning remains a significant source of air pollution in Oregon. Better efforts are needed here to (1) identify actual air quality impact, (2) improve smoke management practices, and (3) develop control techniques such as increased productive use of forest slash in lieu of burning. Field burning and slash burning may contribute to visibility impairment of scenic areas in Oregon but additional information is needed to assess their effects.

Strategy:

During FY 85, DEQ will continue to implement Part D State Implementation Plan (SIP) revisions. The Department will continue to monitor impacts of man's activities on visibility impairment in preparation for developing a long-range Statewide Visibility Control Plan. Monitoring for and assessment of attainment/nonattainment for a new PM₁₀ (particulate matter 10 microns or less) standard will proceed.

DEQ will continue to implement its New Source Review Rule, including detailed growth management (offset and banking) provisions. DEQ will also have full responsibility for operating the Prevention of Significant Deterioration (PSD) Major New Source Review Program, and for all NSPS and NESHAPS pertinent to Oregon. The Department plans to develop and implement a formal program for better assessing and controlling toxic and hazardous emissions.

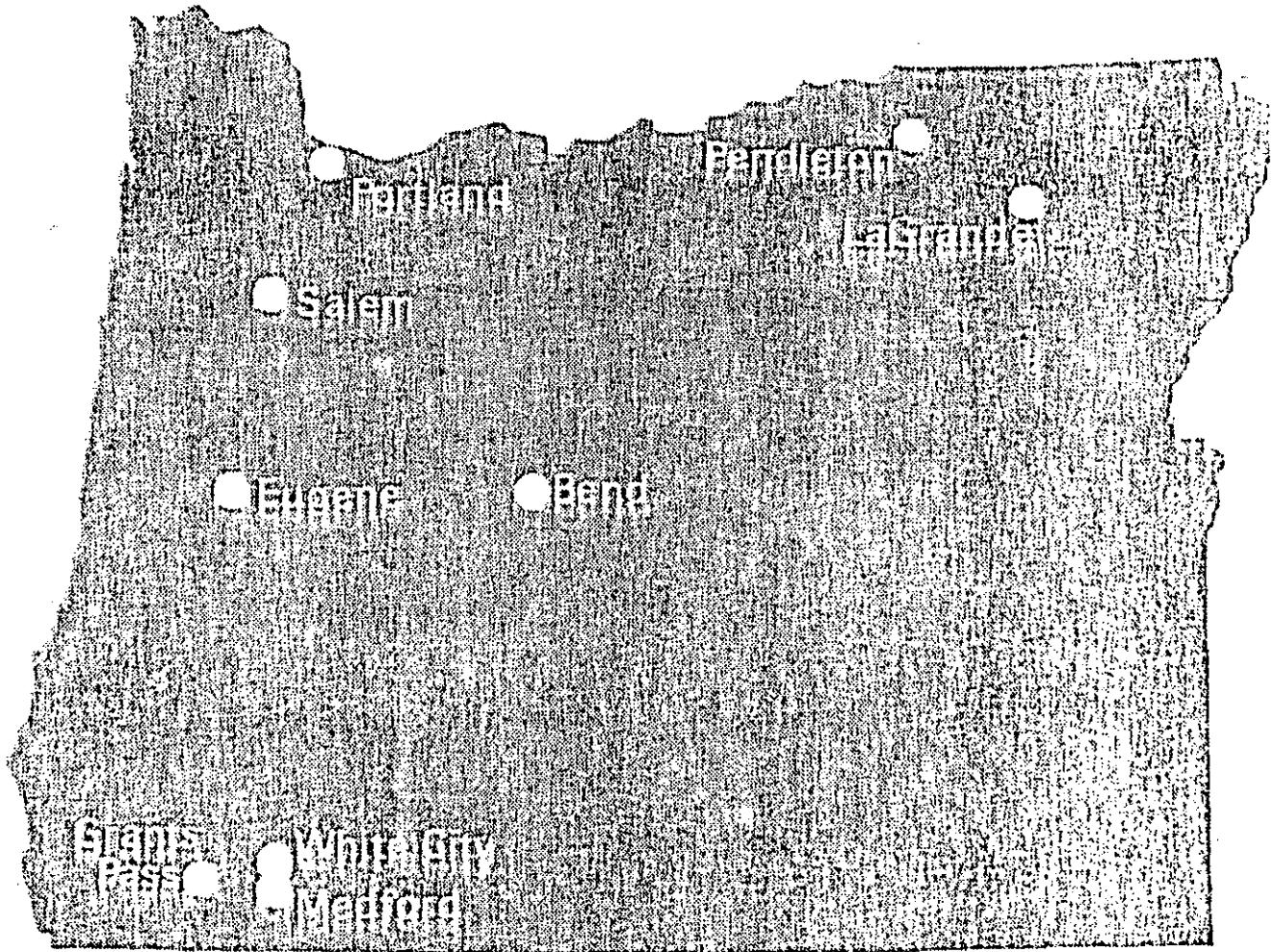
Compliance assurance activities for volatile organics and particulate sources will continue. Air monitoring and quality assurance procedures will fully meet EPA requirements for air monitoring sites. Air source compliance and enforcement activities will be carried out under current rules including the current air contaminant discharge permit program. The compliance assurance agreement with EPA will be reviewed and revised as is appropriate.

Vehicle Inspection/Maintenance (I/M) including anti-tampering inspections will continue for the Portland Metropolitan Service District area and support and assistance will be given to implementation of a Vehicle I/M program in Jackson County.

DEQ will pursue a woodstove control program as authorized by the 1983 Legislature.

DEQ will continue to gather data on possible visibility impacts in scenic areas due to air pollution, and develop regulations to reduce impairment.

Figure 1
 Oregon Cities
 Exceeding Air Quality
 Standards
 In 1982
 1983



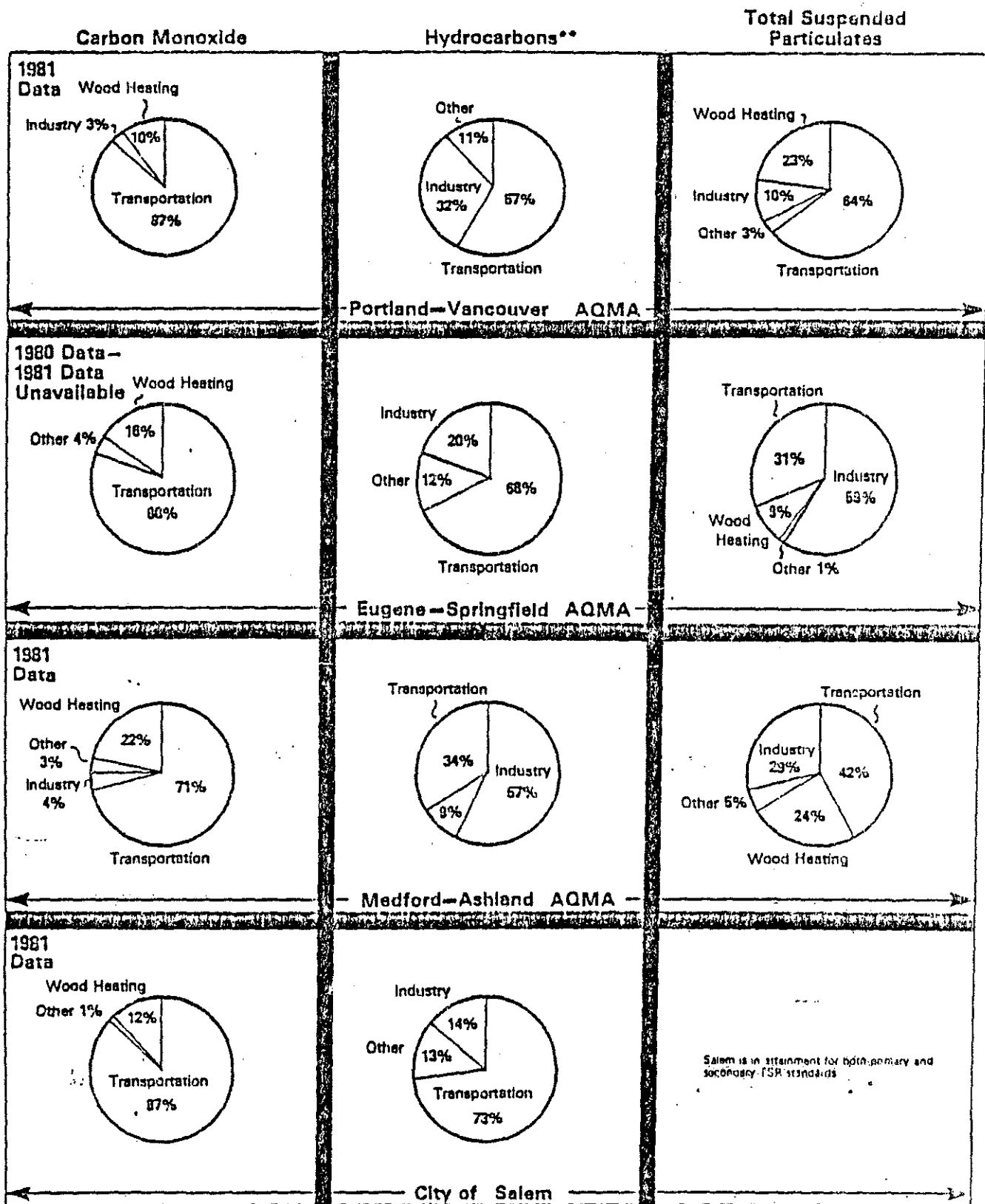
Number of Days
 Exceeding Standards (Primary or Secondary)
 For the Pollutant Indicated Legend

City	TSP	CO	O ₃
Bend	0	•	•
Eugene	2	2	0
Grants Pass	0	3	•
La Granda	1	•	•
Medford	0	3	0
Pendleton	2	•	•
Portland	2	3	3
Salem	0	0	0
White City	1	•	•

(13)
 (34)
 (8)

TSP—Total Suspended Particulates
 CO—Carbon Monoxide
 O₃—Ozone
 Designated non-attainment
 area for the pollutant noted.

Sources of Emissions in Nonattainment Areas
Annual Average Impacts*



These percentages are based on 1981 emissions inventory data (except Eugene). Actual air quality impacts may be different due to differences in source locations and dispersion patterns.

*Impacts of seasonal activities such as residential wood heating and backyard burning would have higher percentage impacts on a maximum daily basis.

**Hydrocarbons are a factor in Ozone formation.

OREGON FY 85 PRIORITIES

Air Quality Management - Page 1

<u>Priority</u>	<u>Problem or Purpose</u>	<u>Task</u>	<u>Expected Outcome</u>	<u>Geographic Focus</u>
1	State assumption of Federal program.	Request delegation of new NSPS.	Oregon will request delegation of remaining applicable and appropriate NSPS during first quarter of FY 85 (July - September).	Statewide
1		Request delegation of new NESHAPS for benzene and revised asbestos NESHAP. Accomplish necessary coordination to result in delegation of NESHAPS for airborne radionuclides to Health Division.	EPA expects to publish new NESHAPS for at least benzene, asbestos, and airborne radionuclides. Oregon will request delegation of applicable and appropriate NESHAPS during first quarter of FY 85, and ensure complete implementation of the standard.	Statewide
1		Implement PSD program.	Sources constructed or modified in attainment areas will not significantly degrade air quality.	Attainment areas
1	Ensure adequate progress toward attainment of NAAQS.	Track Reasonable Further Progress (RFP) and revise control strategies as necessary.	State and local agencies will collect, summarize, and report data (on an annual basis) that documents RPF toward attainment of NAAQS. For stationary sources, data will be in the form of emissions inventory. For mobile sources, progress in implementing TCMs and VMT reductions should be emphasized. Newly discovered nonattainment areas will be so designated.	Nonattainment areas
1		Redesignate the Grants Pass area as non-attainment for the carbon monoxide ambient standard and adopt an attainment strategy.	The Grants Pass area will attain the carbon monoxide standard.	Grants Pass

OREGON FY 85 PRIORITIES

Air Quality Management - page 2

<u>Priority</u>	<u>Problem or Purpose</u>	<u>Task</u>	<u>Expected Outcome</u>	<u>Geographic Focus</u>
2		Adopt new VOC controls as needed.	<p>Alternative 1 (DEQ) By the end of CY 1984, EPA expects to publish its Group III CTGs. However, rigorous equivalency may not be a requirement. EPA anticipates that Oregon will adopt those VOC controls necessary to demonstrate attainment as well as those the State defines as RACT.</p> <p>Alternative 2 (EPA) By the end of CY 1984 EPA expects to publish its Group III CTG's. EPA anticipates that DEQ will adopt RACT level controls as required (i.e., all Group III CTG's that apply in Oregon).</p>	Ozone Nonattainment areas
1	Rapid increases in wood stove emissions are jeopardizing attainment and maintenance of TSP air quality standards in several areas.	Develop and implement control strategies for wood burning stoves as well as continuing public education program.	DEQ will implement certification procedures for new wood stoves.	Statewide
1	Attain National Ambient Air Quality Standards (NAAQS) for carbon monoxide in Medford.	Support a mandatory I/M program in Medford. Assist in its implementation.	The Medford CO attainment SIP shows that I/M is needed to attain NAAQS by 1987. It is hoped that an I/M program will be implemented in Medford.	Medford

OREGON FY 85 PRIORITIES

Air Quality Management - page 3

<u>Priority</u>	<u>Problem or Purpose</u>	<u>Task</u>	<u>Expected Outcome</u>	<u>Geographic Focus</u>
1	Attain new particulate standard.	Assess existing particulate data, monitoring, and strategies for conformance with new standard and make modifications as necessary.	EPA has proposed a new particulate standard. EPA will provide guidance on monitoring, data assessment, modeling, and strategy development. EPA anticipates that Oregon's data base for the new standard will be adequate and that the State will begin development of revised control strategies for nonattainment areas during FY 85 including such things as preliminary modeling analysis, monitoring network design, development of alternative strategies, development of an emission inventory, and determination of needed emission reductions. Completion of SIP revisions would occur in FY 86 or 87.	Fine Particulate Nonattainment areas.
2	Visibility needs to be protected especially in Class I areas.	Implement a monitoring program in preparation for development of a visibility SIP. Participate in Regional Haze Study.	DEQ will adopt a Phase I visibility SIP by August 1984 and adopt Phase II by December 1986 to protect Class I areas. Causes of Regional haze will be better understood and remedies will be identified.	Class I areas
1	Toxic pollutants need to be controlled.	Develop and implement a formal program for better assessing and controlling toxic and hazardous emissions.	Toxic pollutants not currently regulated by NESHAPS will be better controlled.	Statewide
1	Management of field burning program.	Provide smoke management during field burning season. Provide enforcement for field burning rule violations. Monitor smoke impacts. Provide a research program to reduce field burning.	Smoke impacts on air quality will be minimized. Smoke intrusions on major population centers will be nearly eliminated. Alternatives to field burning will be developed.	Willamette Valley

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OREGON FY 84 PRIORITIES

Air Permits/Compliance

<u>Priority</u>	<u>Problem or Purpose</u>	<u>Task</u>	<u>Expected Outcome</u>	<u>Geographic Focus</u>
1	Operation of I/M Program in Portland.	Maintain I/M test facilities in Portland. Provide certification of tested vehicles that meet emission and anti-tampering rules.	Automotive-caused air pollution will be reduced. Ambient air standards for carbon monoxide and ozone will be attained in Portland.	Portland
1	To implement and maintain emission control strategies, it is necessary to continue existing compliance assurance efforts.	States and locals maintain compliance program, including inspection, surveillance, complaint investigations, enforcement actions, and source testing. State and EPA update and implement the compliance assurance agreement.	Maintaining an active field presence helps ensure that sources maintain compliance. For those sources found in violation, EPA must provide assistance to States and locals and take direct action where necessary to ensure compliance.	Statewide
1		DEQ will evaluate the test procedures of sources that monitor their own emissions, and ensure that the monitoring data have satisfactory reliability and accuracy.	Excess emissions from self monitoring sources will be minimized.	Statewide

Ambient Air Monitoring

<u>Priority</u>	<u>Problem or Purpose</u>	<u>Task</u>	<u>Expected Outcome</u>	<u>Geographic Focus</u>
1	Effective management of an air quality program requires the generation of ambient data of known and appropriate quality and adequate quantity.	Operate and maintain the existing ambient monitoring program in concert with the approved quality assurance plan, performing modifications as appropriate to achieve conformance with applicable new or revised EPA regulations and to respond to new or revised program requirements. Program curtailments resulting from intervening resource constraints will be determined on a priority basis in agreement with EPA.	All NAMS and SLAMS will be operated to produce data of appropriate quality and to meet requirements of 40 CFR 58. Air quality and precision and accuracy data will be submitted to EPA. PSI program will be maintained for Portland. The monitoring program will be revised as needed to meet EPA requirements for lead, fine particulate , etc. particulates,	Statewide

WATER QUALITY PROGRAM

Program Goals:

- Protect recognized beneficial uses of water through attainment and maintenance of Water Quality Standards.
- Develop programs to protect groundwater.
- Reduce bacterial contamination in 1) shellfish producing estuaries; and 2) freshwaters where the body contact recreation is not fully supported.
- Improve knowledge and control of toxics.
- Work with other state agencies to develop process for balancing the State's water resources -- Quantity/Quality.

Background:

Throughout the 1960's and 1970's, Oregon experienced rapid population growth. Future growth may be lower than that experienced previously but growth is expected to continue. This means more wastes will be generated which will require adequate treatment and disposal for surface and groundwater quality to be maintained and protected. Just maintaining current conditions will require a substantial investment by the public and development of innovative waste management and treatment methods.

Efforts also will continue to be directed to correction of localized water pollution problems and nuisance conditions, replacement, and rehabilitation of aging pollution control facilities, and proper operation and maintenance of facilities to assure that effluent limits are met on a continuing basis.

Profile of Water Quality

Surface Water Quality

Overall, Oregon's water quality is quite good. Of nearly 4,500 river miles assessed, designated uses are supported in 74 percent, partially supported in 20 percent, and not supported in 6 percent. (See Table 1.) Of nearly 200,000 acres of lakes assessed, designated uses are supported in 59 percent, partially supported in 39 percent, and not supported in 2 percent. In the majority of shellfish-producing estuaries, water quality does not fully support the use. The primary pollutant preventing full support of uses in surface waters is fecal coliform bacteria and low flow. In Oregon, bacterial contamination results from different source types including: 1) nonpoint sources -- land runoff from failing on-site septic tanks and drainfield systems, inadequately managed animal waste disposal operations, and cattle grazing areas; 2) point sources -- bypasses and discharges of inadequately treated sewage from municipal sewerage systems; and 3) natural sources.

Little is known about the extent to which surface waters may be affected by toxics. Closing this information gap is essential.

Groundwater Quality

Shallow, unconfined aquifers supply the bulk of groundwater to the over 800,000 Oregonians who rely on groundwater for drinking water. Therefore, it is not surprising that many existing urban centers and new developments are located above these aquifers. In several areas of the State, groundwater pollution has been documented. Elevated nitrate-nitrogen concentrations and bacterial contamination have been two primary indicators of wastes seeping underground. Recently, however, data has been collected which suggests the need to investigate toxic chemical and hydrocarbon contamination in groundwater.

Strategy

In FY85, DEQ will continue to operate its historic program of preventing the creation of new water quality problems. To accomplish this, DEQ will continue to carefully regulate existing and new sources of water and waste generating activities. Efforts to assure the protection of beneficial uses will be furthered by the reduction of bacterial contamination through controls of both point and nonpoint sources of fecal coliform. The groundwater program will be intensified through policy refinements, monitoring to identify groundwater pollution, and continued efforts to sewer areas where groundwater pollution has been identified. Efforts will be focused on addressing the imbalance in water allocation between consumptive and nonconsumptive uses, through recommendations for minimum streamflows in critical basins and through a pilot water resources management project. The DEQ will direct activities toward toxics pollution by evaluating data collected in toxics screening surveys, oversee pretreatment of municipal wastes, and define areas where technical assistance is needed.

05

TABLE 1
ASSESSMENT OF
USE SUPPORT FOR RIVERS AND STREAMS

1982
Use Support Assessment
(miles)

Stream Name	Segment River Miles	Uses Supported	Uses Partially Supported	Uses Not Supported	Miles With Uses Higher Than Fishable/ Swimmable	(1) Ten Year Trend	
						Change Between Categories	Change Within Categories
North Coast Basin	244	169	75				
Mid Coast Basin	292	265	27			19 +	
South Coast Basin	222	182	40				
Umpqua Basin	437	390	32	15			
Rogue Basin	427	383	17	27		105 +	47 + 27 -
Willamette Basin	1082	792	184	33	249	175 +	38 - 316 +
Sandy Basin	80	80					
Hood Basin	38	38					
Deschutes Basin	402	332	70				
Grande Ronde Basin	272	272					128 +
Umatilla Basin	89	54	35				22 +
Klamath Basin	126	25	31	70			
Owyhee Basin	18			18			
Malheur Lake Basin	11	11					
Malheur River Basin	110			110			42 +
John Day Basin	456	301	155			129 +	
Powder River Basin	173	15	158				
STATEWIDE TOTAL	4,479 60%	3,309 74%	897 20%	273 6%	249	428 9.5%	555 12%

(1) Ten Year Trend
+ = Improved
- = Degraded

OREGON FY 85 PRIORITIES

Water Quality Management

<u>Priority</u>	<u>Problem or Purpose</u>	<u>Task</u>	<u>Expected Outcome</u>	<u>Geographic Focus</u>
1	Review Water Quality Standards and upgrade where necessary and appropriate.	Complete triennial review of water quality standards, with focus on water quality-limited segments, including appropriate public involvement. Reviews should satisfy Section 24 requirements regarding construction grants.	Increased effectiveness of water quality standards focused on priority water quality problems.	Statewide
1	Revise planning process to reflect changing conditions and revised regulations.	Update Continuing Planning Process description to reflect changing conditions and regulations.	Needs and activities spelled out in an updated Continuing Planning Process document submitted to EPA.	Statewide
1	Identify stream segments for further efforts.	Subject to available resources, evaluate priority water quality limited segments identified in the status assessment process to reassess present water quality management strategies.	Assure cost-effective control strategies to achieve acceptable water quality.	Statewide
2		Cooperate in a cause-effect evaluation and develop a plan to protect shellfish growing areas, dependent upon available resources.	Assure protection of shellfish growing areas.	Yaquina Bay
2		Initiate a followup survey to evaluate effectiveness of Best Management Practices.	Assure protection of shellfish growing areas.	Tillamook Bay

OREGON FY 85 PRIORITIES

Construction Grants

- | | | | | |
|---|---|---|---|-----------|
| 1 | Achieve appropriate delegation of Construction Grants program to state. | a. Provide positive cooperative program framework to facilitate delegation to state.

b. Finalize decision on 205(g) delegation and submit as part of budget process for legislative action during the 1985 session. | Final decision on delegation, schedule for implementation, and cooperative program transfer to state according to schedule. | Statewide |
| 1 | Provide effective EPA/State/Corps partnership in management of the Construction Grants program consistent with federal law and regulations, and national goals. | a. Cooperatively negotiate and implement respective roles in achieving commitments in Office of Water Accountability System.

b. Manage projects to meet obligation schedules; outlay projections; provide priority list data for and make use of Grants Information Control System; and manage projects to achieve timely completion, project closeout, and audit. | Efficient program management to achieve expected commitment.

Specific project completion schedules met. Inflationary aspects of project delays is minimized, therefore more waste treatment and water quality improvement for the money. | Statewide |
| 1 | Assure that grant funds are allocated to projects that provide significant water quality or public health benefits pursuant to applicable laws and appropriate regulations. | a. Continue to fund projects which provide significant benefit to water quality and public health. | Most significant water quality and public health problems taken care of first. | Statewide |
| 1 | | b. Manage priority list to fund highest ranked projects and assure timely use of all funds. | Efficient use of funds. Maximize waste treatment and water quality improvement with available funds. | Statewide |

OREGON FY 85 PRIORITIES

- | | | | | |
|---|--|---|---|-----------|
| 2 | | c. EPA, with input from DEQ, will identify potential EIS candidate projects and initiate appropriate actions to assure that NEPA processes (FONSI's and EIS's) are completed in a timely way so as not to delay projects. | Projects will be environmentally sound and not delayed. | Statewide |
| 1 | Assure that facility plans are completed in a timely way, and address requirements necessary to qualify for Step 3 (construction) funding. | a. Assure that facility plans for projects which are scheduled for funding in the next 3 years are appropriately completed and meet applicable requirements for design and/or construction funding. | Selected alternative is fundable and implementable. | Statewide |
| 2 | | b. Assure that new facility plans which are developed without Step 1/2 funding (planning/design) will evaluate appropriate options including innovative and alternative technologies and will meet all requirements for Step 3 funding. | Projects are not denied at Step 3 level for reason of failure to plan or design properly. | Statewide |

OREGON FY 85 PRIORITIES

Water Monitoring/Quality Assurance

1	Gather ambient water quality data to identify quality of Oregon's public waters; assure that data is of known and appropriate quality.	Maintain minimal ambient monitoring network to provide accurate, representative data on the most significant streams (including 13 BWMP stations), estuaries, lakes, and groundwater.	Data to track basic quality and trends on significant water studies; support planning decisions.	Statewide
2		Ensure quality of data by implementing quality assurance program.	Data of known and appropriate quality for use by users.	Statewide
2	Assess potential toxics problems.	Expand baseline information by collecting samples for metals and organics at several key locations.	Identification of toxic problem areas if any. Provide basis for saying toxic pollutants are or are not a problem in Oregon waters.	Statewide
1	Assess water quality status and identify current water quality needs by analyzing, interpreting, displaying, and reporting data gathered from the monitoring network.	Develop, operate, and maintain a user oriented ADP based data system.	More effective use of data with less manpower required.	Statewide
3	As identified in the 1982 305(D) Report, S. Umpqua, Necanicum, Power, Coquille, Crooked, and Lower Willamette Rivers have quality problems.	As resources become available, conduct selective, intensive water monitoring to help provide basis for evaluating problems and developing protection plans.	Initiate studies in S. Umpqua on Necanicum during FY84, Powder in FY85.	Umpqua, Necanicum, and Powder Rivers.

OREGON FY 85 PRIORITIES

NPDES Permits/Compliance

1	National priority is placed on improvement of compliance levels of POTWs including those constructed using federal grant funds provided under FL 92-500.	<p>Continue existing state inspection and compliance assurance program for POTWs, including:</p> <p>a. Provide technical assistance including site visits to identify and correct problems.</p> <p>b. O & M inspection of at least 1/3 of all POTWs (triennial coverage).</p> <p>c. Take appropriate enforcement action to resolve cases of sustained non-compliance.</p>	Reduce effluent violations by identifying and resolving O&M problems before they result in effluent violations.	Statewide
		Complete development of and implement cooperative compliance data tracking system for all POTWs, which provides routine 92-500 compliance status to replace present manual system.	Capability to determine level of effluent compliance and identify problem POTWs.	Statewide
1	Expired NPDES permits need to be reissued.	Reissue expired major permits for all industries where guidelines are available and modify POTW permits in accordance with municipal compliance strategy.	All expired major industrial permits reissued that are possible and all POTW permits issued/modified in accordance with municipal compliance strategy.	Statewide
1	Maintain permit compliance	Fully carry out the DEQ/EPA Compliance Assurance Agreement.	Acceptable levels of compliance are maintained.	Statewide

OREGON FY 85 PRIORITIES

2	Implement program to assure pretreatment of certain industrial discharges to municipal sewerage systems.	DEQ will continue to assist cities to implement pretreatment programs which satisfy state and federal requirements.	Individual city pretreatment programs are implemented as approved by DEQ.	Statewide
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OREGON FY 85 PRIORITIES

Underground Injection Control Program

- | | | | | |
|---|--|--|--|------------|
| 1 | Implement Underground Injection Control Program. | Update inventory and start to assess impacts of Class V wells. | Get better understanding of Class V impacts. | Statewide. |
|---|--|--|--|------------|

HLSE
WG3390
April 4, 1984

WG3390 (7)
SEA (3/84)

HAZARDOUS WASTE

Program Goal:

Protect public health and air, water, and land from contamination by improper storage, transportation, treatment and ultimate disposal of hazardous wastes.

Profile:

The "hazardous" part of the total waste stream is a threat to public health and safety and to the environment unless adequate safeguards are part of transport, disposal, treatment, storage and recycling practices. Figure #5 shows the sources of hazardous waste in Oregon and the methods of disposal.

HAZARDOUS WASTE

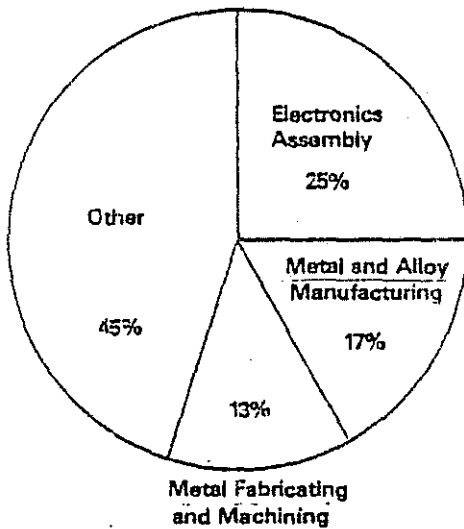
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Profile:

The "hazardous" part of the total waste stream is a threat to public health and safety and to the environment unless adequate safeguards are part of transport, disposal, treatment, storage, and recycling practices. Figure #5 shows the sources of hazardous waste in Oregon, and the methods of disposal.

HAZARDOUS WASTE GENERATION BY INDUSTRIAL CATEGORY
1978 SURVEY DATA



HAZARDOUS WASTE MANAGEMENT PRACTICES
1978 SURVEY DATA

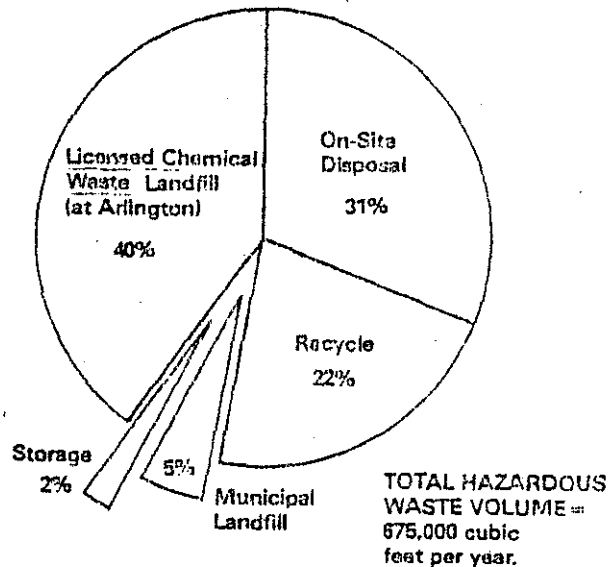


Figure 5

Oregon was among the first states (in 1971) to pay attention to the hazardous waste problem. An inventory and evaluation of hazardous waste handling and management in Oregon was completed in 1973, and updated and expanded in 1980.

Since 1971, each Legislature has reviewed and improved statutes governing hazardous waste management. Both the Environmental Quality Commission and Public Utility Commissioner have adopted regulations to control the generation, storage, transport and ultimate disposal of hazardous wastes. The Arlington Disposal Facility, owned by the State and operated by a private licensee, has provided the State with a basic tool -- a controlled disposal site -- to implement its comprehensive hazardous waste regulatory program.

The Resource Conservation and Recovery Act of 1976 (RCRA) gave the Federal Government authority to regulate management of hazardous wastes. RCRA allows "equivalent and consistent" state programs to operate in lieu of the Federal program. DEQ has been granted Interim Authorization to manage a state hazardous waste program covering generation, transport, storage, treatment and disposal activities. Until Final Authorization is granted, DEQ will operate under a formal Cooperative Arrangement (i.e., a contract) and joint Federal/State permits will be issued to storage, treatment and disposal facilities.

Strategy:

By the middle of FY 85, DEQ expects to receive Final Authorization for its hazardous waste management program. Throughout FY 85, DEQ will carry out an extensive compliance inspection, monitoring and enforcement program with priority being to ensure that storage, treatment and disposal facilities are in compliance with the groundwater monitoring, financial assurance, insurance and closure/post-closure requirements.

ZC1455.A

OREGON FY 84 PRIORITIES

Hazardous Waste (RCRA Subtitle C)

<u>Priority</u>	<u>Problem or Purpose</u>	<u>Task</u>	<u>Expected Outcome</u>	<u>Geographic Focus</u>
1	Permits incorporating minimum standards will be issued to hazardous waste management facilities.	DEQ & EPA will issue joint permits or DEQ will issue permits under authorized program.	In addition to compliance with administrative rules, facilities will be given site-specific standards with which to ensure environmentally safe operation.	Statewide
1	Assurance of proper hazardous waste management practices.	<p>(a) Compliance inspections of and enforcement actions at HW generators, transporters and TSD facilities will be carried out under authorized State programs.</p> <p>(b) Priority will be given to ensure TSD facilities are in compliance with groundwater monitoring, financial assurance, insurance and closure/post-closure requirements.</p> <p>(c) Assure compliance with manifest requirements by all inspected facilities.</p> <p>(d) State will identify "non-notifiers" and assure such facilities are managed under State HW program.</p>	Compliance with standards will be carried out and assure that facilities out of compliance will be brought into compliance.	Statewide
1	Having developed a "substantially equivalent" program, for interim authority, the State needs to develop an equivalent program for Final Authorization.	A complete application for Final Authorization will be submitted late in FY 84. Until authorized for Final, DEQ will continue to implement its interim authorized program.	State will be qualified for Final Authorization.	Statewide

OREGON FY 84 PRIORITIES

<u>Priority</u>	<u>Problem or Purpose</u>	<u>Task</u>	<u>Expected Outcome</u>	<u>Geographic Focus</u>
		DEQ will provide reports and information necessary for EPA to fulfill its oversight responsibilities.	EPA will be assured State program meets minimum objectives.	Statewide
1	Emergency spills require prompt, effective response to prevent environmental impact and ensure cleanup.	Respond to all significant hazardous substance or waste spills.	Reduce impact on environment and ensure prompt resolution, give notification to EPA.	Statewide
2	Public must be aware and supportive of State hazardous waste management activities.	DEQ will ensure that public participation in program is carried out.	Public understanding and support, leading to State program which receives Final Authorization, will be ensured.	Statewide
2	Ensure that all State monitoring and measurement activities meet Region 10 Quality Assurance Plan requirements.	Develop and secure laboratory capability including quality assurance to implement RCRA.	Monitoring and measurement activities that satisfy Region 10 quality assurance requirements.	Statewide

OREGON FY 84 PRIORITIES

Superfund*

<u>Priority</u>	<u>Problem or Purpose</u>	<u>Task</u>	<u>Expected Outcome</u>	<u>Geographic Focus</u>
1	The Superfund statute requires the State to submit their high priority hazardous waste sites for remedial action on an annual basis to EPA. Based on submissions by the State, EPA will assemble a national list of at least 400 high priority sites for action under Superfund. This list will be updated periodically.	State and EPA will jointly prioritize potential Superfund sites on an annual basis or more frequently pursuant to national policy.	State will meet statutory requirement to submit potential Superfund sites to EPA.	Statewide
1	EPA enforcement procedures seek to secure Superfund site cleanup responsible parties -- in lieu of fund use -- whenever appropriate privately financed cleanup can be undertaken in a timely fashion.	(a) State and EPA will work closely together to develop and implement site-specific strategies to secure private and voluntary cleanup. (b) EPA will assist the State to monitor responsible and third party cleanup of hazardous waste sites.	Successful site-specific strategies to generate cleanup by responsible parties will serve to conserve the Fund. When appropriate, site cleanup actions will be secured via State and/or EPA order. State and EPA are assured that the threat to the environment, public health and/or welfare at hazardous waste sites is removed.	Statewide Statewide
1	Resolve backlog of hazardous waste sites.	EPA has provided DEQ with RCRA 3012 grant funds to assess 44 additional candidate Superfund sites. EPA will provide field investigation support at a specific number of sites requiring more extensive field data.	Investigation of 44 sites by February 1985.	Statewide

* Within the Superfund section, "Superfund site" means both sites eligible for Superfund action and uncontrolled sites that may not be eligible.

OREGON FY 84 PRIORITIES

<u>Priority</u>	<u>Problem or Purpose</u>	<u>Task</u>	<u>Expected Outcome</u>	<u>Geographic Focus</u>
For sites on the National Priority List where Superfund dollars will be used:				
1	Superfund statute requires the State to share the costs of remedial response at Superfund sites -- 10% of the remedial response costs for privately owned sites and 50% for publicly owned sites.	EPA will assist the State to identify and secure resources for the State's cost-share requirements.	State will meet statutory requirement to share remedial response costs at Superfund sites.	Statewide
1	Assurance of coordination between the State and EPA in the area of enforcement including determinations of responsible parties and cost recovery actions.	EPA will keep the State informed of progress and provide opportunity for State input to case/project development. The State will assist EPA:		Statewide
		(a) In identifying responsible parties and determining enforcement potential at Superfund sites.	Timely determination of responsible parties and appropriate funding procedures.	
		(b) In determining an enforcement strategy for each Superfund site identified.	An effective enforcement strategy which occurs timely and cost-effective cleanup of each Superfund site.	
		(c) In compiling a profile of previous enforcement history at each Superfund site.	A thorough enforcement profile for each Superfund site.	
		(d) In notifying responsible parties.	Timely and clear opportunity for responsible party to take action before Superfund dollars are spent.	
		(e) Where possible, in cost-recovery actions.	Timely and effective cost-recovery actions.	

OREGON FY 84 PRIORITIES

<u>Priority</u>	<u>Problem or Purpose</u>	<u>Task</u>	<u>Expected Outcome</u>	<u>Geographic Focus</u>
1	Assurance of funding and coordination in use of Superfund money for remedial actions.	(a) EPA will assist State in development of a cooperative agreement. (b) Cooperative agreement will detail specific tasks, time-tables, dollar amounts and working arrangements between EPA and DEQ.		

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APPENDIX I

FY 85 POLICY DIRECTION AGREEMENT

FY 1985
POLICY DIRECTION FOR THE
STATE/EPA AGREEMENT

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

AND

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10

Each year the Department of Environmental Quality (DEQ) and the Environmental Protection Agency (EPA) negotiate an agreement whereby EPA provides basic grant resources in support of program commitments from DEQ. The agreement, called the State/EPA Agreement (SEA), describes in detail the work planned for the coming fiscal year by the State and Federal environmental agencies to address environmental priorities in Oregon. Developing the SEA is a multi-step process, including several opportunities for public review and comment, leading to a signed agreement by July first of each year.

The first step in the process is agreement, in principle, between EPA and DEQ on the major priorities to be addressed in the SEA and in the coming year. This initial document provides direction for development of the full FY 1985 SEA, and may be revised as a result of public review and staff refinement. Major State and Federal environmental priorities for Oregon for the coming year are discussed below.

Maintenance of Ongoing Programs

Much of the environmental effort by DEQ and EPA is directed to operation of the ongoing activities of the air, water, solid and hazardous waste programs, e.g., regulation development, permits issuance, source inspection, monitoring, etc. While these activities are not specifically discussed in this policy direction document, they do constitute a significant portion of both agencies' priority work. The full FY 1985 SEA, which will be available in draft form for public review and comment in May 1984, will include detailed discussions of outputs and commitments for these ongoing programs.

As a focus for the ongoing programs, the priorities listed below are agreed to be of special importance during FY 1985.

Enforcement and Compliance

A basic mission of Oregon DEQ and EPA Region 10 is to achieve environmental goals and compliance with environmental standards and requirements. To the extent enforcement is necessary to achieve these results, it will be administered in a fair, firm, and even-handed manner consistent with:

- protecting public health and the environment,
- EPA's responsibility to assure a consistently high level of compliance with Federal laws and regulations in Region 10,
- mutual EPA/DEQ commitment to an effective State/Federal partnership, including allocation of resources, and

- clear understanding by both the public and the regulated community of the need for compliance with environmental laws and the willingness of both agencies to enforce them.

EPA recognizes that the State has prime responsibility to assure compliance in Federally delegated program areas and is, therefore, committed to provide technical assistance or back-up enforcement as appropriate. DEQ acknowledges the need for EPA to be kept advised of detailed compliance status within the programs and to be regularly informed by DEQ of State progress to resolve priority violations.

The relative roles and responsibilities of each Agency to support this goal are outlined in specific program Compliance Assurance Agreements which will be reviewed and updated annually. DEQ's role will emphasize compliance determinations by field inspection and review of self-monitoring reports; file documentation of compliance findings and violation response; and resolution of violations through formal/informal negotiations and/or enforcement action. EPA will provide program and policy guidance related to federal requirements. EPA will also orient its compliance oversight role toward the major regulated facilities and cooperatively pursue a selective audit and exception response program with DEQ. Both agencies are committed to informal resolution of routine violations provided that such resolution occurs in a well-documented manner and within a limited timeframe, generally less than 90 days; otherwise, formal enforcement will be initiated.

RCRA Final Delegation

DEQ will continue to seek final authorization to operate the Federal RCRA hazardous waste management program. It is expected that the State will submit to EPA by June 1, 1984, a complete application for final authorization. EPA will consider documented program performance by DEQ under Phase I - Interim Authorization as a factor in its evaluation for approval of final authorization. Also, the State, through permit issuance, rule adoption, and appropriate enforcement action, will ensure that all facilities are subject to requirements which, at a minimum, are equivalent to 40 CFR Part 265.

EPA will make a final decision on the State's application within six months of receipt of a complete state application.

RCRA Compliance and Permits

Effective implementation of the RCRA Hazardous Waste Program in Oregon is a major priority for the State and EPA. The State will maintain the lead role in compliance assurance, contingent upon final delegation, and will aggressively seek a high level of compliance by hazardous waste generators, transporters, and treatment/storage/disposal facilities. A major portion of DEQ hazardous waste program resources will be devoted to inspection, monitoring, and enforcement follow-up of regulated facilities to assure compliance with requirements for manifests, reporting, groundwater monitoring, closure/post-closure, and financial assurance. DEQ will use formal enforcement action as needed to assure timely resolution of violations.

The State will also upgrade its hazardous waste program management system to improve the quality and documentation of inspections. This will include providing documented guidance and training to its field staff in the areas of RCRA requirements, inspection completeness, plan review, and compliance/enforcement follow-up.

Prior to final authorization, EPA will continue to issue joint RCRA permits with DEQ. Following permit issuance, DEQ will be lead agency in monitoring compliance with permit conditions.

EPA will focus its RCRA management efforts to provide clear, concise, and timely guidance and decisions to DEQ on program policies and requirements and on EPA expectations of the State program. EPA will provide oversight of the State program and will use the results to guide allocation and distribution of hazardous waste program grant funds. EPA will also assist DEQ, contingent upon available resources, in providing training to hazardous waste generators in proper completion of manifests.

Carbon Monoxide and Vehicle Inspection/Maintenance in Medford

Medford continues to suffer serious violations of the ambient air standards for carbon monoxide. Studies show that implementing a vehicle inspection and maintenance (I/M) program is the critical strategy element needed to bring the area into attainment. The 1983 State Legislature authorized Jackson County to implement an I/M program, and the County has adopted an ordinance for that purpose.

If the voters ratify the ordinance at the March general election, the County will proceed with implementation of the I/M program and may contract with DEQ to operate the test stations. Should the voters fail to ratify the ordinance in March, EPA will proceed to impose appropriate sanctions under the Clean Air Act.

Particulates: PM 10 and Woodstoves

EPA has proposed an ambient air standard for fine particulates. When the standard becomes final, the DEQ will need to assess the attainment status of the State's airsheds and develop attainment strategies for all areas that exceed the new standards. One major element of any strategy will be control of woodstove emissions, which contribute significant portions of the fine particulate in Oregon. The DEQ has received a mandate from the legislature to develop an emission standard for new woodstoves by July, 1984, to be effective in July, 1986. DEQ has developed a final test method and completed necessary testing to formulate a standard on schedule. The EQC will adopt a standard by July and will prepare to implement it statewide.

Groundwater Protection

Over 800,000 Oregonians depend on groundwater for drinking water. Eight to ten thousand new wells are recorded each year. Although the quality of groundwater in Oregon is generally very high, there are several well-documented instances of groundwater contamination. Concern for groundwater protection led the Oregon Environmental Quality Commission (EQC) to adopt the Oregon Groundwater Protection Policy in 1981. Aquifer protection plans consistent with the Policy have been developed by DEQ with

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Federal assistance and adopted by the EQC for several contaminated aquifers, including Clatsop Plains, North Florence, LaPine, and River Road/Santa Clara near Eugene.

Emphasis on protection of groundwater aquifers from contamination by surface activities or by underground waste disposal will continue in FY 1985.

Specific DEQ initiatives in the coming year will include:

- reviewing and updating the Groundwater Protection Policy to include guidance on groundwater problem abatement,
- establishing a mechanism to incorporate groundwater pollution problems into the construction grants priority system,
- developing groundwater quality standards for consideration by the EQC, and
- continuing the East Multnomah County groundwater contamination study and pursuing construction of sewage collection facilities to protect the aquifer for its use as a drinking water source.

EPA will assist DEQ by splitting samples obtained from wells in East Multnomah County and analyzing for 30 organics. Verification of data being collected by DEQ is desirable to support DEQ efforts to achieve construction of sewers in the area to protect groundwater.

DEQ's application for delegation of the Underground Injection Control (UIC) program is pending and approval is expected soon. In FY 1985, DEQ will implement the UIC program in Oregon.

Data Management Enhancement

DEQ is in the process of implementing a computerized Water Quality Source Information data management system on the Department's computer. EPA will assign personnel resources to assist DEQ to (1) develop and implement general data analysis/manipulation routines; (2) explore an EPA interface with the DEQ Source Information System; and (3) develop an improved state interface with EPA's STORET system to facilitate DEQ entry, manipulation, analysis, and display of data. EPA and DEQ will negotiate a work plan describing the specific tasks and personnel to be involved and covering schedules, travel needs, and other logistics for the project.

Special Water Quality Planning Efforts

In response to legislation enacted in 1983, during FY 1985, DEQ will commit resources to (1) secure the adoption of minimum stream flows at up to 75 points on Oregon streams by the Water Policy Review Board, and (2) assist 8 other state agencies to initiate development of a coordinated Water Resource Management Plan for the John Day Basin (as a pilot test of a new interagency planning process that is expected to ultimately be applied to all basins in the state). DEQ efforts in the John Day Basin will focus heavily on non-point source impacts on water quality.

Construction Grants Management and Delegation

The DEQ completed two studies on assuming responsibilities for administering the wastewater treatment construction grants program under Section 205 (g)

2/12

of the Clean Water Act. The latest study, entitled Preliminary Study Regarding EPA's Proposed Delegation of Management Responsibilities in the Construction Grants Program, provided the basis for a budget package which was submitted and considered by the 1983 Oregon Legislature. Final budget action by the Legislature, however, did not include 205(g) authorization.

DEQ will again consider this matter as part of the budget process for the 1985-87 Biennium. Beginning in March, the DEQ will reevaluate the matter, meet with the League of Oregon Cities to discuss the proposal, and prepare and submit a budget decision package, as appropriate, by September, 1984, for consideration in the Governor's budget process. If approved by the Governor and the Legislature in the 1985 session, the initial delegation agreement for the program will be signed and implemented by September 1985. Once a delegation agreement is signed, Federal funds will be available from the sewerage works construction grants allocation to support the delegated management functions. The existing 1975 Memorandum of Agreement will be used as the basis for pursuing both the initial delegation agreement and subsequent delegations of the program.

Superfund Implementation

Three Oregon sites, Teledyne Wah Chang, GNB Batteries (formerly Gould, Inc.) and United Chrome Products, Inc., are included on the Superfund National Priorities List. EPA will give high priority in FY 85 to completing a remedial investigation/feasibility study at United Chrome. DEQ and EPA will continue monitoring the voluntary remedial action at GNB Batteries.

Using funds available under Section 3012 of RCRA, DEQ will assist EPA in continuing to reduce the backlog of uncontrolled hazardous waste sites. DEQ will continue to conduct preliminary assessments and site investigations at sites. EPA, with contractor assistance, may supplement the State's efforts.

This Agreement covers the period of time from July 1, 1984 through June 30, 1985. DEQ and EPA agree to cooperatively work towards achieving environmental results for the priorities discussed above.

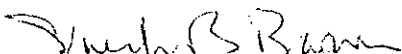
FOR THE STATE OF OREGON:



MAR 26 1984

Frederic J. Hansen, Director
Department of Environmental Quality

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:



MAR 28 1984

Ernesta B. Barnes, Regional Administrator
Environmental Protection Agency, Region 10

APPENDIX II

SUMMARY OF PROGRAM RESOURCES

SUMMARY OF PROGRAM RESOURCES*
(July 1, 1983 - June 30, 1984)

PROGRAM	RESOURCES			Staff-Years
	Federal Grant Funds Approved	Non-Federal	Total	
Air Quality Program	\$1,507,632	\$1,874,873	\$3,382,505	66.4
Water Quality Program				
Section 106	\$ 840,000	\$1,371,612	\$2,255,612	44.35
Underground Injection Control (SDWA)	84,200	28,067	112,267	3.0
Water Quality Planning [Section 205(j)]	300,000	-0-	300,000	2.0
Hazardous Waste Program (RCRA)	554,843	269,502	824,345	16.4

* The resource levels shown in this chart are for FY 84. Accurate projections for FY 85 resource levels will not be available until final grant applications and workplans are completed. Such projections will be included in the final FY 85 Oregon State/EPA Agreement in June.

APPENDIX III

SUMMARY OF PUBLIC PARTICIPATION

PUBLIC PARTICIPATION PLAN
For the State/EPA Agreement
Fiscal Year 1985

As outlined in applicable Federal Regulation (46 FR 12: 5737), a detailed public participation plan must be included in the negotiations of the State/EPA agreement for each year. The elements of a successful public participation plan include: IDENTIFICATION of affected and interested parties and groups, OUTREACH to those individuals and groups through a variety of techniques and methods, DIALOGUE between the interested parties, the Department and EPA, ASSIMILATION of the ideas offered by the groups which are involved and offer comments, and FEEDBACK to the interested parties and groups or individuals which comment about the final agreement.

This plan, developed by the Public Affairs Office of the Oregon Department of Environmental Quality, will address each of these broad areas with specific groups, listings, timetables, and techniques to accomplish each goal cumulating into the overall public participation plan for the S/EA FY 85.

IDENTIFICATION

All Oregonians, along with groups and individuals presently involved in environmental concerns in Oregon are affected by, and therefore interested in, the S/EA agreement. Many elements of the agreement directly affect the environmental program of Oregon.

Those individuals who presently serve on an advisory committee for the Department are identified as interested parties. These include: the Portland Air Quality Advisory Committee, the Motor Sports Advisory Committee, the Woodstove Advisory Committee, the Field Burning Advisory Committee, the Solid Waste Task Force and its subcommittee on recycling.

Each of these committees is composed of a variety of interest groups, including local governments, public interest groups, environmentalists, unaffiliated citizens, and industrial associations. The membership of each of listed in the IDENTIFICATION appendix.

Also interested in the S/EA are those groups and individuals who comment regularly on proposed environment rulemaking. As rules are proposed for water quality, air quality, solid waste, or hazardous waste, public comment on the conditions of the rules are solicited. People who have indicated an interest in reviewing the Department's proposed rules are listed in the IDENTIFICATION appendix.

OUTREACH

I. Methods:

Because most of the material is complex, much of the outreach for the S/EA will be written materials distributed through the mail.

A 2-page summary of the executive document will be prepared. This summary will be mailed to each of the identified parties. The summary will indicate that the full executive document is available free of charge from the DEQ Office of Public Affairs. The statewide toll-free number will be used, eliminating telephone long distance charges for those who need additional information. Also, the news release announcing the May 18, 1984, Environmental Quality Commission (EQC) meeting will discuss the S/EA and the opportunity for public comment to the Commission at the meeting.

II. Content

The outreach materials will include background information on the S/EA, a timetable of the proposed actions and where input is timely, summary of the S/EA, a listing of the issues, alternative courses of action for the Department and EQC, and the name of a specific individual to contact for additional information.

III. Notification

The outreach materials will be mailed to the identified interested parties at least 30 days prior to the public hearing before the EQC. In addition, the news release indicating the upcoming public hearing will be mailed statewide.

IV. Timing

The outreach materials will be mailed to the interested parties at least 30 days prior to the public hearing. In addition, prior to the mailing, a paid advertisement will be used in the Oregonian, the statewide paper of largest circulation, indicating the upcoming opportunity for public comment.

V. Fees for copying

Fees for copying will be waived if the interested persons copy the material themselves. Copies which require staff time to duplicate will cost 25¢ per page, consistent with the Department's duplication policy. (DEQ #110.160)

VI. Depositories

Copies of the S/EA along with the executive document will be available at all DEQ offices. DEQ offices are located at:

Headquarters Office/Northwest Region
522 SW 5th Avenue
P. O. Box 1760
Portland, Oregon 97207
229-5696/229-5209

Roseburg Branch Office
1937 W. Harvard Blvd.
Roseburg, Oregon 97470
440-3338

Astoria Branch Office
749 Commercial
P. O. Box 869
Astoria, Oregon 97103
325-8660

Willamette Valley Region
895 Summer St. N.E.
Salem, Oregon 97310
378-8240

Coos Bay Branch Office
490 N. 2nd
Coos Bay, Oregon 97420
269-2621

Southwest Region
201 W. Main St.
Medford, Oregon 97501
776-6010

Central Region
2150 N.E. Studio Road
Bend, Oregon 97701
388-6146

Eastern Region Office
700 S.E. Emigrant
Suite 330
Pendleton, Oregon 97801
276-4063

DIALOGUE

Dialogue will be preceded by the distribution of a summary of the issues and timetable for decision-making. All pertinent DEQ staff will be available, either in person or by telephone. A public hearing to accept testimony from the public will be scheduled at the Environmental Quality Commission's meeting May 18, 1984, in Portland. Written testimony will be accepted prior to the Commission's meeting, and will be distributed to the Commission.

PUBLIC HEARING REQUIREMENTS

- I. Timing: The notice of public hearing will be distributed to the interested parties at least 30 days prior to the public hearing. The public hearing will be included on the EQC agenda which is distributed to the news media.
- II. Content of Notice: The content of the notice will clearly identify the issues to be discussed along with alternatives.
- III. Provision of Information: All pertinent information will be available to the public.
- IV. Conduct of the Hearing: The public hearing will be conducted by the Chairman or Vice-Chairman of the Environmental Quality Commission in the traditional fashion of the Commission.
- V. Record of Hearing: The public record will remain open 10 days subsequent to the EQC meeting.

RESPONSIVENESS SUMMARIES

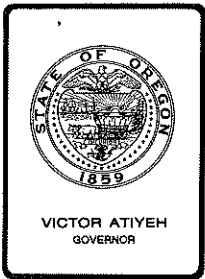
The DEQ staff will prepare a responsiveness summary for the public participation process used in the S/EA. This commentary will briefly but clearly document the agency's consideration of the public's input into the S/EA.

The responsiveness summary will include: the type of participation that was carried out, identification of those who participated and their affiliation (if applicable); issues, the public's views, including criticism; and logic of the agency in making its decision and the agency's specific responses to each comment.

The responsiveness summary will be mailed to each person or organization that participated in the development of the S/EA. Availability of the responsiveness summary will also be advertised in a paid advertisement in the Oregonian, the statewide paper that has the largest circulation to the affected population.

TIMETABLE

March 8	Pre-notification of upcoming events Advertisement in the <u>Oregonian</u>
April 17	Mailing of summary of executive document to identified interested parties
April 17	Advertisement of summary executive document in the <u>Oregonian</u>
May 11	Press release on EQC public hearing
May 18	EQC public hearing
May 28	Public comment period closes (written comments must be postmarked by this date)
June 4	Responsiveness summary prepared
June 6	Responsiveness summary mailed to those who commented
June 8	Availability of responsiveness summary ad in the <u>Oregonian</u>



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. F, May 18, 1984, EQC Meeting

Petition to Incorporate Mandatory Noise Inspections into the Portland Area Vehicle Inspection Program

Background

A petition for rule amendment has been received from the Coalition for Livable Streets asking that Portland area motor vehicles be inspected for excessive noise as part of the current air emission vehicle inspection program. The petition requests mandatory noise inspections of automobiles, light trucks, motorcycles, heavy trucks and buses to achieve compliance with noise emission standards adopted pursuant to ORS Chapter 467.

The petitioner, the Coalition for Livable Streets, is an ad hoc group of Portland citizens that are concerned with traffic problems of noise, speed and volume on residential streets. They believe that the local police cannot effectively cope with the large number of noisy vehicles. The petitioner suggests this problem can be addressed through the inspection, certification and licensing mechanisms used to control motor vehicle air emissions. The petition is also supported by the following:

Oregon Environmental Council
Irvington Community Association
Northwest District Association
City of Portland Noise Review Board
State Representative Jane Cease
Portland Commissioner Charles Jordan
Portland Commissioner Mike Lindberg
Portland Commissioner Margaret Strachan

Evaluation

Motor vehicle noise is a major source of environmental pollution in Oregon. Attitude surveys have shown that the public believes that noise from cars,



Contains
Recycled
Materials

trucks, buses and motorcycles is a more serious problem than air and water pollution. Vehicle noise emission levels have been somewhat reduced due to the result of regulations that require manufacturers to build quieter vehicles. However, many vehicles operating on the public streets have modified or defective exhaust systems that often exceed Department standards.

The Environmental Quality Commission has adopted noise emission standards for various categories of motor vehicles. The standards are also reflected in the State motor vehicle laws under ORS 483.449. A number of police departments throughout Oregon have been trained and equipped by the Department to enforce these standards.

The Department has operated a motor vehicle air emission inspection program (VIP) in the Portland metropolitan area since 1975. The statutes authorizing this program also include the authority to include noise emission inspections. A number of studies have resulted in the development of standards and testing methods to conduct stationary noise inspections of motor vehicles. These standards and procedures have been approved within the general noise control rules. The petitioner requests the Commission to amend the vehicle inspection rules to include the vehicle noise standards contained in the general noise control rules. (See attached ORS 481.190, ORS 468.370 and ORS 467.030)

A voluntary vehicle noise inspection program has been provided at the VIP stations since 1977. Under this program, anyone may request and receive a free vehicle noise inspection using the above noted procedure and standards. Several Portland area police departments recommend that noise violators obtain a DEQ noise inspection prior to the court date. In the case of cited vehicles, the Department provides a "noise compliance certificate" to compliant vehicles.

The voluntary noise inspection program only checks approximately 100 vehicles per year and thus is not resolving the noise problem. However, the Department has developed some experience in solving issues that must be addressed in a mandatory program that could require testing of large numbers of motor vehicles.

A recent survey of vehicles being tested at the VIP stations indicates approximately 10 percent may exceed the noise emission standards. With a population of approximately 500,000 automobiles in the Portland inspection area boundary, more than 50,000 vehicles are likely to be operating in excess of noise standards. As these sources are mobile, they have the ability to impact a large portion of the areas' population.

The attached petition appears to address and comply with the requirements specified in OAR 310-11-047 for filing a petition to amend rules. Under subsection (3)(d) of this rule, the Commission must, within 30 days of receipt, either deny the petition or initiate rulemaking proceedings. The

petitioner has waived the 30 day requirement but has requested the Commission to take action within 60 days. If the Commission wishes to deny the petition, it must, pursuant to subsection (4), issue an order setting forth its reasons in detail for denying the petition.

Staff believes the petition has merit and rulemaking should be initiated. There are a number of issues, however, that must be resolved before the Department could provide noise tests to large numbers of vehicles. It must be determined if the vehicle standards and procedures within the general noise rules are appropriate for the vehicle inspection program or whether different standards and procedures are more appropriate. A number of inspection station operational issues, such as an evaluation of noise testing equipment, must be resolved. It will also be necessary to conduct a cost impact analysis of this proposal as it might affect the Department and the public. It also should be noted that the inclusion of additional vehicle categories, such as motorcycles, into the inspection program would require the development of procedures to phase them into the population of autos and gasoline powered heavy trucks that are now being inspected for air emissions.

Summation

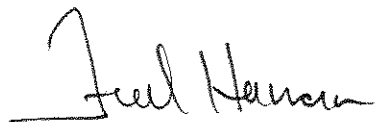
The following facts and conclusions are presented:

1. A petition to amend Portland area motor vehicle inspection rules to incorporate mandatory noise emission limits has been filed.
2. Petitioners include Portland community associations, City of Portland elected officials and an environmental organization.
3. Stationary motor vehicle noise standards and test procedures have been approved in the general noise control rules.
4. Voluntary noise testing has been provided to a limited number of Portland area vehicles at the test stations since 1977.
5. Local police cite a limited number of noisy vehicles that are referred to DEQ test stations for compliance checks.
6. A rough estimate of noise emission violators in the Portland area is approximately 50,000 automobiles.
7. The Department believes the petition has merit and should be approved to initiate rulemaking proceedings.
8. If the petition is accepted, the Department would propose to:
 - a. Develop any necessary inspection standards and procedures;

- b. Identify and develop solutions to any inspection station operational issues;
- c. Determine any cost impacts of a mandatory noise inspection program; and
- d. Respond to these issues at the June 29, 1984, EQC meeting and, if appropriate, request public hearing authorization to consider proposed rules.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission accept the attached petition and direct the Department to initiate rulemaking proceedings.



Fred Hansen

- Attachments A. Petition
B. Oregon Revised Statutes

J.M.Hector:smb
AS20
229-5989
May 2, 1984

The Coalition for Livable Streets
% The Southeast Uplift Office
3534 S.E. Main
Portland, Oregon 97214

Attachment 1
Agenda Item F
May 18, 1984
EQC Meeting

April 12, 1984

The Environmental Quality Commission
State of Oregon
% Fred Hansen, Director
Department of Environmental Quality
PO Box 1760
Portland, Oregon 97207

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
R E C E I V E D
APR 16 1984

OFFICE OF THE DIRECTOR

Dear Commissioners:

The Coalition for Livable Streets is an ad hoc coalition of concerned residents of Portland who have come together to try and solve the traffic problems of noise, speed, volume and vehicle domination of our residential streets. We have addressed the speed, volume and infringement problems by requesting that the City of Portland define and streamline its traffic management program and take a new look at the City's transportation goals. Our intention is to redefine the uses of our residential streets to include the quiet and safe uses by pedestrians, children and bicyclists. City Council has, in fact, responded to our request by adopting our proposed resolution (see enclosure) and directing the Transportation Office to formulate a new Neighborhood Traffic Management Program. Guidelines for the program have been drawn and the implementation is expected.

Addressing the motor vehicle noise problem has proven more difficult. Our first effort was to request that the Portland Police Traffic Division schedule DEQ training for vehicle noise abatement enforcement, and begin to cite non-compliant motor vehicles. It is apparent, however, that the police cannot cope with the large number of noise violators and need the support of a mandatory noise inspection program in the Portland area. If stationary noise inspection were available, both problem vehicles and border-line vehicle noise problems would be brought into compliance by the owners to assure certification and licensing.

Thus the Coalition for Livable Streets and the groups and public representatives named as co-petitioners on the attached sheet request the State of Oregon to assist the local authorities in the enforcement of state motor vehicle noise standards.

Enclosed is a petition requesting the revision of rules addressing vehicle emissions to include mandatory noise inspection of motor vehicles, motorcycles and metro area trucks and buses within the Portland Vehicle Inspection Program. We waive the 30 day requirement of OAR 340-11-047 (3) (d) to provide a reasonable amount of time for the Commission and DEQ to address this request; however, we request that this petition be brought to the Commission within 60 days.

The Coalition for Livable Streets

Lucie Allison
Petition Carrier

PETITION TO REVISE RULES
BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE
STATE OF OREGON

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
R E C E I V E D
APR 16 1984
OFFICE OF THE DIRECTOR

Pursuant to OAR 340-11-047, we petition the Environmental Quality Commission of the State of Oregon to revise the rules pertaining to motor vehicle emissions Division 24 of Chapter 340, to add mandatory noise emission standards as a part of the Portland area vehicle inspection program.

The following statement responds to the requirements of the Commission's rules "petition to Promulgate, Amend or Repeal Rule (OAR 340-11-047):

a) Requested Action.

Add the noise emission standards specified in Table 2 of OAR 340-35-030, "Noise Control Regulations for In-Use Motor Vehicles" to the appropriate sections of Division 24. Noise emission standards for light duty vehicles and motorcycles are of primary importance and should be included within a noise inspection program. Standards for other vehicle categories (trucks, buses) should also be included. The appropriate noise test procedures specified in the Motor Vehicle Sound Measurement Procedure Manual (NPCS-21) should be referenced or incorporated into Division 24.

b) Reasons for Revision

-Motor vehicle noise ranks as the greatest noise problem surveyed in neighborhoods concerned with livability. Noise from vehicles which exceed the Oregon motor vehicle noise emissions standards cause serious "single event" impacts which are unexpected, uncontrollable, and because they are a mobile noise source, have the potential of impacting the entire metropolitan community.

-Based on preliminary sampling, approximately 10% of the light duty vehicles within the Portland VIP area are exceeding these standards. The percentage of non-compliant trucks and buses is expected to be high when inspection is conducted.

-Motor vehicle noise has been identified by the Department of Environmental Quality as their noise program's highest priority for noise abatement measures. The Department estimates that implementation of VIP noise enforcement would result in a significant reduction in non-compliant vehicle noise impacts.

-At present there are procedures and facilities are in place to address this noise problem with little added cost to the public.

-Statutory authority to include noise as part of the Vehicle Inspection Program was enacted in 1971, but at present only voluntary noise inspection is being done. There would be very little extra cost to implement a mandatory noise inspection program since equipment and trained personnel are already in place.

-Police enforcement which is primarily focusing upon operational offenses must receive the support of a mandatory noise inspection program which would focus upon equipment offenses.

c) Propositions of Law

ORS Chapter 467 provides broad authority to control excessive environmental noise.

ORS 468.370 provides authority to include noise emission standards adopted pursuant to ORS 467.030 within the DEQ VIP program.

ORS 481.190 provides authority to withhold new or renewal vehicle registrations within the Portland area inspection boundary for vehicles exceeding noise control standards.

d) Effects of Revised Rules

-Mandatory vehicle noise inspection would begin to address the most serious noise problem in the Portland VIP area by reducing the noise impacts of approximately 10% (non-compliant) vehicles upon the quality of life and privacy of citizens.

-Citizen reaction and response to control of motor vehicle noise is considerable and positive wherever it is employed.

-The mandatory noise inspection program would help the Portland Police

Traffic Division increase their effectiveness in dealing with non-compliant vehicles.

-Public awareness that the Oregon State Motor Vehicle Noise Emissions Standards are being enforced would lead to drivers policing themselves with preventive maintenance and replacement of faulty mufflers.

We, the undersigned petition the Oregon Department of Environmental Quality to revise the rules addressing vehicle emissions to include mandatory noise inspection of motor vehicles, including motorcycles, trucks and buses.

ORS CHAPTER 467 provides broad authority to control excessive environmental noise. ORS 468.370 provides authority to include noise emission standards adopted pursuant to ORS 467.030 within the DEQ VIP program. ORS 481.190 provides authority to withhold new or renewal vehicle registrations within the Portland area inspection boundary for vehicles exceeding noise control standards.

Linda Allison
Bicycle W. Coalition

Jan A. Clark
Oregon Environmental Council

Jane Case, Chair
Case Transportation Committee

Margaret D. Strachan
Portland City Council

Nolly O'Neil, Chair
Noise Review Board City of Portland

Michael J. Sienko, CHAIR
IRVINGTON COMMUNITY ASSOCIATION

Mite Lindberg
Portland City Commissioner
Charles Jordan
City of Portland

Tom Ullman, President
Northwest District Association

e) Name and Address List

The names and addresses of the petitioners are:

The Coalition for Livable Streets
% Southeast Uplift Office
3534 S.E. Main Street
Portland, Oregon 97214

The Oregon Environmental Council
John Charles, Executive Director
2637 S.W. Water Avenue
Portland, Oregon 97201

The Irvington, Community Association
Michael Sievers, Chairperson
1909 N.E. 24th
Portland, Oregon 97212

The Northwest District Association
John Werneken, Chairperson
2055 N.W. Kearney
Portland, Oregon 97209

The Portland Noise Review Board
Molly O'Reilly, Chair, Noise Review Board, Portland
1120 S.W. 5th
Portland, Oregon 97204

State Representative Jane Cease
Chairperson, House Transportation Committee
2625 N.E. Hancock
Portland, Oregon 97212

Commissioner Mike Lindberg
Public Works and Energy
1220 S.W. 5th
Portland, Oregon 97204

Commissioner Margaret Strachan
Bureau of Buildings and Human Resources
1220 S.W. 5th
Portland, Oregon 97204

Commissioner Charles Jordan
Parks and Neighborhoods
1220 S.W. 5th
Portland, Oregon 97204

RESOLUTION NO. 33554

WHEREAS, vehicle-dominated residential streets have a detrimental effect on neighborhood and City livability; and the excessive presence of motor vehicles is a menace to citizens and their environment due to danger and intimidation, noise and vibration, speed, exhaust fumes, social severance, and visual intrusion; and

WHEREAS, it is the City's established policy to promote an efficient and balanced transportation system, to encourage energy conservation, to reduce air pollution, to diminish the impact of vehicular traffic on residential neighborhoods, and to support alternative forms of mobility, including walking, biking, and the use of public transit;

NOW, THEREFORE, BE IT RESOLVED that the City of Portland establish a "Neighborhood Traffic Management Program" consistent with the following objectives:

- (i) to manage vehicular traffic and parking in the City's residential areas so as to maintain movement and accessibility functions while achieving social and environmental goals through the coordinated planning and implementation of a traffic management program.
- (ii) to protect residential areas from the adverse effects of motor vehicle traffic by adopting measures designed to: (1) discourage extraneous, through traffic; (2) increase driver awareness of and respect for non-auto modes and the neighborhood environment; (3) increase the safety and convenience of movement by non-auto modes;
- (iii) to assist in carrying out the stated goals of the City's Comprehensive Plan and Arterial Streets Classification Policy: "... to encourage energy conservation, reduce air pollution, less the impact of vehicle traffic on residential neighborhoods";
- (iv) to respond to the perceived needs of neighborhood residents on matters of traffic management through the systematic measurement and documentation of traffic effects, by proposing appropriate traffic management devices and programs, and by testing, evaluating, and installing such devices or programs which have been approved by the City as components of the Neighborhood Traffic Management Program;

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
R E C E I V E D
APR 16 1984

OFFICE OF THE DIRECTOR

00534

RESOLUTION No.

- (v) to fund the planning, testing, and construction of traffic management devices and programs on an annual, City-wide basis, to integrate plans for traffic control on the City's major street system with neighborhood traffic management and to keep neighborhood associations informed of measures planned, and to give them opportunities to participate in their planning.

Adopted by the Council, **OCT 26 1983**

Introduced by Commissioner Lindberg
October 20, 1983
EC:m

JEWEL LANSING
Auditor of the City of Portland

By

Edna Croora

Deputy

Oregon Revised Statutes

481.190 When motor vehicle pollution control systems required for registration; certificates of compliance; standards; exemptions.

(1) Motor vehicles registered within the boundaries, designated in ORS 268.125, of the metropolitan service district formed under ORS Chapter 268 for the metropolitan area, as defined in subsection (3) of ORS 268.020, which includes the City of Portland, Oregon, shall be equipped with a motor vehicle pollution control system and shall comply with the motor vehicle pollutant, noise control and emission standards adopted by the Environmental Quality Commission pursuant to ORS 468.370. Each of such motor vehicles which is registered as a government-owned vehicle under ORS 481.125 and not within any category of subsection (3) of this section must be certified annually as complying with the requirements of this subsection in order that such registration shall continue to be sufficient.

468.370 Motor vehicle emission and noise standards; copy to Motor Vehicle Division.

(1) After public hearing and in accordance with the applicable provisions of ORS Chapter 183, the commission may adopt motor vehicle emission standards. For the purposes of this section, the commission may include, as a part of such standards, any standards for the control of noise emissions adopted pursuant to ORS 467.030.

467.030 Adoption of noise control rules, levels and standards.

(1) In accordance with the applicable provisions of ORS 183.310 to 183.500, the Environmental Quality Commission shall adopt rules relating to the control of levels of noise emitted into the environment of this state and including the following:

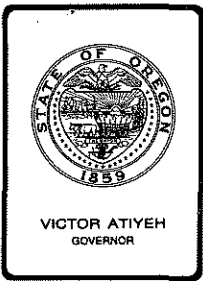
(a) Categories of noise emission sources, including the categories of motor vehicles and aircraft.

(b) Requirements and specifications for equipment to be used in the monitoring of noise emissions.

(c) Procedures for the collection, reporting, interpretations and use of data obtained from noise monitoring activities.

(2) The Environmental Quality Commission shall investigate and, after appropriate public notice and hearing, shall establish maximum permissible levels of noise emission for each category established, as well as the method of measurement of the levels of noise emission.

(3) The Environmental Quality Commission shall adopt, after appropriate public notice and hearing, standards for the control of noise emissions which shall be enforceable by order of the commission.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G, May 18, 1984, EQC Meeting

Request by City of Powers for Extension of Variance from Rules Prohibiting Open Burning Dumps, OAR 340-61-040(2)

Background

On June 29, 1979, the Commission granted the City of Powers a variance to continue the open burning of solid waste at the City's disposal site. A copy of the staff report is attached (Attachment I). The variance expires June 30, 1984. This variance is the latest in a series of variances that the City has received. A long-term, five-year variance was granted because the Commission agreed that the open burning caused only localized nuisance conditions and that transporting wastes to Coos County's Beaver Hill Incinerator, near Bandon, would be "burdensome and impractical." This is in accordance with ORS 459.225 which authorizes the Commission to grant variances to its solid waste management rules.

The City of Powers is now requesting another long-term extension of its variance. The alternatives available to the City remain essentially unchanged. Their disposal site serves approximately 300 households. It is located on approximately two acres of land near the City. The facility cannot be operated without open burning because of inadequate space, poor soils, steep topography and lack of available landfill equipment. If a variance is denied, the disposal site would rapidly fill and have to be closed within a few months.

During a public hearing in May 1979, two people living near the dump testified that they were adversely affected by it. They complained of rats, smoke from the open burning, fires spreading from the dump and some debris getting into the nearby creek. During the time of the present variance, no complaints have been received by the Department. Over the past five years, operation of the Powers Disposal Site has ranged between poor and fair. Recently, however, the City has taken significant steps to improve the facility and has proposed a number of measures, including mandatory refuse collection and expanded recycling, in an effort to comply with state standards (see Attachment II). In the staff's opinion, all possible improvements have been made, short of stopping burning. Letters supporting the City's action and its request for a variance extension have been received from Coos County and State Representative Bill Bradbury (see Attachments III and IV). The Department also supports the City's proposed

new solid waste management plan. In the best of worlds, no open burning of solid waste would be approved. We recognize, however, unique circumstances make this impractical in some areas. In prior years, the Department evaluated a few alternative landfill sites in the Powers area, but none were acceptable. The option of hauling refuse to the Beaver Hill Incinerator would appear to be cheaper than a new sanitary landfill operation in the Powers area.

Alternatives and Evaluation

It appears that transport of wastes to the Beaver Hill Incinerator facility, near Bandon, is the best alternative if continued open burning is not allowed. However, transporting wastes approximately 45 miles to Beaver Hill would be difficult and costly. Approximately one-half the distance would be on a road that is narrow, winding and poorly maintained. Travel, especially in winter, would be slow, difficult and somewhat dangerous. In addition to increased operation and maintenance costs, a new truck would be required for the long trip. The cost of the truck is estimated at \$36,000.

The City has submitted cost estimates for both continued open burning and for transfer of wastes to Beaver Hill (see Attachment II). The City projects monthly expenditures of \$1,920.50 for an improved open burning operation with expanded recycling and monthly costs of \$4,150.00 for transfer of wastes to Beaver Hill. Monthly garbage service rates of \$4.50 per household would fund the first alternative, but fees of approximately \$10 per month would be required to transport waste to Beaver Hill. The City states that over 50% of its residents are senior citizens and that about 10% of the remainder have low incomes. Thus, they contend the cost of implementing a transfer system at this time would be burdensome.

Another factor that must be considered in a decision on this variance request is the federal regulations (criteria) regarding operating an acceptable landfill. At the January 1981 EQC meeting, the Commission adopted a state solid waste plan to comply with federal regulations. The plan essentially accepted the federal criteria as state standards and indicated enforcement of these criteria. All disposal sites in the state were evaluated against the criteria. Any disposal site found to be in violation of the criteria was required to be upgraded or closed within five years of the date of publication of a national Inventory of Open Dumps by EPA (May 29, 1981).

At present, EPA has no direct enforcement authority over solid waste disposal sites. There is a citizen suit provision in the federal law. A site under a compliance schedule for correction of a criteria violation, issued by a state with an EPA-approved plan, is exempt from citizen suit. After May 29, 1986, however, this exemption no longer exists and any citizen can file a suit in federal court to get a violating site closed.

Shortly after the open-dump inventory was published, EPA seemed to lose interest in solid waste-related matters and placed all of its emphasis on hazardous waste. Recently, however, there has been renewed interest in solid waste programs at the federal level, especially in further tightening of the criteria and possibly in obtaining enforcement over solid waste sites.

Today, there are 17 disposal sites (similar to Powers) which are located in Clatsop, Coos, Jackson, Lake, Malheur and Wheeler Counties and which appear on the list. All sites are listed as a result of violation of the criteria against open burning of solid waste. The Department and Commission will soon be required to address the question of continued open burning at rural sites beyond the May 29, 1986 date. Representatives of the Department, along with representatives of several other western states, have on several occasions discussed with EPA the need for exemptions to the open burning prohibition in cases where the environmental impact is shown to be minimal. To date, EPA has not responded with any evaluation. The Department intends to explore this issue with EPA on a formal basis. For now, it is recommended that no variance be granted beyond the May 29, 1986 date. Disposal sites presently on variances allowing open burning may have no opportunity for continuing that variance after that time.

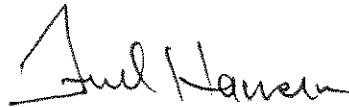
Summation

1. The City of Powers operates an open burning solid waste disposal site in violation of the Department's rules. Their existing variance, granted by the Commission on June 29, 1979, expires June 30, 1984. The disposal site has caused localized nuisance conditions and in the past two nearby residents have been adversely affected. The Department has received no complaints during the variance period.
2. The disposal site has severe limitations for landfilling and denial of a variance would result in closure. The nearest alternative disposal site is 45 to 50 miles away. Approximately one-half of this distance is over a poor road that would make the trip time-consuming, difficult and somewhat dangerous, especially in winter.
3. Transporting wastes to an alternative facility would also be costly. Monthly disposal charges would more than double. The City states that more than 50% of the residents are senior citizens, 10% of the remainder have low incomes and that such an increase would be burdensome.
4. The City requests a long-term (at least five-year) extension of their current variance. The City has recently made significant improvements at the disposal site and further improvements, including mandatory refuse collection and increased recycling, are proposed. Coos County and State Representative Bill Bradbury support the City's request.
5. EPA criteria requires that open burning of solid waste be prohibited after May 29, 1986. Any continuation of burning past that date subjects the City to citizen suit provisions in the federal law.
6. The Department supports the City's request at this time, but recommends that the variance not be extended beyond May 29, 1986, so as not to conflict with federal criteria.

7. The Department finds that the applicant's request meets the requirements of ORS 459.225(3), by which the Commission may grant a variance, as follows:
 - a. Conditions exist that are beyond the control of the applicant.
 - b. Special conditions exist that render strict compliance unreasonable and burdensome.
 - c. Strict compliance would result in closing of the disposal site and no alternative facility or alternative method of solid waste management is available at this time which would relieve the conditions of 7(b) above.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant the City of Powers an extension of their variance from rules prohibiting open burning of solid waste, OAR 340-61-040(2), until May 29, 1986. It is also recommended that the City be placed on notice that there is not at present any opportunity for a variance past that date and other options should be pursued.



Fred Hansen

- Attachments
- I. Agenda Item H(2), June 29, 1979 EQC Meeting
 - II. Letter from City of Powers, dated February 20, 1984, with attachments.
 - III. Letter from Coos County, dated January 26, 1984.
 - IV. Letter from State Representative Bill Bradbury, dated March 8, 1984.

William H. Dana:c

SC1479

229-6266

April 24, 1984



Environmental Quality Commission

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

To: Environmental Quality Commission
From: Director
Subject: Agenda Item H(2), June 29, 1979, EQC Meeting

Request for Variance Extensions from Rules Prohibiting Open
Burning Dumps, OAR 340-61-040(2)(c), for the Cities of Powers
and Myrtle Point

Background and Problem Statement

On February 24, 1978, variances were granted to the Cities of Powers and Myrtle Point to continue operation of their open burning dumps until June 30, 1979. The variances granted were extensions of earlier variances, and were to allow Coos County an opportunity to expand the capacity of the Bandon Disposal Site so that wastes could be received from Powers and Myrtle Point.

Since the last variances were granted, Coos County has proceeded to install an additional incinerator at the Bandon Disposal Site. The County is now prepared to accept wastes from the Cities of Powers and Myrtle Point, and has included this in their Solid Waste Management Plan (recently adopted).

On March 16, 1979, the City of Powers submitted a request to the Department for another extension and outlined the basis for their request (see attached). On April 6, 1979, the City of Myrtle Point submitted a similar request for a variance (see attached).

On May 21, 1979 a public informational meeting was held in Myrtle Point. Testimony from numerous citizens was received, and is summarized in Attachment 3. A similar public meeting was held in Powers on May 30. A summary of that testimony is included in Attachment 4.

ORS 459.225 provides authority for the Commission to grant variances from Solid Waste regulations, under certain conditions which will be discussed below.

Alternatives and Evaluations¹

The Department has been negotiating the closure of the dumps at Powers and Myrtle Point for several years. It has participated in the search for replacement landfills and has funded studies to identify alternatives. After

¹The alternatives and costs are summarized in Tables 1 and 2.

RECEIVED

JUL 23 1979

SOLID WASTE SECTION



Contains
Recycled
Materials

much effort and delay the Department, Coos County and the Cities of Myrtle Point and Powers reached verbal agreement on a plan to close the open dumps and haul to the Bandon Disposal Site. Now that the plan is being implemented, the cities have taken a closer look at the proposal and now contend that closure of the dumps is unwarranted.

Powers - The Powers dump is located on approximately two acres of land near the city. No complaints have been received by the Department, nor have any significant environmental problems been noted during inspections beyond localized air pollution. During the May 30, 1979 public meeting, however, two people living near the dump testified they were adversely affected by the dump. They reported problems with rats, smoke from the burning, numerous fires spreading from the dump, and some debris getting into the nearby creek. With the exception of the smoke, operation of the dump could be improved to eliminate these problems. Approximately 200 of the 300 households in Powers are served by the local hauler, Alka Thornsberry. The alternatives for solid waste disposal are discussed below.

Establishing a Sanitary Landfill

The current dump cannot be upgraded to a sanitary landfill. Successful operation of a sanitary landfill is very difficult in the wet, mountainous area around Powers. Several sites have been investigated around Powers, but none have been acceptable. If a suitable site could be found, the initial investment would be considerable.

Transfer Station

The operation of a transfer station would be of comparable cost to hauling to Bandon, but would also require an initial expense of about \$20,000. The City has not expressed interest in this option unless the County would pay for the transfer station.

Hauling Garbage to Bandon

The Bandon Disposal Site, operated by Coos County, is the only established site in Coos County capable of being operated in an environmentally acceptable manner. A new site for the county's incinerators is proposed to be established at a distance of 48 miles from Powers, pending DEQ approval. The road from Powers to Highway 42 is not good, with many curves and rough stretches.

The local franchised hauler has estimated the cost of hauling garbage the extra distance to Bandon to be about \$5.75/household/month. The current charge for collecting and taking garbage to the Powers dump is \$3.50/month. The initial monthly charge for hauling to Bandon has not been set, but would probably be in the range of \$7.50 - \$10.00/household. Costs would go up if fuel prices increase, and if the County establishes a fee for dumping at Bandon (as expected).

¹\$1.50/mile to operate truck (fuel, depreciation, insurance, driver time, upkeep), and 12 trips/month.

Maintaining Open Burning Dump

This option is by far the cheapest, and is favored by the City and by almost all the city residents. The reasons cited during the public meeting were:

1. The cost of hauling garbage to Bandon (96 miles round trip) is prohibitive, and likely to get higher as fuel costs increase.
2. Powers is not a prosperous community, with 50% of the residents retired and many on fixed incomes.
3. The tax rate in Powers is already the highest in the County.
4. The dump is remotely located, and causing only localized nuisance conditions.

The disadvantages of continuing the operation of the open burning dump are:

1. Nuisance conditions such as smoke and litter and safety and public health hazards including fires, rats, and insects, have been reported by several neighbors living near the dump. These problems are typical of open burning dumps.
2. Under the Department's agreement with EPA to enforce criteria developed pursuant to the Federal Resource Conservation and Recovery Act (RCRA), the dump will almost certainly have to be phased out in five to six years at the most.

Coos County Position

The Coos County Commissioners support Powers' variance request, based on the financial hardship of closing down the Powers' dump. They have indicated they are prepared to modify the Coos County Solid Waste Management Plan to reflect continued operation of the Powers dump.

Staff Position

Under Oregon Revised Statutes (ORS) 459.225, the Commission may grant a variance to solid waste regulations only if the following conditions exist:

1. The conditions in existence are beyond the control of the applicant.
2. Strict compliance would be unreasonable, burdensome or impractical.

3. Strict compliance would result in closure of a site with no alternate facility available.

In the Department's opinion, closing out the Powers dump would be burdensome because of the high cost to the many retired people in this community. We would therefore support a five-year variance, provided the City agrees to upgrade the operation of the current site. These improvements should include rat control, fire protection, and litter control.

Myrtle Point - The Myrtle Point landfill is located about one mile from Myrtle Point, on 12 acres of land. Whether or not there is leachate is unknown, because of the steep bank covered by blackberry bushes below the fill. Environmental problems noted at the fill are litter, safety hazards, insects, rats, and localized air pollution. Half to two-thirds of the commercial establishments and households (over 800) are served by the local hauler, Elvin Murray.

The alternatives available to Myrtle Point are essentially the same as for Powers, and are discussed briefly below and are summarized in Table 2.

Establishing a New Landfill Near Myrtle Point

Costs for establishing and operating a sanitary landfill will be somewhat greater than for Powers. More land would be required, and more operator time needed. No acceptable sites have been found near Myrtle Point. At least \$1/month increase in fees would be required, plus an initial expense of about \$75,000 - \$100,000. The current dump site cannot be upgraded to a sanitary landfill. No acceptable sites have been found in the Myrtle Point area.

Transfer Station

The initial expense would be about \$20,000, the same as for Powers. An additional \$1.50/month/household would be required, which would not include costs of collecting and taking the garbage to the transfer station.

Hauling to Bandon

The proposed county disposal site, if approved, will be about 18 miles from Myrtle Point. This compares with about a 17-mile haul for Coquille residents currently. The increased monthly fee will be somewhere around \$1 per household.

Maintaining Open Burning Dump

This is the cheapest option, and for this reason is favored by the City and most of the residents. Most of those testifying felt that no serious environmental damage was occurring because of their dump, and therefore it should not have to be shut down.

Coos County Commission

The Coos County Commissioners support a limited extension to Myrtle Point's variance. They are planning to place the new incinerators on Beaver Hill, which will be seven miles closer to Myrtle Point than the current incinerators. They would prefer to wait until the new site is operational (expected within 1 year) before accepting Myrtle Point's garbage.

Staff Position

In the Department's opinion, only a short term variance for Myrtle Point could be granted under the conditions set forth in ORS 459.225. The monthly fee increase does not appear unreasonable, merely somewhat burdensome.

A short term variance is recommended, however, to allow the County an opportunity to establish their new site. In addition, the franchised hauler has indicated he will need to purchase a new truck if he must haul to the Bandon site. The extension will allow Mr. Murray time to buy the truck.

Summation

1. Myrtle Point and Powers are currently operating open burning dumps under EQC variances granted February 24, 1978. The variances were granted to allow the cities and Coos County time to expand the processing capacity at Bandon and to establish franchising ordinances. Both of these tasks have been completed.
2. Coos County has adopted a Solid Waste Management Plan which identifies Bandon as the disposal site for wastes from Myrtle Point and Powers. The cities verbally agreed to this proposal prior to adoption of the plan. Sufficient capacity now exists for the County to receive wastes from these cities. At least one franchised hauler has expressed interest in collecting garbage from both cities.
3. The Bandon disposal site is the only one currently in operation in Coos County that can be operated in an environmentally acceptable manner.
4. Neither dump can be upgraded to a sanitary landfill. Current deficiencies include localized air pollution, rat harborage, minor leachate discharge, insect vectors and safety hazards.
5. Other alternatives, such as a transfer station or a new landfill, would be more expensive than hauling to Bandon.
6. The City of Powers has requested an indefinite extension of their variance, citing minimal pollution problems, economic hardship (rates will probably go up to at least \$7.50/month in a city populated by many retired people), and the fuel shortage.

7. The City of Myrtle Point has requested an indefinite extension of its variance, citing the minimal pollution problems and cost (rates will probably go to \$5.50 - \$6.50/month.
8. Coos County supports the Powers variance request, but would only support a limited extension to Myrtle Point's variance until the new county site can be established.
9. In the Department's opinion, the variance for Powers should be granted as the long distance from the nearest acceptable landfill and the large number of retired residents on low, fixed incomes make closing the Powers dump burdensome and impractical.
10. Operation of the Powers dump can be improved by better rat, fire, and litter control. This will eliminate many of the environmental problems discussed at the May 30, 1979 public meeting in Powers.
11. In the Department's opinion, Myrtle Point's request only minimally meets the statutory requirement of ORS 459.225. Therefore, only a temporary variance should be issued to allow the County time to establish the new site and to allow the local hauler time to purchase the necessary truck. Since the distance to the new Beaver Hill site is only 18 miles, and the likely fee increase is comparable to other fees in Oregon, a longer variance cannot be granted on the basis that closing the Myrtle Point dump is burdensome or impractical.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that:

Powers

1. The City of Powers be granted an extension of its variance from OAR 340-61-040(2)(c) until June 30, 1984. Said variance to be subject to earlier review by the Commission if in the opinion of the Department there has been a substantial change in circumstances prior to that date.
2. The City of Powers be required to submit, by August 1, 1979, a proposed plan for DEQ review and approval that provides for improving access control, rodent and insect control, litter control and fire protection by September 30, 1979.

Myrtle Point

The City of Myrtle Point be granted an extension of its variance from OAR 340-61-040(2)(c) until June 30, 1980.

Bill

WILLIAM H. YOUNG

Richard P. Reiter:drc
672-8204
6/12/79
Attachments (4)

1. Letter from Lillian Ross, City of Powers
2. Letter from Ken Cerotsky, City of Myrtle Point
3. Summary of testimony from public informational meeting in Myrtle Point, May 21, 1979.
4. Summary of testimony from public informational meeting in Powers, May 30, 1979.

EMS

City of Powers

P. O. Box 250
Powers, Oregon 97466

February 20, 1984

Ernest Schmidt
Administrator
Dept. of Environmental Quality
Box 1760
Portland, Oregon 97207

Re: Powers Dump
SW Permit No. 160
Coos County

Dear Sir:

We have the following problems:

1. Our variance is expiring June 1984
2. We have random dumping on the Forest Service and County Roads, also the State Highway.

We realize that in the past our City Franchise holder has not done the best job at keeping our open burning site properly managed. We have had him at the City Council meetings over this many times, and he would promise to take care of it, but all they turned out to be were promises. The City's franchise with Mr. Thornsberry expires on April 3, 1984, and the City proposes to take over their own operation of the site.

The City on January 6th 1984 hired equipment at the site to clean it up. We hired 500 yds of fill materials hauled in, and a cat for about 12 hours. This was done at the City's expense. We also had a gate going into the site installed, including locks. We added two large signs stating that any unauthorized dumping would be prosecuted by City Ordinance. We have our City Policemen partoling the area every few hours with orders to cite anyone not obeying our signs.

We have given several news releases to our two County Newspapers of our meetings with our intent and our actions. These news releases have solved quite a few of our problems at the site, but not along the road and highways.

We have been working closely with our DEQ Representative, Bruce Hammon of our local area. We have tried for years to find property for a land fill, but due to our terrain, there isn't any place except farm land that would have to be condemned.

We are asking you to consider an indefinite period of time, but at least a 5 year extension of our variance so that we may try our proposed plan. Our plan is that the City will mandate that all residence of the City have their garbage hauled. We feel that by doing this, no one will take their garbage out and dump it over the banks if they are paying for it to be hauled anyhow.

City of Powers

P. O. Box 250
Powers, Oregon 97466

The City will extend for dumping privileges, our area to Gaylord, which is 8 miles to the North of us, and to the Forest Boundary which borders us only 4 miles to the South. This should minimize the dumping along the roadways also.

We are a small City with over 50% of the households being Senior Citizens, and about 10% of the others being low income. If the garbage has to be hauled to the County site at Beaver Hill, the cost will be prohibitive for these people do to the distance (see operating cost sheet). Using the Counties Beaver Hill site would not take care of disposing of white goods, burning as yard trash and shrub trimmings, old building materials etc. This would still cause unsightly roadside dumping.

This is a large undertaking for the City. If we do nothing, and an outside hauler comes in, we won't have 25% of the people taking their services, then all of our roadways will be filled with garbage.

We plan to explore the possibility of a recycling program, and with the help of your Field Representative, we feel this can become a reality. Also, if we can set up a recycling program, this will help relieve random burning.

The City on January 23, 1984 adopted a resolution which is enclosed, also on January 30, 1984 we held a public meeting with the people to explain our plan. We have had several Special Council Meetings just pertaining to the garbage.

The people in Powers do not have the money for the City to operate in a fashionable manner, but we do believe we can give them good service and operate with good management at a cost that so many Senior Citizens low income and others can afford.

We therefore request a variance, for the reasons of our problems and solutions as we have stated, be granted.

Respectfully,



Mable J. Shorb

Mayor

City of Powers

P.O. Box 250

Powers, Oregon 97466

City of Powers

P. O. Box 250
Powers, Oregon 97466

January 20, 1984

POWERS OPEN BURNING DUMP

The Powers open burning dump is scheduled to be closed by order of the DEQ in June 1984. Because the City of Powers is in a remote location far from the central disposal site at Beaver Hill, and the city's residents are mostly retired people on fixed incomes, we cannot afford alternative methods of garbage disposal. Therefore, we propose an alternative to closing the existing site.

We will completely restructure our garbage collection and methods of operating and maintaining the open burning dump. We will manage the collection and disposal of garbage in such a manner as to minimize air pollution, odors, and unsanitary conditions. We will promote recycling of all wastes where possible. We will achieve this in the following manner.

OPERATION AND MAINTENANCE OF THE EXISTING DUMP

1. Operate and maintain the dump according to county and state requirements.
 - A. Properly manage burning at the dump
 - B. Not allow garbage to stand, unburned, for extended periods
 - C. Keep the area where garbage is dumped to a minimum
 - D. Properly maintain the fence, gate, and access road
 - E. Strictly enforce unauthorized dumping
 - F. Periodically inspect for leachate and correct if necessary
 - G. Properly manage white goods, recycle all white goods and larger metal objects (These objects to be separated on the disposal site)
 - H. The Council will promote recycling by investigating source separation and a satellite recycling center for recyclable goods.

COLLECTION

We will implement a mandatory pickup service that will distribute the cost of pickup and disposal over all users. This measure will pay for the cost of maintaining the disposal site plus distribute the expense over all users, including those persons who are now dumping on County roads etc. at no charge.

Carole E. Smith
Carole E. Smith
City Recorder
P.O. Box 250
Powers, Oregon 97466

RESOLUTION NO. 100-96

WHEREAS, Mr. Ray Thornsberry holds a franchise for garbage service in the City of Powers pursuant to the terms of Ordinance No. 89; and

WHEREAS, Mr. Ray Thornsberry has been given notice of intent by the City to terminate his garbage franchise pursuant to the terms of Section 8 of Ordinance No. 89; and

WHEREAS, Mr. Ray Thornsberry has been provided the opportunity to remedy the defects and correct his performance of the garbage franchise in accordance with the terms of the Ordinance and his agreement with the City of Powers and he has failed to do so; and

WHEREAS, the Common Council of the City of Powers finds that the Powers City Dump is in the danger of immediate closure as a result of the operation of the dump by Mr. Ray Thornsberry and his failure to perform his obligations in accordance with the provisions of Ordinance No. 89; and

WHEREAS, the Common Council of the City of Powers further finds that in the event the city dump is closed by DEQ, that garbage would have to be transported to the Beaver Hill Disposal Site at a substantially increased cost to the residents of the City of Powers; and

WHEREAS, the Common Council of the City of Powers further finds that the City of Powers may be able to maintain its city dump if it takes over the operation from Mr. Ray Thornsberry and operates the dump in accordance with the requirements of DEQ and other regulating agencies; and

WHEREAS, the Common Council of the City of Powers further finds that Ray Thornsberry has been given the opportunity to correct his violations of the garbage franchise ordinance and operate the dump in accordance with the rules of DEQ and that he has failed to do so and that his failure to do so is willful;

BE IT RESOLVED by the Common Council of the City of Powers that the garbage franchise of Ray Thornsberry be and the same is terminated and that the termination of the garbage franchise shall be effective as of midnight, April 3, 1984.

DATED: January 23, 1984.

ATTEST:

Casala E. Smith
City Recorder

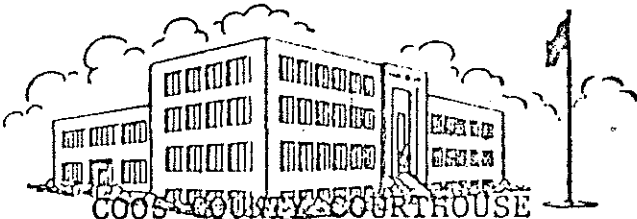
Approved by:

Maude J. Scott
Mayor
RESOLUTION - 1

Proposed Monthly Income And Expenses Garbage Department

Date	City	Rate	Total	Expenses	Revenues	Site	Expenses	Revenues	Site
Feb. 8	Inside City	450	450						
	300 household	450	13500						
	2-Service Stations	1500	3000						
	Coos County park	700	700						
	2- Sepulch	1250	2500						
	Imp. Clinic & Cafe	2500	5000						
	Office 2 of Bar	500	500						
	Palms Tavern	2500	2500						
	Bar Recre. Shop	600	600						
	Keith Lucas Shop	250	250						
	Senior Citizens	450	450						
	Community Action	450	450						
	Post Office	700	700						
	Hotel & Home	1400	1400						
	Hotel & Home	450	450						
	Spady's & Home	600	600						
	Lyalls & Home	600	600						
	Parker's Market	1400	1400						
	3- Lodge Hall's	450	1350						
	5- Churches	450	2250						
	19- Senior Housing	450	8100						
	10- King St. Road	450	4500						
	8- Kelly's	450	3600						
	Medical Clinic	1000	1000						
	Beauty Shop & Home	600	600						
	Lawyer	600	600						
	Det. S. City	1911.50	1911.50						
	Forest Service	8000	8000						
	2- Homes	450	900						
	China Plates Co. P.	5000	5000						
	San Yacampo	1425.00	1425.00						
		1911.50	1911.50						

Total Expenses: 1820.50
Total Revenues: 1820.50



~~COOS COUNTY COURTHOUSE~~
Coquille, Oregon 97423
Phone: 396-3121

County of Coos
BOARD OF COMMISSIONERS

Robert A. Emmett
Doc Stevenson
Jack L. Beebe, Sr.

January 26, 1984

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

Re: City of Powers Dump Site

Dear Sir:


At the Coos County Commissioners' Meeting on January 25, 1984, representatives from the City of Powers presented an alternative to closing the existing dump site.

Due to the remote location of Powers, it is not feasible for the residents to take advantage of the Beaver Hill Solid Waste Disposal Site. The city intends to restructure garbage collection and operate and maintain the site according to DEQ requirements.

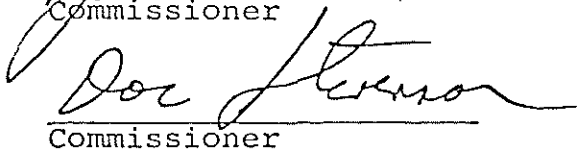
After reviewing the proposal, the Commissioners highly support keeping the site open for use by the residents of Powers and we recommend the granting of a variance from DEQ.

Thank you for considering this matter. If further information is needed, please do not hesitate to call.

BOARD OF COMMISSIONERS


Chairman


Commissioner


Commissioner

BOC:jm

cc: Department of Environmental Quality
City of Powers



HOUSE OF REPRESENTATIVES
SALEM, OREGON
97310

March 8, 1984

Ernest Schmidt, Administrator
Department of Environmental Quality
Box 1760
Portland, Oregon 97207

RE: Powers Dump
SW Permit No. 160
Coos County

Dear Mr. Schmidt:

I am writing to ask that your Department and the Environmental Quality Commission give careful consideration to the City of Powers' request for the extension of their variance to operate the Powers Dump. I recognize the Environmental Quality Commission's long standing efforts to close open burning dump sites throughout Oregon. The environmental impacts of the dump closure, however, must also be considered.

Powers is an isolated community literally at the end of the road. It is an hours drive over 40 tortuous miles to the county's solid waste disposal site at Beaver Hill. It is very clear that much of the garbage that presently ends up at the Powers dump will not make it to the Beaver Hill solid waste disposal site. Instead, it will end up along the road in the Powers vicinity.

While closure of the open burning dump in Powers may be in keeping with state policy, the impacts of that closure will certainly not be in keeping with the desire for a clean environment.

The City of Powers has developed a new dump operation plan which should significantly improve the quality of that operation. They are clearly making a concerted effort to do whatever is necessary to maintain local garbage service.

The ideal solution to this problem would be a rural solid waste transfer site similar to those existing in Douglas and Lane Counties. Unfortunately, the current county budget crisis has slowed development of an adequate rural solid waste transfer system. The City of

Ernest Schmidt

-2-

March 8, 1984

Powers does not have the financial resources on its own to create such a system. The development of such a system will have to wait until the economy improves and tax revenues increase.

In the meantime, the City of Powers is taking concrete steps to enhance their solid waste disposal. I hope the Environmental Quality Commission will look with favor upon the City of Powers' request for an extension of their variance.

Thanking you in advance for your consideration of Powers' request.

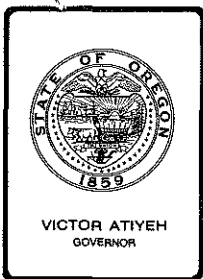
My best,



Representative Bill Bradbury
Coos and Curry Counties

cc: Mayor Mable J. Shorb

20



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. H, May 18, 1984, EQC Meeting

Proposed Adoption of Hazardous Waste Management Facility Permit Fees, OAR 340-105-070

Background and Problem Statement

(EDITORIAL NOTE: Oregon Revised Statutes Chapter 459 refers to hazardous waste collection facilities and hazardous waste licenses. For purposes of consistency with the federal RCRA hazardous waste program, collection facility and storage facility have been defined to mean the same thing and will be referred to as storage facility. License and permit have also been defined to mean the same thing and will be referred to as permit.)

The Department is currently collecting annual fees from persons who hold hazardous waste storage, treatment or disposal facility (management facilities) permits. The amount of the fee is determined by the Department to cover some or all site-related administrative, monitoring and surveillance costs. No past effort was made to separate the fees into administrative, monitoring and surveillance categories.

The most recent fee assessed to the Arlington disposal facility was \$103,654. The most recent annual fees for storage and treatment facilities were based on the following schedule:

Storage*

<u>Facility Size</u>	<u>Fee</u>
5-55 gal./drums or 250 gallons bulk	\$ 250
5 to 250 - 55 gal./drums or 250 to 10,000 gallons bulk	1,000
>250 - 55 gal./drums or >10,000 gallons bulk	2,500



Contains
Recycled
Materials

Treatment*

<u>Facility Size</u>	<u>Fee</u>
<25 gal./hr. still capacity or 50,000 gal./day other capacity	\$ 250
25-200 gal./hr. still capacity or 50,000 to 500,000 gal./day other capacity	1,000
>200 gal./hr. still capacity or >500,000 gal./day other capacity	2,500

As part of its 1983-1985 budget package, and in anticipation of a possible reduction of federal funds, the Department introduced Chapter 90 - Oregon Law 1983 Regular Session (House Bill 2237) to obtain authority to also assess annual compliance determination fees for generators and air or water transporters. Chapter 90 also provided that the Commission would establish all fees, including storage, treatment and disposal permit fees, rather than the Department as in the past. Chapter 90 was amended by the legislature to limit the use of the expanded fee authority (generator and air or water transporters) to loss of federal funds rather than to be used to expand the hazardous waste program.

The Department also introduced Chapter 703 - Oregon Law 1983 Regular Session (House Bill 2238), one provision of which created a new class of permits. For disposal sites only, the period of post-closure monitoring and maintenance must also be covered by a permit. The Commission was given authority to assess application and annual permit fees for these post-closure activities.

Because EPA was able to provide adequate federal funds for fiscal year 1984, the Department assessed only management facility fees based on its existing authority at the time. Current EPA projection suggests that adequate federal funds will also be available for fiscal year 1985, therefore, it's only necessary at this time to maintain a management facility permit fee schedule. It may be necessary to consider generator and air and water transporter fees beginning July 1, 1985.

A public hearing on these proposed fees was held on April 17, 1984 in the Department's Portland offices. The Commission is authorized to adopt such rules by ORS Chapter 468, including 468.020; 459, including 459.440 and 459.610 and 183.

*Where more than one activity occurs on the same site, the fee shall be the highest single fee from the storage, treatment or disposal schedule plus a flat fee of \$250 for each additional permitted activity.

Alternatives and Evaluation

The proposed schedule of fees, with the exception of filing fees for all management facilities; application processing fees for storage and treatment facilities; and fees relating to post-closure permits, is a continuation of a fee schedule previously assessed by the Department prior to 1983 amendments to ORS Chapter 459. Application processing fees for disposal sites are statutorily set at \$5,000. The main purpose of incorporating filing fees and processing fees is to more clearly relate Department revenue to Department activities, not to raise more revenue. The filing fees and processing fees will only be assessed when a new permit is applied for, an existing permit expires (typically once every 5 years) or an existing permit is modified to change technical standards. On an annual basis, most fee revenue will continue to be generated by the compliance determination fee.

We currently expect to issue less than 25 hazardous waste, storage, treatment or disposal facility permits. The Commission could consider modifying the proposed fee schedule, however, any reductions in the level of proposed fees would necessitate a corresponding reduction in service and potential loss in federal funds. (In order to receive federal funds, a state must provide at least a 25% match of total program costs and the Department just meets this requirement in the hazardous waste program.)

The proposed fee schedule (Attachment 4) would consist of a fixed filing fee, a variable application processing fee, and a variable compliance determination fee. Variable fees are based on the complexity of the facility and amount of waste stored, treated or disposed of. The disposal site fee represents anticipated costs to permit, inspect, and monitor commercial disposal facilities including a prior approval program for use of disposal sites by generators. The proposed filing fee would be \$50. The application processing fee would range from \$25 to \$5,000. The annual compliance determination fee would range from \$250 to \$150,000. If more than one management facility (i.e., storage, treatment or disposal) occurs at a single site, duplicate fees will not be charged. However, a flat fee of \$250 for each additional management activity will be added to the highest fee from the schedule that otherwise applies.

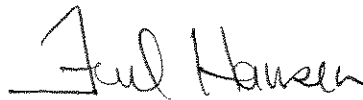
Summation

1. The Department is currently collecting annual permit fees from facilities that store, treat and dispose of hazardous waste.
2. The Department, as part of its budget presentation to the 1983 Legislature, proposed expanding its hazardous waste fee authority to include generator and air or water transporter compliance determination fees. The Department also proposed that the Commission establish all hazardous waste fees, including permit fees previously determined by the Department.

3. The Legislature limited the use of the new fee authority to loss of federal funds rather than for program expansion.
4. Adequate federal funds were available for fiscal year 1984 and are anticipated for fiscal year 1985, therefore, generator and air or water transporter fees are not proposed at this time.
5. The Department is currently assessing compliance determination fees on a site-by-site basis similar in amount to the fees proposed.
6. Filing fees and application processing fees are proposed to recognize the additional effort that is being required in the area of permit processing, and for the next several years, may offset increases in compliance determination fees that would otherwise be required.
7. Management facility permit fees are necessary to maintain the hazardous waste regulatory program and provide sufficient match to receive federal funds.
8. The Department has drafted a proposed fee schedule and held a public hearing on April 17, 1984. No testimony was received (see Hearings Officer's Report - Attachment IV).
9. The Commission is authorized to adopt such rules by ORS Chapter 468, including 468.020; 459, including 459.440 and 459.610 and 183.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt hazardous waste management facility permit fee schedule OAR 340-105-070.



Fred Hansen

- Attachments
- I. Statement of Need and Fiscal Impact
 - II. Hearing Notice
 - III. Land Use Consistency Statement
 - IV. Hearings Officer's Report
 - V. Proposed Rule OAR 340-105-070

Richard P. Reiter:b
229-6434
April 24, 1984
ZB3130

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the Adoption)	Statutory Authority Statement
of Hazardous Waste Management)	of Need, Principal Documents
Facility Permit Fees)	Relied Upon, and Statement of
OAR Chapter 340-105-070)	Fiscal Impact

1. Citation of Statutory Authority

ORS Chapter 468, including 468.020; 459, including 459.440; and 183 which allows the Environmental Quality Commission to adopt rules pertaining to hazardous waste management. Chapter 90 - Oregon Law 1983 Regular Session which authorizes the assessment of fees to carry on a hazardous waste monitoring, inspection and surveillance program and related administration costs.

2. Statement of Need

The Department of Environmental Quality needs to continue to assess hazardous waste management facility permit fees in order to maintain its existing hazardous waste regulatory program. Chapter 90 - Oregon Law 1983 Regular Session requires the Commission to determine the fees rather than the Department.

3. Principal Documents Relied Upon in this Rulemaking

- (a) Chapter 90 - Oregon Law 1983 Regular Session.
- (b) Department of Environmental Quality, Solid Waste Division, permit fee schedule, OAR 340-61-115.
- (c) Resolution on hazardous waste fees by the DEQ Task Force on Rules on Program Direction - August 16, 1982.

4. Statement of Fiscal Impact

This action will have fiscal or economic impact upon persons applying for and holding hazardous waste management facility permits. Such persons will be assessed a fee to cover the Department's cost for monitoring, inspecting and surveillance of management facilities, including related administrative costs (i.e., permit processing). Small business will be inspected if they apply for or hold a permit, however, the amount of fee will vary depending on amount of waste managed and complexity of the management facility. It is anticipated that this increased cost of doing business will be passed on to the public in the form of somewhat higher hazardous waste management rates.

May 18, 1984, EQC Meeting

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Proposed Hazardous Waste Management Facility Permit Fees

Date Prepared: March 16, 1984
Hearing Date: April 17, 1984
Comments Due: April 17, 1984

**WHO IS
AFFECTED:**

Persons applying for or holding hazardous waste storage, treatment or disposal permits issued by the Department will be directly affected. Also, it is anticipated that this increased cost of doing business for hazardous waste management facilities will be passed on to other businesses and the public in the form of somewhat higher service fees.

**WHAT IS
PROPOSED:**

The Department is proposing to adopt by rule hazardous waste management facility permit fees that it previously assessed directly. The Department is also proposing to adopt permit filing and processing fees that it didn't previously assess. Rules are necessary due to a change in the law during the 1983 Regular Session of the Legislature that requires the Environmental Quality Commission to establish the fees rather than the Department.

**WHAT ARE THE
HIGHLIGHTS:**

The fees would consist of a fixed filing fee (\$50), a variable application processing fee (\$25 to \$5,000) and a variable compliance determination fee (\$250 - \$150,000). The amount of the fees would be dependent upon the amount of hazardous waste managed and the complexity of the management facility.

**HOW TO
COMMENT:**

A public hearing is scheduled to begin at 9:00 a.m. on Tuesday, April 17, 1984 at the following location:

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

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

Written comments should be sent to the Department of Environmental Quality, Solid Waste Division, Box 1760, Portland, OR 97207 by April 17, 1984.

**WHAT IS THE
NEXT STEP:**

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

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

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



P.O. Box 1760
Portland, OR 97207

8/10/82



Before the Environmental Quality Commission
of the State of Oregon

In the Matter of the Adoption of) Land Use Consistency
Hazardous Waste Management Facility)
Permit Fees, OAR Chapter 340,)
Section 105-070)

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 hazardous waste storage, treatment and disposal facilities (management facilities). The fees will help support the Department's existing regulatory 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 hazardous waste disposal sites which by law must be owned by the state. Disposal sites are "public facilities" that "serve as a framework for urban and rural development" by providing a secure facility capable of permanently storing, under controlled conditions, hazardous waste.

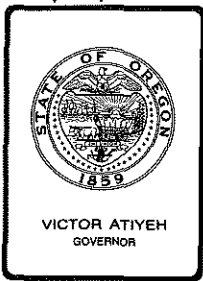
Public comment on these proposals is invited and may be submitted in the manner described in the accompanying NOTICE OF PUBLIC HEARING.

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 May 1984 as part of the agenda of a regularly scheduled Commission meeting.

RPR:b
ZB3130.3
4/24/84



Environmental Quality Commission

Attachment IV
Agenda Item No.

Mailing Address: BOX 1760, PORTLAND, OR 97207 May 18, 1984, EQC Meeting
522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Richard P. Reiter, Hearings Officer
Subject: Agenda Item No. , May 18, 1984, EQC Meeting

Summary of Public Testimony on Proposed Hazardous Waste
Management Facility Permit Fees, OAR 340-105-070
(April 17, 1984)

Pursuant to notice, a hearing was conducted on April 17, 1984 in the offices of DEQ in Portland, Oregon to receive testimony on a rule proposed by the Department to establish hazardous waste management facility permit fees. The following persons were in attendance:

Jerry Clark	- McKesson Chemical Co.
Adrian Kinsella	- Perma Post Products
H. Douglas Deal	- EES - Riedel International
Peter Oyala	- John C. Taylor Lumber Sales
Donald Spencer	- Spencer Environmental Services, Inc.
John Millison	- Baron Blakeslee, Inc.
Mana Smith	- UPI
Ernie Schmidt	- DEQ
Gayla Reese	- DEQ

No written or verbal testimony was offered to the hearings officer on the proposed rule during the scheduled hearing. The hearing record was left open until 5:00 p.m., April 20, 1984, but no written testimony was received subsequent to the April 17, 1984 hearing.

Adrian Kinsella and H. Douglas Deal inquired as to how the rule would apply to their specific hazardous waste management facilities and an opinion was offered by the hearing officer.


Richard P. Reiter

April 26, 1984
ZB3130.5



Contains
Recycled
Materials

A new rule, OAR 340-105-070, is proposed as follows:

Permit Fees:

340-105-070

1. Beginning July 1, 1984, each person required to have a hazardous waste storage, treatment or disposal permit (management facility 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 1 of this Division. The amount equal to the filing fee, application processing fee and the first year's annual compliance determination 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 following definitions shall apply:
 - a. the term management facility includes, but is not limited to:
 - (a) hazardous waste storage facility,
 - (b) hazardous waste treatment facility, and
 - (c) hazardous waste disposal facility.
 - b. The term hazardous wastes includes any solid waste or hazardous wastes as defined in Division 101 handled under the authority of a management facility permit.
 - c. The term license and permit shall mean the same thing and will be referred to in this rule as permit.
3. The annual compliance determination fee shall be paid for each year a management facility is in operation and, in the case of a disposal facility, for each year that post-closure care is required. 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 submitted as part of an application for a new permit shall apply to the fiscal year the permitted management facility is put into operation. For the first year's operation, the full fee shall apply if the management facility is placed into operation on or before April 1. Any new management facility placed into operation after April 1 shall not owe a compliance determination fee until July 1 of the following year. The Director may alter the due date for the annual compliance determination fee upon receipt of a justifiable request from a permittee.

4. For the purpose of determining appropriate fees, each management facility shall be assigned to a category in Table 1 of this Division based upon the amount of hazardous waste received and upon the complexity of each management facility. Each management facility which falls into more than one category shall pay whichever fee is higher. The Department shall assign a storage and treatment facility to a category on the basis of design capacity of the facility. The Department shall assign a disposal facility to a category on the basis of estimated annual cubic feet of hazardous waste to be received or average annual cubic feet of hazardous waste received during the previous three years.
5. Where more than one management facility exists on a single site, in addition to the compliance determination fee required by rules 340-105-070(3) and (4), a flat fee of \$250 shall be assessed for each additional management facility.
6. 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.
7. Upon the Department accepting an application for filing, the filing fee shall be nonrefundable.
8. The application processing fee, except for disposal permits, 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 approved or denied the application.
9. The annual compliance determination fee may be refunded in whole or in part when submitted with a new permit application if either of the following conditions exist:
 - a. The Department denies the application,
 - b. The permittee does not proceed to construct and operate the permitted facility.
10. All fees shall be made payable to the Department of Environmental Quality.

Table 1

1. Filing Fee. A filing fee of \$50 shall accompany each application for issuance, renewal or modification of a hazardous waste management facility permit. This fee is nonrefundable 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 \$5,000 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) Storage facility	\$ 150
(B) Treatment facility - Recycling	150
(C) Treatment facility - other than incineration	250
(D) Treatment facility - incineration	500
(E) Disposal facility	5,000
(F) Disposal facility - post closure	2,500

 - (b) Permit Renewal:

(A) Storage facility	50
(B) Treatment facility - recycling	50
(C) Treatment facility - other than incineration	75
(D) Treatment facility - incineration	175
(E) Disposal facility	5,000
(F) Disposal facility - post closure	800

 - (c) Permit Modification - Changes to Performance/Technical Standards:

(A) Storage facility	50
(B) Treatment facility - recycling	50
(C) Treatment facility - other than incineration	75
(D) Treatment facility - incineration	175
(E) Disposal facility	1,750
(F) Disposal facility - post closure	800

 - (d) Permit Modification - All Other Changes not Covered by (2)(c):

All categories	25
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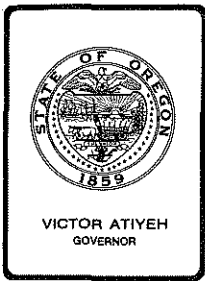
 - (e) Permit Modifications - Department Initiated no fee

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) Storage facility:
 - (A) 5-55 gallon drums or 250 gallons total or 2,000 pounds 250
 - (B) 5 to 250 - 55 gallon drums or 250 to 10,000 gallons total or 2,000 to 80,000 pounds 1,000
 - (C) >250 - 55 gallon drums or >10,000 gallons total or >80,000 pounds 2,500
- (b) Treatment Facility:
 - (A) <25 gallons/hour or 50,000 gallon/day or 6,000 pounds/day 250
 - (B) 25-200 gallons/hour or 50,000 to 500,000 gallons/day or 6,000 to 60,000 pounds/day 1,000
 - (C) >200 gallons/hour or >500,000 gallons/day or >60,000 pounds/day 2,500
- (c) Disposal Facility:
 - (A) <750,000 cubic feet/year or <37,500 tons/year \$ 50,000
 - (B) 750,000 to 2,500,000 cubic feet/year or 37,500 to 125,000 tons/year 100,000
 - (C) >2,500,000 cubic feet/year or >125,000 tons/year 150,000
- (d) Disposal Facility - Post Closure:
 - All categories 5,000

ZB3130.T

11



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, May 18, 1984, EQC Meeting

Proposed Adoption of Amendments to Rules Governing
On-Site Sewage Disposal, OAR 340-71-100 through
340-71-600 and 340-73-075.

Background

At its February 24, 1984, meeting, the Environmental Quality Commission authorized the Department to conduct a public hearing on a series of proposed amendments to On-Site Sewage Disposal Rules contained in Oregon Administrative Rules, Divisions 71 and 73. (See Exhibit C for copy of the February 24, 1984, agenda item.)

Notice of Public Hearing was provided by publication in the March 15, 1984, edition of the Secretary of State's Bulletin. Notice was also mailed to the Department's General On-Site mailing list, On-Site consultant's mailing list, DEQ Region and Branch offices, Agreement County offices, and all currently licensed sewage disposal service businesses.

A single public hearing was held in Portland on April 3, 1984. Seven people attended the hearing, with three offering oral testimony. Written testimony was submitted by three people. The Hearings Officer's report summarizing the testimony received is attached as Exhibit B.

Summary of Initial Proposals and Evaluation of Testimony

Following is a summary of the significant initial proposals for rule amendment followed by an evaluation of the testimony received on each. Exhibit A contains the final recommendations for amended rule language.

1. Sewage Disposal Service Definition. (OAR 340-71-105(78) and OAR 340-71-600(1 and 8). 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.

No testimony was received on these proposed changes. The final proposal is the same as the original proposal.

2. Nonwater-Carried Systems. (OAR 340-71-330 and 340-73-075). 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.

Testimony was received from one person on these proposed changes. Staff discussed this rule with Department Counsel and, as a result, modified the definition of portable toilet so as to exclude the type of units used within recreational vehicles, boats, etc. The term "portable toilets" was used to replace the term "self-contained construction type chemical toilets" wherever it appeared. Language was added to OAR 340-71-330(8) to clarify the pumping or cleaning of portable toilets must be covered by the contract with a licensed sewage disposal service.

3. Easement and Covenant When Crossing Property Lines. (OAR 340-71-130(11)). 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.

No testimony was received on these proposed changes. However, Department Counsel advised the insertion of additional language in paragraph (b)(C). A request was made at the hearing for the Department to develop the easement form to be used.

4. Authorization Notices. (OAR 340-71-205(3 and 5)). 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.

No testimony was received on the proposed changes. A comment was given by one person that OAR 340-71-205(3)(c) was in conflict with the Commission's groundwater quality protection policy. Staff examined the policy (OAR 340-41-029) and were of the opinion that the paragraph and policy were not conflicting. The final proposal is the same as the original proposal.

5. Dosing Tank Venting. (OAR 340-71-220(7)). 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.

Four people commented on the proposed changes. Staff discussed the comments and modified paragraph (7)(d)(C) by increasing the system's maximum design flow limit to six hundred (600) gallons per day. This would allow a single-family dwelling with up to six (6) bedrooms or a commercial facility with an equivalent sewage flow to use this concept.

6. Alternative System Definition. (OAR 340-71-260(1)). 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.

No testimony was received on this proposed change.
Therefore, the final proposal is the same as the original proposal.

7. Sand Filters. (OAR 340-71-290(3)). 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.

No testimony was received on this proposed change.
Therefore, the final proposal is the same as the original proposal.

8. Steep Slope Systems. (OAR 340-71-310(1)). 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.

No testimony was received on this proposed change.
Therefore, the final proposal is the same as the original proposal.

9. Disposal Trenches in Saprolite. (OAR 340-71-345(2)). 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 with 30 percent slope or less that comply with this rule.

Three people offered comments regarding this proposed rule, one of which felt this proposed rule contradicts all past standard practices and thoughts concerning proper treatment and disposal of human sewage. Staff reviewed and discussed all of the comments, and made a minor change (replaced the term "on" with "of" when referring to chroma colors).

10. Easement and Covenant for Aerobic Systems. (OAR 340-71-345(2)). 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.

No testimony was received on these proposed changes. A request was made at the hearing for the Department to develop the easement form to be used. The final proposal is the same as the original proposal.

11. Variances. (OAR 340-71-415(2 and 3)). ORS 454.657 allows the Commission to grant to permit applicants specific variances from particular requirements of any rule or standard pertaining to on-site sewage disposal systems, for such period of time and upon such conditions as it considers necessary to protect the public health and welfare and to protect the waters of the state. ORS 454.660 allows the Commission to delegate on such general conditions as it finds appropriate the power to grant variances to special variance officers appointed by the Director. 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 rules affecting permit applicants. Even with the broader latitude, particularly with the more difficult hardship variance applications, some actions will still be channeled through the Commission. At this time all formal on-site variance activities are handled by variance officers working in the headquarters office (either Sherman Olson or Mark Ronayne). There are no variance officers within the agreement counties. 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.

No testimony was received on these proposed changes. However, staff suggest the term "standard" be changed to "rule" in section 2 of the rule.

12. Community Systems. (OAR 340-71-500(5)). 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.

No testimony was received on these proposed changes. The final proposal is the same as the original proposal.

13. OAR 340, Division 71, 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, staff propose to structure four items within the table and allow a reduced horizontal separation distance to intermittent streams and irrigation canals when they are made watertight by piping or lining. Also, based on information gathered in the experimental systems program, the setback from a groundwater interceptor (a natural or artificial groundwater or surface water drainage system) is proposed to be reduced to 20 feet when the land surface does not have a slope greater than three percent. For slopes greater than three percent, staff propose to reduce the separation distance to ten feet, minimum, if the direction of sewage flow in the soil is away from the groundwater interceptor, otherwise to leave the minimum separation distances unchanged when the direction of flow is towards the interceptor.

Two people commented that the proposed changes to Table 1 were either inconsistent or unclear. Staff reviewed and discussed the testimony, then modified the affected portions (items 5, 6 and 7 of proposed Table 1).

Alternatives and Evaluation

The alternatives are as follows:

1. Adopt the proposed rule amendments.
2. Adopt all or part of the proposed rule amendments.
3. Do not adopt the proposed rule amendments.

It is staff's opinion the logical alternative is to adopt the proposed rule amendments as identified in Exhibit "A".

Summation

1. ORS 454.625 provides that the Commission, after hearing, may adopt rules for on-site sewage disposal.
2. On February 24, 1984, the Commission authorized a public hearing to receive testimony on a series of rule amendments proposed to clarify existing rules, add an additional alternative system, and generally provide for smoother rule administration.
3. Notice of hearing was published in the Secretary of State's Bulletin on March 15, 1984, and mailed to various Department mailing lists of known interested individuals.
4. A public hearing was held in Portland on April 3, 1984. Seven persons attended the hearing. Written and oral testimony was received from six people.
5. Initial proposed rule amendments have been modified based on input and testimony received during the hearing process. The final proposed rule amendments are contained in Exhibit "A".

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt the proposed amendments to OAR 340-71-100 through 340-71-600 and 340-73-075, as presented in Exhibit "A".

Michael Flowers
for
Fred Hansen

Exhibits: (3)

- "A" Proposed Rule Amendments
- "B" Hearing Officer's Report
- "C" Agenda Item No. D, February 24, 1984, EQC Meeting

Sherman O. Olson, Jr.:g
229-6443
May 4, 1984

XG3081

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Rule Amendments

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

and

OAR 340-73-075

May 18, 1984

7

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] portable 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 place 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 six hundred (600) 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 [] 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 340-71-330 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] portable 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" means any self-contained chemical toilet facility that is housed within a portable toilet shelter, and includes but is not limited to construction-type chemical toilets.

[(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 portable toilets [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] portable 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 pumping or cleaning of the portable toilet is covered by a valid and effective contract with a person licensed pursuant to ORS 454.695. Each portable toilet shall display the business name of the sewage disposal service that is responsible for servicing it.

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 for himself and his heirs, successors and assigns, 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, 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 of 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 of 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 340-71-415(2 and 3) as follows:

- (2) Variances from any [standard] rule 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.

TABLE 1

Amend OAR 340, Division 71, by replacing the existing Table 1 with the revised Table 1.

Minimum Separation Distances

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:		
-- upgradient	50'	50'
-- downgradient	100'	50'
*4. Surface Public Waters	100'	50'
5. Intermittent Streams:		
-- Piped (watertight not less than 25' from any part of the on-site system)	20'	20'
-- Unpiped	50'	50'
6. Groundwater Interceptors:		
On a slope of 3% of less	20'	20'
On a slope greater than 3%		
-- Upgradient	10'	10'
-- Downgradient	50'	25'
7. Irrigation Canals:		
Lined (watertight canal)	25'	25'
Unlined		
-- Upgradient	25'	25'
-- Downgradient	50'	50'
8. 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'
9. Escarpments:		
-- Which Intersect Layers that Limit Effective Soil Depth	50'	10'
-- Which Do Not Intersect Layers That Limit Effective Soil Depth	25'	10'
10. Property Lines	10'	10'
11. Water Lines	10'	10'
12. Foundation Lines of any Building, Including Garages and Out Buildings	10'	5'

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

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.

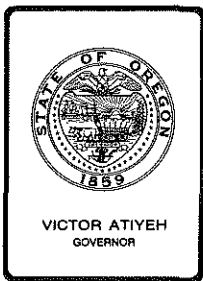
(3) Chemical Toilet Facilities:

- (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: Sherman O. Olson, Jr., Hearing Officer

Subject: Report on Public Hearing Held April 3, 1984, in Portland, on Proposed On-Site Sewage Disposal Rule Amendments.

Summary of Procedure

Pursuant to public notice, a public hearing was convened in Room 1400 of the Yeon Building, 522 S.W. Fifth Avenue, Portland, Oregon, on April 3, 1984, at 10 a.m. The purpose of the hearing was to receive testimony regarding proposed amendments to the On-Site Sewage Disposal Rules, OAR 340-71-100 through 340-71-600 and 340-73-075. Seven persons attended the hearing. A copy of the attendance list is attached.

Summary of Verbal Testimony

Mr. Dyke Mace, Senior Sanitarian, Environmental Health Department, Yamhill County, commented in support of the proposed amendment to OAR 340-71-220(7), regarding dosing tank venting. He suggested an amendment modification to replace the reference to the system's design flow rate with language limiting use of this concept to single-family dwellings.

Mr. Richard Polson, Chief Soil Scientist, Department of Environmental Services, Clackamas County, provided several comments concerning the minimum setback distances listed in Table 1. He opposes reduction of the setback requirement for piped intermittent streams because he believes it is difficult, if not impossible, to make an intermittent stream flow into a pipe and make it watertight such that flow would not occur along the outside of the pipe. Reference to groundwater interceptors, agricultural drain tile, and curtain drains needs to be clarified. Also, he feels that a five (5) foot separation distance is reasonable between a property line and septic tank, effluent sewer pipe, and distribution units.

Mr. Doug Marshall, Supervising Sanitarian, Tillamook County, favors the proposed new alternative system rule (trenches in sapolite) because it will increase the approval rate in his county. He believes DEQ should develop an easement and covenant form for use when property lines are crossed or for when aerobic sewage treatment facilities are used. Mr. Marshall would like the Department to provide a form to be used by a city, county, or sanitary district in committing to provide sewerage service within five (5) years when a replacement area is not required as part of the site evaluation process. He also feels that OAR 340-71-205(3)(c) is in conflict with several sections of the Commission's groundwater protection policy.

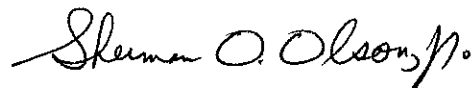
Summary of Written Testimony

Mr. Jay A. Chickering, S-Tri-C, Inc., Elmira, Oregon, suggested in a letter the use of a vertical curve section of pipe between the vented dosing tank and the perforated pipe in the venting trench as a means to prevent groundwater flow back into the dosing tanks. He also presented a second method for venting dosing tanks when used in a conventional or intermittent recirculating sand filter system. A copy of the letter is attached.

Mr. Kenneth D. Cote, R.S., County Sanitarian, Department of Planning, Jackson County, states that most of the proposed amendments will improve the overall consistency of the rules. He suggests the dosing tank venting procedure is an excessive step for correcting a minor problem, and that this is more a problem associated with improper house venting and plumbing. Mr. Cote opposes Commission adoption of the proposed disposal trenches in saprolite alternative system rule because he feels it contradicts all past standard practices and thoughts concerning proper treatment and disposal of human sewage. A copy of Mr. Cote's letter is attached.

Mr. Roy E. Eastwood, Supervising Sanitarian, Planning and Building Department, Columbia County, submitted several comments on the proposed amendments. He recommends the venting procedure be eliminated totally from the rules for both the septic tank and the dosing tank. The definition of portable toilet, he feels, is too broad in that it would include the types of units used on recreation vehicles. Mr. Eastwood also asks several questions about the separation distances listed in Table 1. A copy of the letter is attached.

Respectfully submitted,



Sherman O. Olson, Jr.
Hearing Officer

Attachments:

Attendance List for the Portland Hearing
Written Testimony

S00:g
XG3440

ATTENDANCE LIST

Date: APRIL 3, 1984

PUBLIC HEARING ON WHETHER THE ENVIRONMENTAL QUALITY COMMISSION
SHOULD ADOPT AMENDMENTS TO THE ON-SITE SEWAGE DISPOSAL RULES.

NAME AND ADDRESS

REPRESENTING

DYKE MACE - Yamhill Co.
Ken & Betty Royer Benton Co.
Warren Thrasher
RICHARD L POLSON - CURRIEMAS CO
DAUG MARSHALL - Till Co.
CRAIG MENDENHALL - N.W. SAN.



JACKSON COUNTY OREGON

COUNTY COURTHOUSE • MEDFORD, OREGON 97501

DEPARTMENT OF PLANNING
Kerry L. Lay, Director
(503) 776-7554

April 2, 1984

RECEIVED

Sherm Olson
Dept. of Environmental Quality
Water Quality Division
On-Site Sewage System Section
P. O. Box 1760
Portland, OR 97207

Water Quality Division
Dept. of Environmental Quality

RE: Proposed Rule Amendments

Dear Mr. Olson:

I have reviewed the recent set of proposed rule amendments and, for the most part, can see that these changes will improve the overall consistency of the rules. However, there are two proposals which I feel deserve comment from me, and further consideration by you and the department.

The proposal for OAR 340-71-220 (7) regarding dosing tank venting procedures seems to be an excessive step for correcting a minor and limited problem. We have had no complaints of this nature in Jackson County. It would seem to me this is more of a problem associated with house venting and plumbing which may be better addressed by the local or state plumbing inspectors and the state plumbing code. This would leave responsibility for each technology under the appropriate agency - the State Department of Commerce for building waste and vent systems, and the Department of Environmental Quality for on-site sewage disposal systems.

The proposal for OAR 340-71-360, disposal trenches in saporolite, disturbs me a great deal. This proposal seems to contradict all past standard practices and thoughts concerning proper treatment and disposal of human sewage. With one small and inconclusive study, you are proposing release of a system for standard use throughout the entire state.

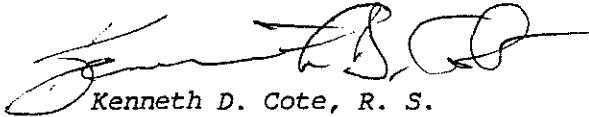
I say an inconclusive study because after reviewing the experimental results for this system from the Final Report Oregon On-Site Experimental Systems Program, December, 1982, pages 8-1 to 8-6, I was unable to reach any conclusions regarding this system. This study was hardly the highly detailed scientific experiment one would expect, especially when such an important decision is being based on the results. It is four and one-half pages filled with "if"s, "maybe"s, "likely"s, and "probably"s, and seems to lack any hard experimental evidence in favor of the system. Based on the limited scope of this experiment and the little or no supportive evidence obtained, I can see no justification for approval of such a system. It appears to be based merely on the ability to drain, not adequate treatment, and this is somewhat questionable due to the inconsistency of permeability of the saporolite as seen in the experiment.

Letter to Sherm Olson
Proposed Rule Amendments
April 2, 1984
Page -2-

There also seems to be little need to rush into approval of this type of system. Approval rates for most, if not all, counties are already 95 to 100 percent. We already have two alternative systems approvable for these sites. So it seems that there is no urgent need to approve this system without further study.

I suggest that this rule change not be approved, or that it be withdrawn until further, more conclusive and supportive experimental evidence shows this to be a desirable and necessary alternative system. Please review this proposal and give it more consideration before you accept it.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth D. Cote".

Kenneth D. Cote, R. S.
County Sanitarian

KDC:cf

COLUMBIA COUNTY
PLANNING & BUILDING DEPARTMENT
COURTHOUSE
ST. HELENS, OREGON 97051
PHONE 397-1501

March 6, 1984

Sherman Olson
Water Quality Division
P.O. Box 1760
Portland, Or. 97207

Dear Sherman:

Thank you for sending a copy of proposed rule amendments. As per your request, here are comments from Columbia County staff regarding the proposed amendments.

OAR 340-71-220(7) Dosing Tanks:

Dosing tanks do experience variations in their liquid level when the pump or siphon within it cycles. Venting back through the septic tank has caused odor problems. The problem is caused by the venting of the septic tank not the dosing tank. We have experienced the odor problem at homes with standard septic system installations. The odor problems are eliminated by placing a removeable cap over the septic tank inlet T.

I question the need for any venting. Septic tanks with a T on the outlet will vent to either the drainfield or the dosing tank as the pipes are seldom full of liquid. Dosing tank lids are not air tight and thus allow enough make up air to enter when the pump cycles. Therefore, I recommend the current venting procedure be eliminated totally from the rules for both the septic tank and the dosing tank.

Disposal Trenches in Saprolyte

OAR 340-71360(a)(B) and (b)(B), do you not mean "moist chromas of (not on) two (2) or more"?

OAR 340-71- 330 Nonwater-Carried Systems

Your definitions are too broad and now include portable toilets typical of units that are used on recreation vehicles, boats and for camping. These small toilets are portable chemical toilets and would thus fall under the definition of Nonwater-Carried waste disposal facility. Perhaps you need to redefine your terms or to exempt the small recreational types of portable toilets.

Table 1 Setback requirements

6. Why should a ground water interceptor (less than 3 feet deep) be allowed only 10 feet upslope from the first drainline, but must be kept 20 feet upslope from the septic tank (a watertight container)?

MAR 9 1984

WATER QUALITY CONTROL

Sherman Olson
March 6, 1984
Page 2

Why does the deeper ditch have to be further downslope (downgradient) from the drainfield than the shallower ditch? Why should the drainfield be allowed closer to the theoretically less effective dewatering tile?

The following items are not in the amendment package:

Stream crossings of pressure effluent sewers. Why hasn't this issue been addressed in the rules?

Definition (20) -- Cut-Manmade -- the portion of this definition concerning the 50% slope should be deleted. With a little judicious grading, the heavy equipment operator can "eliminate" a cut-manmade; yet the potential hazard will still be there.

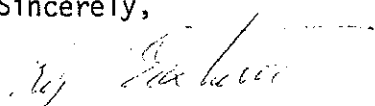
Here is an item for housecleaning:

Page 71-14 Definitions 83(a)(C)---Loam is defined as having the same characteristics as the preceding type: sandy loam. In checking another source, we found the definition for loam: (from PCA Primer) "Loam: Consists of an even mixture of the different sizes of sand and of silt and clay. It is easily crumbled when dry and has a slightly gritty, yet fairly smooth feel. It is slightly plastic. Squeezed in the hand when dry, it will form a cast that will withstand careful handling. The cast formed of moist soil can be handled freely with breaking." Your definition for sandy loam was identical to the PCA Primer.

I hope these comments are of value to you. Aside from the rule change matter, I am enclosing a copy of our soil form which we believe offers some advantages over the form you sent out for trial.

Keep in touch.

Sincerely,


Roy E. Eastwood
Sanitarian

REE:cf

enc.

S-TRI-C, INC.

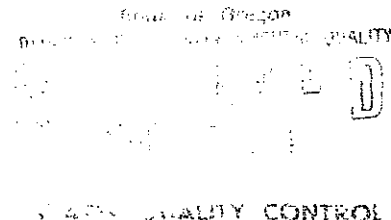
POST OFFICE BOX 235

ELMIRA, OREGON 97437

(503) 935-7626

March 1, 1984

Mr. Sherman O. Olsen Jr.
Department of Environmental Quality
Water Quality Division
On-Site Sewage Systems Section
P.O. Box 1760
Portland, Oregon 97207



Re: Written response to Proposed Amendments, OAR-340-71-100 through 600:

Dear Sherm;

In response to Department solicitations, I suggest the following considerations as possible additions or corrections to the proposed rule changes.

Venting of Effluent Dosing or Pumping Stations:

In practical design and application of "soil venting trenches" for dosing tanks, I have found that it is prudent to incorporate a vertical curve in the tightline section of the 4" pipe between the vented tank and the perforated pipe in the soil trench.

To effect this vertical wier failsafe feature, I have specified the use of four (4) 90° Ells solvent welded together to form the vertical loop.

Field experience has shown, in some cases, that the soil venting trench tends to enhance the collection of and the channelization of ground water to and back through the venting pipe to the tank. This has occurred in sites where the regional or purched water table was not a consideration or the cause. It appears to be solely a function of water following the path of least resistance during periods of heavy precipitation.

The addition of the four (4) 4" 90° Ells as a vertical water trap has been shown to effect the capital cost with a slight increase over the section of straight pipe it replaces, and the labor cost was of no consequence.

I will provide additional information as to design upon your request, if you feel the design concept warrants Departmental consideration.

A second application of method which can be used in the venting of dosing tanks which are positioned closely to either a conventional sand filter or an IRSF Treatment System, is the placement of the venting pipe within the media bed of the system.

The 4" venting pipe is placed 24" above the floor of the system, holes pointing down, and connected to the dosing tank with approved tightline. The

Sherman O. Olsen
March 1, 1984
Page-2 of 2

venting pipe is generally placed tightly against one side of the system to limit any shadowing effect it may cause within the system media.

This application of venting a dosing tank into the media of a system is especially adaptable in sites with water table considerations or in sites placed on steep slopes where water infiltration is possible. The system is generally protected from external water infiltration by virtue of its design, and the pipe will vent well through the non-saturated media within the system.

I have designed similar venting pipes in the coarse media section of the IRSF System where a non-saturated condition is assured.

If the finer medium sand media of the conventional sand filter should become saturated, for whatever reason, the effluent would pass back into the dosing tank from whence it came, therein causing a high liquid condition which would be picked up by the high level warning.

Feel free to call me to expand on this design concept which I am sharing, if you can see an application in the rules.

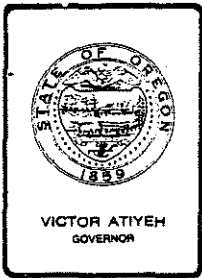
STC/JAC/jc

Sincerely;



cc:files

Jay A. Chickering



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 *Judith Halverson*

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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Recycled
Materials

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.

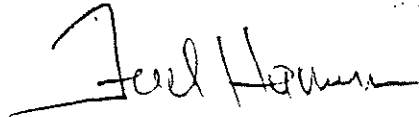
A presentation of the proposed amendments is contained in Attachment "D".

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.

S00:g
 XG-081


P.O. Box 1760
 Portland, OR 97207
 2/10/82

FOR FURTHER INFORMATION:

Contact the person or division identified in the public notice by calling 229-5696 in the Portland area. To avoid long distance charges from other parts of the state, call ~~1-800-452-7343~~ and ask for the Department of Environmental Quality.

1-800-452 4011



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 saporlite) 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

33

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.

6

- (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 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.

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, Irrigation Canals:		
— <u>Piped (watertight 25' each direction)</u>	<u>20'</u>	<u>20'</u>
— <u>Unpiped</u>	<u>50'</u>	<u>50'</u>
6. Groundwater Interceptors (<u>3' deep or less</u>), Agricultural Drain Tile: [Ditches (Except in the Dewatering Systems)]	[50]	[50]
— <u>Upgradient</u>	<u>10'</u>	<u>20'</u>
— <u>Downgradient</u>	<u>20'</u>	<u>20'</u>
7. Curtain Drains, <u>Groundwater Interceptors</u> (deeper than 3'):		
— <u>Upgradient</u> [Upslope from Effective Sidewall]	<u>10'</u>	<u>10'</u> [5']
— <u>Downgradient</u> [Downslope from Effective Sidewall]	<u>50'</u>	<u>25'</u>
[8. Irrigation Canals:]		
[—Upslope from Effective Sidewall]	[25']	[25']
[—Downslope from Effective Sidewall]	[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.

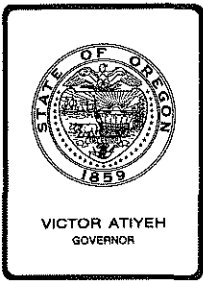
(3) Chemical Toilet Facilities:

- (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

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. J, May 18, 1984, EQC Meeting

Proposed Adoption of Amendments to Rules for Open Burning, OAR Chapter 340, Division 23, to Ban Burning of Yard Debris in the Portland Metropolitan Area, to Add Regulations of 4th Priority Agricultural Open Burning in the Willamette Valley, and to Amend the State Implementation Plan.

Background

At the November 18, 1983, meeting, the EQC found that a ban on backyard burning in the Portland Metro area was necessary to meet air quality standards and that alternatives to burning were reasonably available to a substantial majority of the people in the affected area. The EQC directed the Department to proceed toward a ban by bringing proposed rules, which include a hardship burning permit provision, back to the EQC for hearing authorization at the January meeting.

At the January 6, 1984 meeting of the EQC, the Department presented a report which requested authorization to conduct hearings on proposed rules which would implement a ban on burning of yard debris in the Portland area and make some housekeeping changes in 4th priority agricultural open burning in the Willamette Valley.

The report presented to the EQC at the January 6 meeting (Attachment 1) contained several important facts relating to the Portland area yard debris burning issue. These included the following:

- Only about 13% of the total yard debris generated is open burned.
- Only about 35% of households open burn yard debris.

- Smoke from yard debris burning contributes up to 300 tons per year to particulate emissions in the Portland airshed and contributes up to 11% (measured value) to exceedance of daily State and Federal particulate air quality standards.
- Projected impacts from yard debris burning in areas where monitoring stations are not located using modeling techniques, indicate daily particulate impacts up to four and one-half times measured impacts.
- Significant airshed impacts from yard debris burning based on modeling techniques occur despite a stringent meteorological control program which limits burning to forecasted good ventilation days including about 60 no rainfall days per year.
- Based on current information, attainment of particulate standards by the 1987 target date in the Federally approved Portland area control strategy cannot be fully achieved without a yard debris burning ban.
- Numerous alternative disposal techniques for yard debris are available to a substantial majority of the households in the Portland area including:
 - o on-site composting
 - o on-site chipping
 - o self-haul to landfills
 - o self-haul to commercial recyclers
 - o curbside pickup by garbage haulers
 - o drop box service by garbage haulers
- Costs for available alternatives average from about \$4 to \$6 per cubic yard and such costs are reasonable considering the average household that burns, burns about 1 cubic yard of yard debris per year.
- The Portland area has more alternative yard debris disposal methods available to the public, notably recycling, than other major Northwest urban areas like Eugene, Seattle, and Spokane where severe restrictions on burning have been implemented.

The Department further concluded in the January 6, 1984, hearings authorization report that a \$20 seasonal or \$30 annual burning permit would be appropriate to provide for those few individuals who do not

have reasonable alternative disposal methods available because of access limitations to the site of the debris, the nature or volume of the debris or physical limitations of the individual, and to provide for Department resources to administer the burning permit program.

At the January 6, 1984, meeting, the EQC authorized hearings on the amendments to open burning rules as proposed by the Department.

Hearing Testimony

The Department held five hearings on the proposed amendments to open burning rules. These included a day and evening hearing in the City of Portland and evening hearings in the cities of Gresham, Oregon City, and Beaverton. The hearings officer's report on testimony received at these hearings is included as Attachment 2. In addition, substantial written testimony was mailed to the Department. A summary of this testimony is included in Attachment 3. Copies of all written testimony have been previously sent to the Commission.

In summary, 134 people testified in person at the hearings. Of these, 28% generally favored the proposed rules, 69% generally opposed the proposed rules, and 3% appeared neutral on the issue.

The Department received 195 letters by the close of the hearing record. Of these, 39% generally favored the proposed rules, 53% generally opposed the rules, 4% were neutral, and 4% were from residences outside the affected area.

Of the hearing testimony presented in person and in writing, 14 organizations provided testimony on the proposed rules. The following 11 organizations generally favored the proposed rules:

- Oregon Lung Association
- League of Women Voters
- Portland Air Quality Advisory Committee
- Oregon Environmental Council
- Portland City Club
- Associated Oregon Industries
- Buckman Community Association (SE Portland)
- Irvington Community Association (NE Portland)

- Multnomah Neighborhood Association (SW Portland)
- Brooklyn Action Corps (SE Portland)
- East Moreland Neighborhood Association

Organizations generally opposed to the proposed rules were:

- Neighborhood Protective Association
- Oregon Master Gardeners
- Camellia Society

Of eight medical practitioners providing testimony, six generally were in favor of the proposed rules, one medical practitioner testified in opposition, and one was neutral.

Four cities provided hearing testimony. Durham and Tigard opposed the proposed rules, King City supported them, and Milwaukie was neutral.

Citizens testifying in opposition to the proposed rules generally were retired persons on fixed incomes who had large lots which generated large quantities of yard debris. Many of these cases appeared to be candidates for hardship burning permits.

Those testifying in opposition to the proposed rules generally felt:

- Air quality problems created by burning yard debris were insignificant.
- DEQ's present burning program creates air quality problems because it is seldom dry when burning is allowed.
- Reasonable cost alternatives to burning were not available.
- DEQ has no constitutional right to ban burning.
- DEQ estimates of costs of alternatives and volume of material burned were inaccurate.

Citizens testifying in support of the proposed rules generally felt:

- Air pollution from burning yard debris caused significant nuisances and adversely impacted the health of susceptible individuals.
- Reasonable cost alternatives were available to most individuals including those with large lots and large quantities of yard debris.

-- Further alternatives will not be developed unless a ban is put into place.

There was some indication from both those for and against the proposed rules that there was some non-compliance with present burning rules which contributed to air quality problems such as burning wet or prohibited material.

Alternatives and Evaluation

Two issues raised by the hearings testimony should be responded to first. These issues involve the constitutionality of a burn ban and the Department's cost estimates for alternative disposal methods.

Constitutionality Question

The constitutionality questions of regulating air pollution in general and banning open burning specifically has been litigated numerous times, including several Supreme Court cases involving the Fourteenth Amendment. All of these actions upheld the legality of regulation.

As early as 1916, the United States Supreme Court held that a state could, by direct legislation or through authorized municipalities, declare the emission of dense smoke in cities or populous neighborhoods a nuisance and restrain it. Regulations to that effect, if not arbitrary, are not unconstitutional under the due process clause of the Fourteenth Amendment even though they affect the use of property or subject the owner to expense in complying with their terms. Northwestern Laundry v Des Moines, 239 US 486, 491-92 (1916).

In 1960, the Court held that:

"Legislation designed to free from pollution the very air that people breathe clearly falls within the exercise of even the most traditional concept of what is compendiously know as the police power."
Huron Portland Cement Co. v Detroit, 362 US 440, (1960).

In 1970, a Texas appellate court addressed a challenge to the Texas Clean Air Act which charged that the Act constituted a deprivation of private property without due process of law. The court found that even though the Texas act provided a blanket prohibition on open burning, the regulation did not constitute an arbitrary interference with the use and enjoyment of property. Houston Compressed Steel v State, 3 ERC 1487 (1970).

Alternative Disposal Methods

The Department has previously indicated that disposal costs for various available alternatives averaged \$4-\$6 per cubic yard including transportation and tipping fees. The average cost per cubic yard of material calculated for these alternatives is presented below.

Available Yard Debris Disposal Methods

<u>Method</u>	<u>Average Cost \$/cubic yard</u>	<u>Availability</u>
Composting on Site	Free	Most all households have equipment and property which can accomodate this practice
Self-haul to Recycling Centers*	2.00 - 4.00 *	Three available within 20 minute drive of most affected households ⁽¹⁾
Self-haul to Landfills	3.25 - 8.00 *	Three available ⁽²⁾
Drop Box to Landfill (slightly less if taken to recycler)	3.40 - 9.00 **	Available from existing garbage haulers
Curbside Pickup by Garbage Hauler (if taken to recycler)	5.60	Not widely available
Curbside Pickup by Garbage Hauler (if taken to landfill)	5.99	Available to virtually everyone
On-site Chipping	\$26/4 hour rental minimum	Available at most equipment rental firms

*Add about \$2 for mileage cost and add about \$14 for rental of three yard trailer, if needed. The highest cost reflects minimum charges while the lowest cost generally applies to 2 or more cubic yards.

**The highest cost reflects smallest size available drop boxes with a minimum charge of \$17.50 to rent a 2-yard drop box. The lowest cost reflects the largest of the drop boxes (40 yards) with a common 10 yard drop box averaging \$7.00 per cubic yard.

-
- (1) Recycling Sites at Grimm's Fuel - 99W South of Tigard, McFarlane's Bark - Hwy 224 Clackamas, and the Wood Yard - TV Highway Aloha.
 - (2) Dump Sites at Clackamas Transfer & Recycling Center - Oregon City, Killingsworth Landfill - 5600 NE 75th Portland, St. Johns Landfill - Columbia Blvd. North Portland.

While the average amount of debris burned by the 85,000 Portland area households which burn is one cubic yard of debris a year, it is certain that many households generate more or less than the average. Hearing testimony indicated individuals with acreage and large amounts of landscape may generate 5-10 cubic yards or more per year. This clearly would cost such individuals about \$12 to \$70 or more per year depending on what alternative is chosen. Individuals with 1 yard of debris might pay anywhere from \$4 to over \$26 to dispose of their yard debris depending on which alternatives are chosen. Clearly, there are many lower cost alternatives available through neighborhood sharing of drop boxes; joint neighbor hauling; local curbside garbage collection; and organized local government programs like the City of Gladstone's which results in a net \$10/year cost to each household for disposal of all yard debris. The Department believes a \$4-\$6/cubic yard estimate for disposal cost is a reasonable average estimate for the majority of alternatives and households.

There are at least six major alternative courses of actions for the EQC to consider. These are:

- Adopt the rules as proposed.
- Allow year-round burning.
- Keep the present spring/fall burning rules.
- Abandon the ban approach and tighten regulation of burning.
- Delay the ban to July, 1986, and pursue designation of yard debris as a recyclable under SB405.
- Modify the proposed rules in response to testimony.

These alternatives are discussed in more detail below.

Adopt Rules as Proposed

This alternative could go against the majority of the testimony and possibly the majority will of the public (based on previous opinion surveys). This alternative could result in difficulties in making equitable judgment on what constitutes hardship, could result in major compliance problems because of the lack of full public support, and would not address a major concern raised in testimony which is economic hardship.

Allow Year-round Burning

This alternative would be responsive to the majority of the testimony which claims the Department's spring/fall burn period restricts burning to generally wet conditions. Based on past Department experience when year-round burning was allowed, more total debris would be burned (up to

five times more than now based on past information from the early part of the 1970's), more smokey material like grass clippings would be burned, and greater fire hazards would be present in summertime burning. Such an alternative would not alleviate impacts on air quality standard violations. The maximum generation of yard debris occurs in spring and fall and heavy burning would still be expected to result during these periods when violations of air quality standards have occurred in the past. Additionally, greater quantities of material burned would increase adverse impacts on air quality standards.

Keep Present Spring-Fall Burn Rules

This alternative would likely produce the least adverse reaction from the majority of the public. This alternative would not address the need to insure attainment of particulate air quality standards, would not address neighbor nuisances and adverse impacts on health of susceptible individuals, and may adversely affect recyclers' efforts to stay in or expand their yard debris recycling programs.

Abandon Ban and Tighten Regulation of Burning

This alternative could include addition of a permit and permit fee system with revenue used to conduct a strong field enforcement program, prohibiting burning of grass clippings and leaves, eliminating burn days with a high probability of rain, and requiring neighbors to sign-off on permit applications that burning by the permit applicant will not cause a nuisance to them.

Such a program may substantially reduce burning based on experience in Seattle, Washington and Ontario, Oregon where permit fee systems appear to provide a substantial disincentive to burning. Such reductions might be enough to ensure meeting air quality standards. The need to prove that or defend a challenge that legislative requirements to allow institution of a ban has been met would also be obviated by such a program. On the other hand, without having to prove hardship to obtain a permit, a substantial amount of permit applications may occur from individuals who have reasonable, non-burning alternatives available to them. Additionally, relaxing from the ban approach could discourage local governments from efforts to develop further alternatives to burning and hinder efforts to increase recycling of yard debris.

Delay Ban to July 1, 1986 and Pursue Declaration of Yard Debris as a Recyclable under SB405

Declaration of yard debris as a recyclable in the Portland area by the EQC under SB405 would require curbside collection and transfer to a recycler. It would be expected that opposition to this action would surface on the basis that yard debris cannot be recycled at a profit even though recycling is cheaper than landfilling. Some subsidy of recycling of yard debris would be necessary, such as from profits from other recyclables. Such a

subsidy could jeopardize recycling of other profitably recyclable items. A full analysis of the economics of this issue has not been done but the Recycling Task Force has asked the Department to pursue this analysis.

Modify Proposed Rules in Response to Testimony

Considering that substantial reductions in yard debris burning are necessary as a strategy to assist in meeting air quality standards and that reasonable alternatives to burning are available, a ban on burning can be

justified. Modifying the proposed burn ban rules in response to testimony would appear to be the best approach to meet air quality objectives while being responsive to hearings testimony.

In hearing testimony, economic hardship was the most prevalent concern expressed by those opposed to the ban rules. The hardship permit criteria in the proposed rules would not provide, however, a means for individuals to apply for burning permits on the basis of economic hardship. Adding economics to the criteria to qualify for a hardship permit as well as for qualifying for a waiving of permit fees in extreme economic hardship cases would address major concerns of those opposed to the burn ban rules. Nature or volume of debris would not need to be a criteria for hardship permit issuance if economics were added to the criteria.

Many of those testifying for and against the proposed rules indicated their belief that grass clippings and leaves did not have to be burned as this material was readily composted or tilled into gardens. Addition of a prohibition on burning leaves and grass clippings, which are extremely difficult to burn cleanly, would be a desirable addition to the proposed rules.

Many of those testifying for and against the proposed rules indicated their belief that allowing burning on rainy days caused increased smoke from yard debris burning because of the wetness of the material. Adding prohibition of burning on days with a high probability of rain would be a desirable addition to the proposed rules.

Hearing testimony in the Gresham area unanimously and strongly opposed the ban based on lack of alternative disposal methods. Upon close examination of this issue, it appears the Gresham area is the most remote of any area in the proposed burn ban boundary to currently operating landfill or recycler sites. Haul distances would be nearly double those for residences in any other part of the proposed burn ban area. Additionally, wind patterns would tend to not allow yard debris emissions in East Multnomah County to significantly impact the particulate non-attainment area in the Portland region, although they may contribute to some violations of standards in heavily populated local areas which do not have air monitoring sites. A ban boundary change to exclude the area generally east of 181st Avenue would be justified on the basis of a lack of reasonably available disposal alternatives to a substantial majority of the residence in this area.

Finally, additional desirable modifications to the proposed rules would include: a) restricting burn days under hardship permits to three days unless further justification is given for the need to burn more frequently; b) clarifying the Department's authority to require extinguishment of fires lit under a hardship permit authority if smoke and odors from fires are substantially interfering with neighbor's health or use of or enjoyment of their property and; c) a provision that a permit holder would forfeit their rights to apply for future permits if application information is found to be false.

Draft rules containing all these recommended changes in the proposed rules are included in Attachment 6.

Local Government Yard Debris Disposal Programs

While yard debris recovery and reuse options exist and are well-developed in the Portland area as concluded by a recent City of Portland Yard Debris Task Force Report (Attachment 4), there are further things local government or organizations can do to make yard debris disposal more convenient and economical for individuals. Examples of such programs include:

- Multnomah County's recent program to deal with last winter's ice storm debris where free disposal was allowed at Vance Pit, over 12,000 cubic yards of debris was collected (about 15% of the entire yearly amount of debris burned in the Portland area) and this material was commercially chipped at a cost of about \$1/cubic yard and converted into a good quality ground cover.
- The City of Gladstone's yard debris collection program with local garbage haulers which provides weekly pickup of all yard debris at an average cost of \$10/household per year which is funded out of the City's tax base.
- Oregon City's on call curbside yard debris collection program which is provided by city crews.
- The City of Beaverton spring clean-up program which provides local drop box service for yard debris and other trash.
- Neighborhood association programs like Scott Mountain and Sellwood-Moreland Improvement League which provide neighborhood drop box service for yard debris with funding provided through association funds and user fees.

Examples of programs which are being or have been considered to increase yard debris disposal options in other areas include: a curbside collection and a recycling system for the City of West Linn, a curbside yard debris collection program for the City of Lake Oswego, and a composting education program, neighborhood drop box program and a curbside collection-recycling program by the City of Portland.

The City of West Linn is in the final stages of designing a yard debris recycling program which would include curbside pickup, a centrally located drop off site for those able to self-haul yard debris, and an intensive education program on ways to dispose of yard debris on the homeowners site. Such a program is estimated to cost \$10,000 and will be funded in part by user fees.

The City of Lake Oswego example is interesting from the standpoint of the dilemma the Department has been continually faced with regarding development of alternative disposal methods. The City sought and received a bid from a local garbage collector to provide curbside collection of yard debris at a cost of about \$100,000 or about \$20 per household per year. This bid was developed during the last time the Commission had made a move to ban burning in early 1981. When the Commission rescinded the ban, the City of Lake Oswego did not implement the collection program. Most recently, the City of Lake Oswego has sent a letter to the Governor protesting the proposed burn ban citing the lack of alternatives and the high cost of alternatives to deal with yard debris disposal despite the reasonable cost disposal program previously proposed by their local hauler.

The City of Portland example is also an interesting example. Recently, a City Task Force representing six different Bureaus within the City intensively studied the yard debris disposal problem, and they concluded that "the most significant role for government to take in yard debris handling is doing what no one else can do: organizing and setting up a collection system that can ensure that yard debris can be handled permanently, regularly, and inexpensively." The Department has long supported this policy but many local governments have failed to see it this way and have not pursued collection systems, most notably the recent City of Lake Oswego case.

The City of Portland Task Force has recommended that the City reinstate neighborhood clean-ups with drop service and develop a "comprehensive City-wide system of yard debris collection." The Task Force indicated in their April 13, 1984, report to the City Council that they need more time to develop the details for such a program.

Based on the above examples, it would appear that other local governments may choose to provide additional, more convenient and more economical disposal alternatives for their constituency if a burn ban were in place.

Health Effects and Control Strategies

Some final comments should also be made on two others issues. These issues deal with health impacts on the public from yard debris smoke and alternative strategies to meet air quality standards in the Portland area.

In February 1984, the Department held a meeting with several prominent local health officials to discuss the impact of smoke from backyard burning. The group generally indicated that about 10% to 15% of the

population have sensitive airways which can have adverse reactions to low levels of smoke from such sources as yard debris burning. This group indicates such reactions would generally result in individuals removing themselves from the proximity of the smoke source and/or taking additional medication to suppress such reactions as asthmatic attacks. They felt very little clinical data was available to document a widespread health problem.

In terms of alternative control strategies to a burn ban, the Department's January 6, 1984, EQC report (Attachment 1) documented impacts from other sources on typical air quality standard violation days. From this information, it is clear that nothing short of drastic measures such as a ban on wood heating, upgrade of controls on industry (estimated cost of \$9 million) or severe restrictions on traffic flow or parking would be sufficient to insure meeting standards on such days when backyard burning is occurring.

No testimony was received on the proposed housekeeping changes to 4th priority agricultural burning rules. At a field burning rule hearing on February 24, 1984, testimony expressed concern that nuisance might be used to regulate agricultural open burning. ORS 30.935(1) states that "A farming practice shall not be declared or held to be a private or public nuisance." This testimony is pertinent to the presently proposed rule and to conform to the statute, a language change is proposed in OAR 340-23-042(1) to be sure nuisance criteria are not applied to agricultural burning.

Summation

1. The majority of public hearing testimony on the proposed Portland area burning ban rules generally opposed adoption on the basis that:
 - Air quality problems created by burning were insignificant.
 - The Department's present burning program restricts burning to wetter periods when debris burns poorly.
 - Reasonable cost disposal alternatives were not available.
 - Individuals had a constitutional right to burn.
2. Many of those testifying in opposition to the proposed rules were senior citizens on fixed incomes, who had large lots with large quantities of vegetation. Many of these individuals appeared to be candidates for a hardship burning permit.
3. Public hearing testimony in favor of the proposed Portland area burning ban rules generally cited the following:
 - Air pollution from burning caused significant nuisances and adverse health impacts on susceptible individuals.

- Reasonable cost disposal alternatives were available to most individuals including those with large lots and large quantities of debris.
 - Further alternatives to burning will not be developed without a burn ban.
4. Open burning of yard debris in the Portland Metro area contributes up 300 tons per year of smoke and contributes up to a measured 11% to exceedance of daily particulate standards. Model estimated impacts range up to four and one-half times measured impacts. These impacts occur despite a stringent meteorological control program which limits burning to forecasted good ventilation days including about 60 days per year with no rainfall.
 5. Attainment of particulate air quality standards by the 1987 target date in the federally approved Portland area control strategy cannot be practically achieved without substantial reductions in open burning of yard debris such as those achievable under a burning ban. Alternative strategies to a yard debris burn ban such as a ban on wood heating, upgrade of industrial controls at an estimated cost of \$9 million, or severely restricting auto traffic flow or parking are considered impracticable strategies. An alternative such as year-round burning could result in up to a five-fold increase in burning based on past experience and could cause additional fire hazards, and would not be expected to solve air quality problems associated with burning.
 6. Alternatives to burning yard debris are available to a substantial majority of Portland area residences as evidenced by the fact that only about 13% of yard debris generated is burned and only about 35% of the households open burn.
 7. Numerous alternative disposal methods for yard debris are available to a substantial majority of the households in the Portland area. These include:
 - On-site composting
 - On-site chipping
 - Self-haul to landfills
 - Self-haul to commercial recyclers
 - Curbside pickup by garbage haulers
 - Drop box service by garbage haulers.

8. Because of minimum charges, costs to dispose of 1 cubic yard of debris can average from \$4 to \$26 depending on which alternative is chosen. The majority of alternatives available to dispose of 1 cubic yard would cost within the range of \$4 to \$6. With the average household burning about 1 cubic yard of yard debris per year, non-burning disposal costs appear reasonable for a substantial majority of the households in the Portland area.
9. The Portland area has more alternative disposal methods available than other cities in the Northwest like Eugene, Seattle and Spokane which have severely restricted burning. These additional alternatives include a recycling option, and some neighborhood and municipal yard debris cleanup programs.
10. The proposed hardship burning permit criteria were criticized through hearing testimony as not specifically addressing economic hardship cases.
11. Desirable changes to the proposed rules which would address many concerns raised by those testifying for and against the proposed rules include:
 - Addition of economics as a criteria for issuing hardship permit and in extreme economic cases, waiving the hardship permit fee.
 - Prohibiting burning of grass clippings and leaves which are readily composted or tilled into gardens or hauled away by local garbage services.
 - Restricting burning on days with expected significant rainfall.
 - Limiting hardship permit burning to three days per season unless justification is made for a higher frequency.
 - Allowing the Department to require extinguishment of fires authorized by hardship permit if smoke and odors are substantially interfering with neighbors' health or enjoyment of their property.
 - Forfeiting the rights of permit applicants to apply for future hardship permits if application information is found to be false.
 - Excluding the area generally east of 181st Avenue from the ban on the basis of unreasonably long distances to dump or recycler sites compared to all other areas in the proposed burn ban area.

12. Some local jurisdictions which have had programs, now implement programs or have just developed plans to provide additional, more convenient and less costly alternatives for citizens to dispose of or recycle their yard debris including:
 - The City of Gladstone which provides weekly curbside pickup of yard debris through private hauler contracts at a cost of about \$10/year per household.
 - Multnomah County which provided free dumping for over 12,000 cubic yards of last winter's ice storm debris and chipped this material at a direct cost to the County of only about \$1/cubic yard.
 - The City of Beaverton and neighborhood associations like Sellwood-East Moreland Improvement League and Scott Mountain Subdivision which provide neighborhood located drop boxes at nominal cost or through their own existing resources.
 - The City of Oregon City which provides on-call curbside municipal pickup of yard debris with no direct charge to homeowners.
 - The City of West Linn which is in the final stages of implementing a recycling program which includes curbside pickup, a local self-haul disposal site, and an aggressive educational campaign to promote on-site disposal.
 - The City of Portland whose Yard Debris Task Force representing six City Bureaus recommends the City a) implement a yard debris recycling program composed of aggressive home composting education and local neighborhood drop box service, and b) design a comprehensive curbside collection system.
 - The City of Lake Oswego which had a proposal from a hauler to provide yard debris collection at a cost of about \$20/household in 1981 when a burn ban appeared imminent. (The city did not implement the program and has since decided to oppose the ban.)
13. Other local governments may be motivated to provide more convenient, less costly disposal alternatives to their constituency similar to the examples cited above if a burn ban were imposed.
14. No testimony was received on the proposed housekeeping changes to 4th priority agricultural open burning rules, although one change is proposed to clarify those rules with respect to statutory provisions which prohibit regulating this source on a nuisance basis.

Director's Recommendations

Based on the findings in the Summation, it is recommended that the Commission reaffirm its findings that a ban on yard debris open burning in the Portland area is necessary to meet air quality standards and that reasonable alternative disposal methods are available to a substantial majority of the population in the affected area and further, that the Commission adopt the revised proposed rules in Attachment 6 as an amendment to the State Implementation Plan.

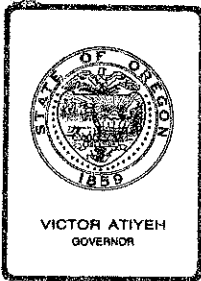


Fred Hansen
Director

Attachments:

1. January 6, 1984, memo to EQC on Hearing Authorization.
2. Hearings officer report on verbal testimony.
3. Summary of written testimony.
4. City of Portland Yard Debris Task Force report to City Council, April 13, 1984.
5. Draft Statement of Rulemaking Need and Land Use Consistency Statement.
6. Proposed Amendments to OAR Chapter 340, Division 23.

J. F. Kowalczyk:ahe
229-6459
April 24, 1984
AZ651



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 No. D , January 6, 1984, EQC Meeting

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 Agricultural Open Burning in the Willamette Valley, and to Amend the State Implementation Plan.

Background

At the November 18, 1983 meeting, the EQC found that a ban on backyard burning in the Portland Metro area was necessary to meet air quality standards and that alternatives to burning were reasonably available to a substantial majority of the people in the affected area. The EQC directed the Department to proceed toward a ban by bringing proposed rules, which include a hardship burning permit provision, back to the EQC for hearing authorization at the January meeting. The EQC also indicated they wanted the facts documenting the need for a ban and the availability of alternatives restated so that they could confirm their findings.

While developing the proposed changes to the Department's open burning rules, it has been concluded that it would also be an appropriate time to make a housekeeping change affecting 4th priority agricultural open burning provisions in the Willamette Valley.

Need to Ban Burning to Meet Air Quality Standards

About 35% or about 85,000 of the households in the Portland area open burn an average of about one cubic yard of yard debris per year. This burning results in release of smoke or particulate air pollution totaling about 300 tons per year. This particulate is predominantly in a size range and of a chemical composition which most adversely affect health and visibility.



Contains
Recycled
Materials

Backyard burning takes place within an allowed 3 1/2 month spring burn period and a 2 1/2 month fall burn period. Burning is restricted during these periods to favorable ventilation conditions. About 60 allowed burn days occur per year without rain. Burning is generally concentrated at the beginnings of burn seasons, during weekends, periods of high yard debris generation, and fair weather gardening periods.

On an annual average basis, particulate pollution from backyard burning is a small contributor to Portland's particulate air quality problem. It contributes less than 1% to total annual particulate emissions and it is considered an insignificant contributor to violation of annual particulate air quality standards.

On days when backyard burning occurs, it becomes a much greater contributor to Portland's particulate air quality problem. The maximum measured impact attributable to backyard burning on a particulate standard violation day in downtown Portland was 19 ug/m³ for a 24-hour average (11% of the total sample weight). Four other days have been clearly identified with measured backyard burning impacts varying from 10 to 19 ug/m³ for a 24 hour average. These measured impacts have been used to calibrate the Portland airshed model for purposes of predicting backyard burning impacts in areas which do not have ambient air monitoring sites. Such modeling has projected backyard burning impacts up to 90 ug/m³ - 24 hour average in certain residential areas.

Although backyard burning impacts can be, in some cases, clearly separated out from impacts of other sources, in most cases it cannot because of its chemical similarity to other sources such as woodheating and slash burning. Of the 63 exceedances of daily particulate standards in the Portland area during the burning seasons from 1976 through April 1982, 23 of these occurred on days when backyard burning was allowed. It is believed that backyard burning significantly contributed to many of these 23 violations which are listed below.

Exceedances of 150 ug/m³ - 24 hr average Particulate Standard
(1976 through April, 1982)

(Days with Allowed Open Burning)

<u>Date</u>	<u>Area</u>
04-24-76	Lake Oswego
04-30-76	S. E. Portland
05-06-76	S. E. Portland
12-16-76	Downtown Portland
05-02-78	S. E. Portland
05-06-78	S. E. Portland

05-08-78	S. E. Portland
05-08-78	Downtown Portland
11-10-78	Lake Oswego
11-22-78	S. E. Portland
11-22-78	Milwaukie
11-22-78	Oregon City
11-22-78	Lake Oswego
11-22-78	East Portland (Gateway area)
11-22-78	Downtown Portland
02-14-79	Downtown Portland
03-02-80	Lake Oswego
03-05-81	East Portland (Gateway area)
03-06-82	East Portland (Gateway area)
03-06-82	Beaverton
03-06-82	S. E. Portland (Ross Island area)
03-06-82	Lake Oswego
03-06-82	S. E. Portland (south of Mt. Tabor)

The fact that backyard burning contributes to violation of particulate standards on certain days despite a tightly regulated meteorological program which limits burning to good ventilation days may be explained by periodic higher than average burn rates and the inability to forecast weather conditions with 100% accuracy.

The Portland area particulate control strategy which is part of the State Implementation Plan targeted compliance with standards by 1987. Based on current information, the 1987 particulate levels and source contributions at the critical downtown receptor for a worst case spring/fall backyard burning day are projected below. The backyard burning impact and total particulate level in this table are very similar to levels previously measured.

1987 Particulate Source Contributions - Fall/Spring Day
 (Downtown Portland)

<u>Source</u>	<u>Particulate - $\mu\text{g}/\text{m}^3$ - 24-hr. average</u>
Dust	89
Open Burning	19
Wood Heating	12
Industrial Sources	7
Motor Vehicles	5
Heavy Oil Burning	3
Background - miscellaneous	<u>33</u>
TOTAL	168 (Air Quality Standard = 150)

Control strategies are projected to reduce motor vehicles impacts by $1 \mu\text{g}/\text{m}^3$

and wood heat by 2-4 ug/m³ by 1987. The strategy also anticipated a significant reduction in dust through control of road dust. Unfortunately, an extensive study of road dust sweeping techniques conducted by the City of Portland concluded that sweeping affects are negligible with respect to improving air quality. Based on the above, no other control strategy other than a ban on burning or control of background sources would attain standards on such days at the downtown site. Effective control of background sources like slash burning and remote industrial sources is considered extremely difficult at this point; thus, a ban on backyard burning would appear necessary to meet particulate air quality standards for these conditions.

Other critical sites in S. E. Portland and S. W. Portland are projected to have particulate levels above those in downtown. A ban on burning will make significant progress towards attainment of standards but other additional strategies will be needed to attain standards at these sites.

Available Alternatives to Backyard Burning

Surveys indicate that about 676,000 cubic yards of yard debris are generated each year in the Portland area. Only 13% of this is open burned. The majority of yard debris is currently being disposed of by many non-burning means as shown in the following table.

Yard Debris Disposal Practices in the Portland Area

Composting on Site	28%
Picked up with Garbage	26%
Self-hauled to Landfill	19%
Open Burned	13%
Miscellaneous (chipped, put in street, etc.)	14%

The non-burning disposal practices identified above are available to virtually all residences in the Portland area for the material presently being burned; although, of course, additional work and/or costs would be required to use them.

Through efforts of the Metropolitan Service District, an additional alternative of hauling yard debris to recyclers has been developed. Three recycling sites are available in the metro area within a 20 minute drive of a substantial majority of the population at a slightly lower cost than landfill disposal.

A complete list of available alternative disposal methods for yard debris and estimated costs are listed below. The costs include transportation and tipping fees.

Available Alternative Yard Debris Disposal Techniques

<u>Technique</u>	<u>Average Cost</u> (\$/cubic yard)
Composting on Site	Free
Self-haul to Recycling Centers (three available)	\$3.40
Self-haul to Disposal Sites (three available)	4.75
Drop Box (to recycler)	4.40 (20 cubic yard box basis)
Drop Box (to disposal site)	4.80 (20 cubic yard box basis)
Curbside pick up (to recyclers)	5.60 (not generally available)
Curbside pick up (to disposal site)	5.99
On-site Chipping (\$26/4 hr rental)	---

Some of the above alternatives have minimum charges ranging from \$5.60 for one recycling center to \$17.50 for a 2 cubic yard drop box.

Considering the average amount burned per household is about 1 cubic yard, it would cost the average household in the range of \$6 per year to dispose of their yard debris by non-burning methods.

Other Experiences

Case studies of other areas in the Northwest where backyard burning is restricted indicates that alternatives similar to those in the Portland area are available and able to adequately handle yard debris. Portland has the added option of recycling of yard debris.

In the City of Eugene where backyard burning has been banned since 1969, the only special service is a separate leaf pick up during the fall. All woody wastes must be self-hauled or picked up at curbside and disposed of at the area landfill at the householders expense. In Seattle, where burning is not banned, the fire districts require a \$30 permit to burn. Only 300-500 permits are issued per year. Curbside pick up and self-haul to landfill disposal sites are used in Seattle as well as in Spokane where a burn ban is in effect.

In Ontario, Oregon, the city recently imposed a \$17/year burning permit in an attempt to reduce the use of some 1200 burn barrels. Only about 300 burn barrels are now in use and no special disposal systems were developed to handle wastes.

Some jurisdictions in the Portland area have special yard debris pick up programs like the City of Gladstone which requires haulers to pick up all yard debris. Cost of the program is paid from property tax revenue. Some Portland area neighborhoods like King City and Scott Mountain subdivision ban burning. Some like Scott Mountain subdivision and Sellwood-Moreland Improvement League provide drop box service through neighborhood association fees or other revenue.

There has been concern in the past about the impact on Portland area landfills of diverting yard debris which is presently burned. With the present existence of commercial yard debris recyclers, all of the yard debris presently burned could be diverted to these recyclers. This added volume would help assure their continued existence. Even if some or all of the yard debris presently burned did end up going to landfills, Metro staff has projected that it would only decrease landfill life 5 days/year at a maximum.

Recommended Burn Ban Program

Ban Date

A burn ban could not be adopted before the spring 1984 burn season which begins on March 1 because of the administrative time needed to adopt new rules. Considering that alternative disposal methods are currently available, a ban beginning with the end of the spring burn period (June 16, 1984) is possible. An alternative for jurisdictions which would like additional time to develop additional alternative disposal programs like neighborhood drop box systems, separate curbside pick up and disposal through recyclers, or tax base supported curbside pick up, etc. might be to grant them a 12 month extension upon approval by DEQ of an acceptable work plan. Enforcement of a burn ban under such an extension program would likely be somewhat difficult in those areas where an extension was not requested due to equity and boundary questions and such a program is not recommended; thus, an open burning ban beginning after the spring 1984 season (June 16, 1984) is recommended.

Hardship Permits

There will likely be some situations where non-burning alternatives would not be reasonably available to some households. These situations could include inaccessibility of the site, physical nature of the material, volume of the material, and physical limitations of the householders. For these conditions, a hardship burn permit subject to the present burn season and meteorological control conditions would be appropriate. The Department is not budgeted for conducting such a program; thus, fees would have to be charged to cover costs of permit issuance, field inspections, and

enforcement. If field inspections were conducted for every permit, costs of the permits would have to be relatively high, probably over \$50. If only random field inspections and enforcement were conducted, costs could be reduced down to the \$20 range for a seasonal permit or \$30 for an annual permit. Such a cost would be significantly above the average cost of \$6/year for disposal of yard debris through non-burning techniques. Thus, it would be expected that burning would be substantially reduced. Permits would be subject to civil penalties, non-renewal, or revocation upon random field inspection or complaint investigation that found burning conditions required by the permit were not being adhered to or information supplied in the permit application was false.

Based on experiences in Seattle and Ontario where a permit fee program is imposed, a few thousand permits per year might be expected in the Portland. This would result in at least a 95% reduction in burning. The Department would intend to hire temporary compliance assurance staff in proportion to the amount of permit applications and revenue received to effectively administer the program.

Ban Area Boundary

In January 1981, a proposal was presented for a "burning ban area" in Clackamas, Multnomah, and Washington Counties. At that time, an extensive effort was made to select a suitable "ban boundary." Because it is necessary to work through the fire permitting authority of fire districts to regulate open burning, the fire districts were thoroughly consulted in developing the boundaries. For the most part, the proposed boundaries in Table 1-A of Attachment 1 are the same as those worked out in January of 1981. After consultation with the fire districts involved, minor adjustments have been made in areas dividing Multnomah County Fire District No. 10, Clackamas County Fire District No. 71, and Tualatin Fire District to better divide the more heavily populated areas from the more rural areas. The boundary which divides Washington County Fire Districts No. 1 and 2 were judged to be adequate after consultation with representatives of those districts and were not changed. The remainder of the "ban boundary" follows fire district boundaries and has not been adjusted.

Agricultural Fourth Priority

Fourth priority burning is all agricultural burning except field burning. Fourth priority agricultural burning is currently treated in OAR Chapter 340, Division 23 for all areas of the State, except the Willamette Valley. For the Willamette Valley, this type of burning has been treated in OAR Chapter 340, Division 26 rules, which are currently being revised to regulate open field burning only. The proposed changes would place all fourth priority burning in the State in a single set of rules under

Division 23 in coordination with proposed changes in Division 26. There is no change proposed in the administrative handling of this type of burning.

The proposed new rule changes are in Attachment 1. The Statement of Need and Public Hearing Notice are contained in Attachment 2.

Summation

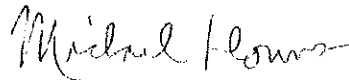
1. Backyard burning in the Portland metro area contributes up to a measured 19 ug/m^3 (11%) to exceedance of daily particulate standards. Modeled impacts range up to 90 ug/m^3 . These impacts occur despite a stringent meteorological control program which limits burning to forecasted good ventilation days.
2. Attainment of particulate standards by the 1987 target date in the Portland area control strategy at certain sites such as downtown Portland cannot be achieved without banning burning. No other alternative control strategies are practical or effective for other sources such as road dust which contribute to exceedances.
3. Numerous alternative disposal techniques for yard debris are available to a substantial majority of the households in the Portland area. These include:
 - On-site composting
 - On-site chipping
 - Self-haul to landfills
 - Self-haul to commercial recyclers
 - Curbside pick up by garbage haulers
 - Dropbox service by garbage haulers
4. Costs for the above alternatives average about \$4 to \$6 per cubic yard of yard debris. With the average household burning about 1 cubic yard of yard debris per year, non-burning disposal costs appear reasonable for a substantial majority of the households in the Portland area.
5. Provisions for a \$20 seasonal or \$30 annual hardship permit for those households which do not have reasonable alternative disposal methods available because of site access, nature of debris, volume of debris, or physical limitations of household members would insure availability of reasonable disposal means for yard debris for all households in the Portland area.
6. A ban on yard debris burning in the highly urbanized Portland metro area beginning after the spring 1984 burn season (i.e. June 16, 1984) is practical considering the administrative time necessary to revise

open burning rules, the time for adequate notice to the public and the availability of alternative disposal methods.

7. Adding fourth priority agricultural burning in the Willamette Valley to Division 23 rules will consolidate all such rules into one Division but result in no change in the actual administration of the program.

Recommendation

Based on the Summation, the Acting Director recommends that the EQC authorize the Department to proceed to rule-making hearing with revised open burning rules (Attachment 1) 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.


Michael J. Downs

Attachments:

1. Proposed Revised Open Burning Rules
2. Statement of Need and Public Hearing Notice

JFKowalczyk:ahe
229-6459
December 23, 1983
AZ480

BACKYARD BURNING

Summary of Written Testimony

The Department received 198 letters by the close of the hearing record, March 1, 1984. Since then we have received approximately 30 letters, which are also included for your information.

Of the letters received by the deadline, 39 percent generally favored the proposed rules, 53 percent generally opposed the rules, 4 percent were neutral, 4 percent were from residents outside the affected area. Of the latter category, most were from people who oppose the ban, although a few were from people who asked that the ban boundaries be extended to include Hillsboro.

The following organizations submitted testimony in support of a ban:

Associated Oregon Industries (AOI)
Oregon Lung Association (OLA)
Portland Air Quality Advisory Committee
Buckman Community Association (inner SE Portland)
Irvington Community Association (inner NE Portland)
Multnomah Neighborhood Association (SW Portland)
Brooklyn Action Corps (inner SE Portland)

No organization submitted testimony opposing the ban, although one letter in opposition was co-signed by 13 persons from southwest Portland; another was co-signed by 6 Gresham residents.

The following health practitioners submitted testimony in support of a ban:

Dr. Charles Schade, Multnomah County Health Officer
David Bilstrom, M.D.
Marilyn Rudin, M.D., Oregon Pulmonary Association
Mike Anderson, Registered Respiratory Therapist
Susan Smith, Nurse Practitioner

No health practitioners submitted testimony opposing the ban, although one physician, Dr. Karl Poppe, requested a hardship permit.

The Cities of Durham and Tigard submitted testimony opposing a ban. The City of King City submitted testimony supporting a ban. The City of Milwaukie wrote a letter asking that the DEQ work closely with the local governments to ensure that costs of a ban are not a burden to residents, and that a ban not disrupt existing recycling programs.

Four fire departments submitted essentially neutral testimony. Portland Fire Bureau and Multnomah County Fire District 10 requested the Department add to the rules a requirement that debris be disposed of before it becomes

a fire hazard. They also said that the Department should provide 24 hour a day, 7 day a week enforcement. The Happy Valley and Boring Fire Departments asked that their areas continue to have seasonal burning.

Generally, those favoring a ban said that backyard burning smoke causes health problems, reduces visibility, and creates poor air quality. They also said alternatives are available, and that they use them.

Those opposing a ban generally said that alternatives to burning are unavailable or too costly or unacceptable for other reasons. Many referred to the size of their lots or volume of debris. They also said backyard burning smoke is an insignificant problem.

Following is a listing of all the different points made in the written testimony:

Those Favoring a Ban

1. A ban on burning will improve air quality.
2. A ban will stop illegal burning (because it will be more obvious and easier to catch).
3. Backyard burning obliterates views of Mt. Hood.
4. Backyard burning causes breathing problems and eye irritation even for healthy people.
5. Backyard burning dirties windows and house paint.
6. Backyard burning forces persons with respiratory problems to stay indoors or to leave town.
7. Children cannot play outside and adults cannot enjoy yards during burning.
8. Backyard burning smoke is primarily composed of fine particulate, which is most harmful to health.
9. Backyard burning occurs in areas of maximum exposure to people.
10. Backyard burning is archaic and anachronistic.
11. Woodstove regulations are long range solutions, a ban on backyard burning will help clean up our air now.
12. The costs of alternatives are low compared to other options for reducing air pollution.
13. Those who incur costs should pay them (persons with respiratory problems are now paying for other's burning).
14. It is not right for the majority to harm the health of the minority.
15. Home ownership includes responsibility to pay for maintaining it.
16. Persons capable of gardening are capable of disposing of debris in ways other than burning.
17. The noise of chippers is transitory compared to smoke, which hangs on.
18. Further alternatives will not be developed until a ban is in place.
19. People burn garbage in addition to yard debris now.
20. Composting is good for soil.

Those Opposing a Ban

1. A ban will increase air pollution from vehicles transporting debris to disposal sites.
2. A ban will increase illegal dumping, burning of debris in fireplaces, fire hazards, rodent infestation.

3. A ban will spread plant disease.
4. A ban will cause property values to go down because people will not tend their yards.
5. Enforcement of a ban will be impossible.
6. Woodstoves, vehicles, slash burning, road dust, industry, airplanes are all bigger sources of pollution; DEQ should concentrate efforts on those sources.
7. Pollution from backyard burning smoke is a temporary inconvenience.
8. It is not fair that agricultural burning would still be allowed.
9. Estimates for alternative costs are too low.
10. Chippers are noisy, expensive, dangerous, polluting and ineffective for large debris.
11. Landfills are too full to take more debris.
12. It is too difficult to haul debris to a disposal site.
13. People have a right to burn debris.
14. EQC does not have authorization to adopt rules.
15. DEQ cannot be trusted to tell the truth.
16. The current burning system causes the pollution problems from backyard burning.
17. A permit fee is unfair and too expensive.

Many individuals opposing a ban believe that changing the current system will improve air quality, while still allowing burning. Following are their suggestions, in brief:

- Allow burning year-round on days with appropriate conditions.
- Allow burning during dry months only.
- Allow burning on alternate days, in different parts of town.
- Allow burning on only 2 or 3 days a year.
- DEQ should make burn days more specific to the Portland area's various microclimates. (Sometimes burning is appropriate in East Multnomah County when it is not in Washington County, for example.)
- See Hannelore Mitchell and Owen Cramer's letters (numbers 137 and 176) for detailed suggestions.

Others had suggestions for improving the alternatives; including:

- Promote composting.
- Increase education on the alternatives.
- Set up community recycling centers.
- Encourage civic groups to help those who cannot haul debris.

Late Letters

Of the 30 letters received past the deadline for written testimony, 53 percent generally supported a ban on burning, 47 percent generally opposed a ban.

The following organizations submitted testimony in support of a ban:

- Southeast Uplift Advisory Board
- Better Breathers of Providence Hospital

No organization submitted testimony opposing a ban, although one letter from Milwaukie was cosigned by 11 residents.

The cities of Lake Oswego and Tualatin submitted resolutions protesting the proposed ban. Clackamas County Rural Fire District #54 asked that its district not be included in the proposed ban boundaries.

A physician, Richard Wernick, M.D., submitted testimony supporting the proposed ban.

Most of the late letters made points similar to those already listed. Following is a listing of new points:

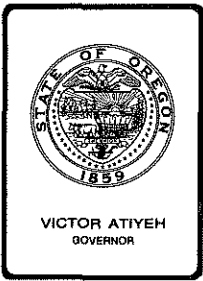
Those Favoring a Ban

1. The odor of backyard burning is unpleasant.
2. The cost of medical care for those suffering from backyard burning affects are greater than the costs of alternatives.
3. Other communities have successfully banned burning.

Those Opposing a Ban

1. A ban would impose a substantial financial burden on local governments.
2. DEQ staff has not proved the need for a ban on burning.
3. A ban would deny residents equal treatment under the law, because people could continue to use woodstoves.

Margaret McCue:d
229-6488
April 18, 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 DATE: April 16, 1984

FROM: Linda K. Zucker, ^{LKZ}Hearings Officer

SUBJECT: Public Testimony on Proposed Amendments to Open Burning Rules,
OAR 340-23-005 through 340-23-115.

BACKGROUND

On January 6, 1984, the Environmental Quality Commission authorized public hearings to gather information on a proposed rule to prohibit "backyard" burning of yard debris in the Portland area. Hearings were conducted in Portland on February 15 and 28, 1984, in Gresham on February 16, 1984, in Beaverton on February 21, 1984, and in Oregon City on February 22, 1984. Some 195 people testified. A summary of the oral testimony follows. Written testimony has been photocopied and provided to the Commission. An analysis of the written testimony is included as an attachment to this memorandum.

SUMMARY OF TESTIMONY

PORTLAND
February 15, 1984

Thomas Ruedy believes the proposed ban is an excessive infringement on his freedom of choice. He suggests, instead, that DEQ undertake an education program to inform people of good burning weather, good fuel preparation and other methods of promoting clean burning. He suggests that burning be authorized at least one day a year. He considers the woodstoves used by his neighbors and the proposed Oregon City garbage burner far greater contributors to air pollution than backyard burning. He accepts a limitation on burning, but objects to a total ban. A better alternative is to further restrict industrial pollution.

Herb Gullixon blames high-rise buildings for restricting dispersion of pollution. He notes that backyard burning is only 19th in the list of pollution contributors. Facilities such as those operated by utilities and Tri-Met buses are a greater pollution source than is backyard burning.

Layton Ison is a Southwest Hills resident whose property contains much timber debris. A recent ice storm created two to three truckloads of debris needing disposal. He notes that a ban will require costly enforcement. He is concerned that if a ban is imposed people will engage in illegal dumping. He believes that DEQ's estimate of charges for drop boxes and other debris disposal alternatives are inaccurate. He considers current disposal costs too high to provide a real alternative.

Ann Kloka, an Oregon Health Science Center physiologist, is concerned about the costs burning exacts on health and on the environment. She points out that fine particulates and carcinogens in smoke aggravate lung disease. Smoke inhalation limits the ability to fight infection. The majority of citizens do not burn. Alternatives are available and current costs are a small price to pay for clean air. She urges developing neighborhood associations to assist in taking advantage of alternative disposal means.

Robert Smith, Chairman of the Columbia Group of the Sierra Club, commends the Environmental Quality Commission for its action in considering a backyard burning ban. He points out that the rights of all citizens supersede the rights of those individuals who wish to burn. On burning days, fine particulate has increased more than 25 percent. It is even worse in the immediate vicinity of backyard burning. Alternatives, including recycling facilities, are available. Hardship permits are reasonable if provided on a health or financial basis, but not simply for convenience. The hardship permit should be strictly enforced.

Jeanne Roy lives on a lot which accumulates a large volume of debris. Her reasons for not burning include: smoke is harmful to health; polluted air detracts from the quality of life; and, there is benefit from returning organic material to the soil. Ms. Roy has developed a variety of systems for disposing of her yard debris. These include: using branches and small twigs for kindling, purchasing a 5-horsepower chipper; composting; and using large dry wood for indoor fires. Ms. Roy observes that a number of Portland area neighborhoods have found ways to help residents deal with yard debris, including shared chippers and drop boxes.

Neighborhood cleanup is a desirable method of dealing with individual debris. While Ms. Roy approves of the ban, she urges that the hardship permit fee be \$30 and that it be used only for specific one-time needs.

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F.W. Clark observes that in science there are no absolute certainties. He objects to government telling him what is good for him and, therefore, does not accept the Environmental Quality Commission's infringement on his constitutional rights by regulating burning. While congressmen are elected, regulatory agencies are not, although bureaucracy make most of the rules affecting people's lives. He urges that the ban issue be the subject of a popular vote.

Joe Greulich, Battalion Chief of the Tualatin Rural Fire Protection District, advises that the District does not have the resources to administer burning regulations promulgated by the EQC. He would like the agency to eliminate the permit program. The fire districts do not have the resources to enforce regulations imposed by the agency. DEQ should not impose regulations with the expectation that fire districts will enforce air pollution law. DEQ should provide enhanced enforcement, preferably 7 days a week, accepting responsibility for implementation of agency programs. The proposed regulation appears to allow agricultural burning within the ban area. He believes there is currently considerable abuse of the agricultural permit, and this abuse will be exaggerated under a ban. The districts cannot respond to illegal burning unless it endangers property.

Ed Kost has achieved an age of seventy, having survived pollution from the Tillamook Burn, Mount St. Helens eruption, the dust storms of the thirties and slash burning. He opposes the ban as an unwarranted and unnecessary intrusion on his rights. The ban will be a particular hardship on the elderly and retired persons on fixed incomes. Mr. Kost believes that clean air harassment is getting out of hand. Backyard burning pollution is insignificant compared to the hardship a ban would create. The cost of alternate disposal methods remains too high.

Whitcomb Crichton protests the hardship that the ban will impose on the older generation. By city ordinance, he is required to control the blackberries which grow on his property. He would like to burn the blackberries. He believes that smoke problems are caused by DEQ's management of the burning program. Under DEQ's seasonal restrictions, people are invariably allowed to burn only on wet days. If people were allowed to burn on summer days on the basis of their own good judgment, they would burn when the material was dry and modest smoke effects would occur. He estimates that a burn ban will generate 40,000 trips to dump sites, with car emissions causing more pollution than backyard burning smoke.

Darrel Wilson believes that the costs estimated by DEQ are misleading. One-yard drop boxes, a typical size for many households, are not available. A 20-yard box costs between \$89 and \$110. There are no good disposal sites. The elderly cannot handle chippers, which are dangerous. It costs \$35 an hour to hire a chipper. Moreover, a better burning schedule would lead to the desired improvement in air quality.

Earl Trautman has never burned. He bought his chipper for \$300 from an 80-year-old who had previously used it. Although he is concerned about cost, he's also concerned about people's rights. There are many limitations on householders, such as those related to animals, noise, and sewage disposal, which are necessary to make modern community living possible. Backyard burning is a gross contributor to air pollution. Mr. Trautman accepts the DEQ Vehicle and Inspection Maintenance Program. Although he had a hard time getting his car to pass, his neighbors should accept restrictions on smoking backyard bonfires. Normally, air quality does not bother him, yet on the first day of the burn season, he is unable to find clean air.

Aileen McNett considers burning the most convenient alternative. She suggests that if you burn correctly and carefully, smoke will be minimized. She would have people who object to outdoor burning of backyard debris buy air filters and stay inside on burning days. She considers the pollution from backyard burning to be an insignificant contribution to deterioration of air quality. Moreover, she questions the validity of the pollution statistics provided by DEQ, noting that smoke from burning is chemically similar to pollution from other sources and probably indistinguishable for testing purposes.

Mary Neely favors the proposed ban, recognizing that we cannot continue to pollute despite the convenience of outdoor burning of yard debris. Her family suffers from respiratory disease. They are forced to stay indoors on burning days. Clean air is a health necessity. Mrs. Neely notes that local government will not find alternatives until they are forced to do so. The ban will encourage local government to develop alternatives.

In her local Lake Oswego community, solutions were developed, but the resolutions have not been implemented because the EQC previously rescinded a proposed ban. Mrs. Neely uses a chipper, which she shares with a neighbor who is a senior citizen. They also recycle all debris from a 1-2/3 acre home site.

Ralph Macy is a 70-year old professor emeritus from Portland State University. He is a long-time resident and environmentalist. He believes the ban is wrong because of the hardship it will impose. Mr. Macy has a large yard and cannot move his accumulated debris. The debris is likely to become a vector control problem.

Anne Porter is the President of the League of Women Voters. The League believes all segments of society (government, industry, agriculture and individual citizens) must share responsibility for improved air pollution abatement practices. Alternatives to backyard burning are expanding and will expand more rapidly when a ban is in place. Curbside collection will evolve as it has elsewhere. The League urges June 1, 1984 as the effective date for enactment of a ban, and asks for strict enforcement beyond that date.

Mel Pittmon, of the City of Portland Fire Bureau, advised that the Bureau takes a neutral position on the ban. While it has no objection, it does have reservations: the Fire Bureau will not be able to enforce the ban on behalf of DEQ unless a fire hazard is involved. Mr. Pittmon states a substantial number of illegal burning complaints are brought to the attention of the Bureau.

Robert Miller is 71 years old. He believes that the incidents of cancer and emphysema were low during the first decade of this century. Citizens must put up with things they do not like, such as dogs and radios. They must tolerate the inconvenience of allowing burning until geneticists develop plants which grow in such a way that they do not produce debris. Landfills are an impractical alternative. Allowing year-round burning will provide the greatest flexibility. Burning is the least expensive of the possible alternatives. He suggests that year-round burning be allowed on days in which smoke intrusion will be least likely. He urges the Environmental Quality Commission to be practical in making its decision.

Vern Lentz observed that 20 years ago, wigwam burners were prohibited because of air quality problems. Yard debris is no different from lumber mill debris. While yard debris itself is not a major pollution contributor, it, combined with other uncontrolled sources, creates a real pollution problem. He notes that fire districts reject responsibility for enforcement of a ban and asks who will be responsible for enforcement. He questions why he should have to remain indoors so that others may burn. Mr. Lentz has purchased a chipper. He does not consider yard debris to be garbage, rather, it is a valuable resource. The responsibility for controlling pollution belongs to the community at large and citizen responsibility must be exercised.

Charles Hindman has taken an informal neighborhood survey of his heavily-wooded Dunthorpe neighborhood. His 35 neighbors are all in favor of burning, finding burning the only practical disposal method. He recently toted a considerable amount of debris to a farm where it was added to the farmer's burn pile. He opposes a burning fee as an additional unjustified burden. He considers current air quality tolerable.

C.W. Posey, 75 years old, bought his property as a fir forest in 1945. He built his house in 1949 and cleared 43 fir trees. Since that time, his neighborhood has grown. He now pays a highly-increased annual property tax. Because he has lots of shrubbery, he must do heavy pruning every three years. He recently paid \$1,000 to have all his trees trimmed. He finds that there is very little smoke if he burns on a dry day. The elderly should retain their homes as long as possible, but it is hard for them to maintain their properties if they cannot dispose of backyard debris by burning.

Phil Lassen notes that ice storm debris creates a hardship. He believes he can burn his debris successfully without polluting if DEQ would watch inversions and allow burning on better burn days. Landfills will fill if they must accept backyard debris.

Eugene Cusick has a sharply sloped property. He cannot get a drop box to his property without blocking traffic, nor can he bring the debris to curbside, or utilize a chipper to dispose of the debris. He favors the continuation of the present burning system. There are so few days when burning can be successfully undertaken that he burns as soon as he can, regardless of wind direction and weather. Although he opposes the ban, he agrees that air pollution from cars is a problem.

Cecil Loose belongs to the Oregon Camellia Society and Master Gardeners. He presented a petition containing 45 signatures of members wanting continued yard burning. It is important to keep the community clean. Clipping will proliferate morning glories and other undesirable plant growth. Burning controls diseases and insects. Accumulated debris is unsightly and unhealthy. He prefers maintaining the current burning program. He believes that total suspended particulate resulting from burning is negligible. He objects to imposition of a fee in order to burn.

Ivan Vesely is an attorney, a Clinical Assistant Professor of Public Health and Preventative Medicine, and consultant at the Oregon Health Sciences Center. He believes the proposed regulation is reasonable. It is not unnecessarily restrictive. The danger of air pollution is real. He cited the DEQ staff report as establishing the availability of burning alternatives.

George Ward, a consulting civil engineer, is a homeowner who loves fires and builds a lot of them. He notes that wood is an energy source. When it is economically feasible, yard debris can be utilized for energy. Before this comes about, we will need to end backyard burning. Mr. Ward proposes that DEQ, the Oregon Seed Council and the Oregon Department of Energy make an effort to turn waste materials into usable alternate energy sources. Landfills contaminate the air with methane.

Bill Cook is a Southwest Portland resident who composts and hauls away his yard debris. He notes that he, too, has a right to enjoy his home without infringement by backyard burning smoke. Other activities are regulated although the regulation infringes on the rights of others. The inconvenience of regulation can be addressed by hardship permits. The hardship permits are appropriate, but should be limited. The fee should be sufficient to deter abuse. The permits should be limited to one, two or three burns per season. The ban should be put into effect as soon as possible.

Gaylen Kiltow is a member of the Portland Association of Sanitary Service Operators. He sees the real issue as availability of alternatives. The alternatives need to be organized to avoid duplicated efforts and assure sorting to produce clean debris. We cannot get something for nothing and, in this case, the issue is lungs versus pocketbooks. We need viable disposal methods. A lot of tax dollars have gone to support studies, but no viable plan or efficient disposal solution has been designed or implemented.

Roy Fox is a retired civil engineer. He lives on a steep lot and finds it impossible to haul away his debris. There is a lot of organic material, some his and some owned by the city by virtue of a right-of-way, which he must maintain or he will be cited. Burning is the only practical solution for him. He suggests that burning be allowed on a year-round basis so that debris can be burned when it is most dry. He opposes the hardship permit because he believes it will be too restrictive. He considers the disposal costs cited by DEQ to be inaccurate. He objects to duplication of government effort to find a solution to waste disposal.

Louise Weidlich represents the Neighborhood Protective Association. The organization supports private property rights. She believes the ban will be unconstitutional as violating basic property rights and the constitutional restriction against unequal laws. She opposes legislative delegation of authority to Metro. She believes the DEQ has requested that it be exempt from certain Clean Air Act requirements. She supports state rights and backyard burning. She believes that field pollution will drive men to world government. She believes this issue should be handled on a local level.

Pearl T. Miller has been a Portland resident for 50 years. She considers the noise from chippers to be a form of pollution. She urges the EQC to act soberly and carefully, and consider allowing continuation of burning. Sanitation is a real problem. The \$30 hardship permit fee will only benefit bureaucrats. She is aware that smoke is a potential pollution hazard, but believes that if burning is banned, other problems will arise from accumulation of yard debris.

Genevieve Johnson is 80 years old. She supports burning and considers the \$20 or \$30 hardship permit fee to be ridiculous. There are too many fees already. She provided a petition from her Linnton neighbors. She is not bothered by neighbors' smoke.

Carol Blanc finds smoke intrusive to people in houses, people outside working, people engaged in recreational activities, and people afflicted by health problems. The estimate of 1 percent particulate improvement does not measure the damage to children's lungs from fire. Availability of hauling and chipping will be better and cheaper after the ban is imposed. She asks that special consideration be provided to the elderly. She supports the ban and insists on her right to clean air.

Barbara Beasley favors the ban. The issue is a health and medical issue. The air is a community health problem, not an individual problem.

GRESHAM
February 16, 1984

James Rounsefell was concerned that a backyard burning ban would encourage people to dispose of their yard debris in unauthorized places. He objected to the Department's current burning management program, complaining that burning is currently only authorized on wet days when burning is impractical. He stated that chippers are both costly and noisy and, therefore not a reasonable alternative. He believes government programs are developed as attorney employment programs rather than for the benefit of the citizens. Mr. Rounsefell believes that the fire departments get all their bulletins from Salem and are misinformed about atmospheric conditions when decisions about allowing burning are made. He believes that the sole purpose of the hearing being conducted was to antagonize the residents of the area.

George Kitzmiller believes that organizations such as DEQ and the Metropolitan Service District have undermined the quality of life in this country. He observes that people are allergic to a number of things and objects to selecting smoke for regulation. The problem he sees is that the DEQ does not know how to conduct an effective burning program. He proposes that burning be allowed on alternate days, using an odd-even residence address system to prevent excessive burning on any single day.

Arthur E. Glass is tired of being hassled by DEQ and EPA. He believes that burning bans imposed in other cities have been ineffective. He questions the statistics used by the DEQ in its literature, and points out that DEQ had previously announced that 400 tons of debris was burned annually, while current statistics indicate that only 300 tons are burned each year. Mr. Glass believes that DEQ's truthfulness is suspect. The costs of disposal estimated by the agency are too low.

A.C. Unger's neighbors heat with wood. He does not object to the smoke they produce by wood heating, but does object to being singled out by being prevented from burning outdoors, at most, twice a year. His property produces about 6-1/2 cubic yards of debris each year and he does not want to have to haul it to a recycling center.

Ivan Buck lives in a sparsely-populated community. He does not believe that his community should have the same restrictions on burning as a more populous area. He points out that retired people, especially women, cannot afford to pay for disposal.

Louis H. Bowerman disputes the availability of debris disposal alternatives. He believes that disposal sites are currently filled. He would allow burning on days which provide good ventilation. He considers the ban itself to be a hardship. He proposes use of tax credits to promote burning alternatives.

Floyd E. Kallberg believes that permit fees will require people to leave yard debris in place, thereby encouraging rodent infestation.

Albert Leckron points out that hauling to landfills will increase auto pollution. He maintains that DEQ has offered no practical solution to the ban. He considers DEQ's statistics on pollution suspect. He is concerned about the potential problems resulting from the inability to burn diseased foliage.

Rudy Zvarich believes that our landfills are already full and cannot accommodate the debris produced by rapidly growing Northwest plants. Excess mulch can be harmful to gardens. He proposes that burning be permitted year-round on days offering good ventilation. He disputes whether DEQ decisions to allow burning under the present system are made on the basis of adequate data. He proposed that DEQ end its involvement in selecting burning days and leave the decision to the National Weather Service. He contends that smoke is not harmful; rather it is invisible pollutants that cause environmental harm.

Esther Anslow tries to burn 2 to 3 times a year. Much of the debris on her property is not readily accessible for removal.

Donald C. Birch and his neighbors live on 1 to 6 acre properties. He suggests that we adopt a burning system by dividing the phone directory into groups for burning eligibility to control the number of people burning on a single day thereby controlling the amount of smoke produced. He believes a ban will lead to illegal creek dumping.

Verl V. Shaul observed that Portland was a better place to live before the advent of pot smokers and the DEQ. Fifteen of his 50 acres are planted to trees which he intends to fell rather than contend with cleanup of their debris.

Carolyn Clark is concerned that if people cannot burn, they will have to use pesticides, which are a worse environmental danger. She proposes that the agency adopt a variety of solutions to the problem of yard debris and include burning as one of them. She suggests DEQ improve its selection of burn days, and contact cities which have implemented good solutions to backyard debris disposal. She also suggested that local government provide trucks to accept yard debris for disposal at no charge.

Mel Gordon believes ban is a socialistic move unconnected to pollution control. He believes that resistance to the ban is greater among senior citizens than among the young because younger people are more self-centered and more readily manipulated by government. He urged the audience to arm themselves in anticipation of resistance.

Milton E. Minor has an acre of property which he has planted to fruit and nut trees. Because Mr. Minor is retired, he has enough time to cut his yard debris into small pieces and feed it, a piece at a time, into his barbeque pit. He recognizes that that is not a good solution necessarily available to everyone, and opposes the ban.

Donald Lentz believes that backyard burning does not significantly contribute to pollution. Woodstoves are the real culprit.

Carl S. Wiesinger is tired of tilting with bureaucratic windmills. He challenged agency air quality staff to find haulers who would remove debris at the costs estimated by DEQ. He acknowledges that the smoke from his outdoor fires suffocate his neighborhood, but is unwilling to pay \$100 to haul debris away. He rejects chipping as a solution because of noise problems. He believes that composting will lead to rat infestation.

Bob Miller asks of the Department to implement a year-round burning season to take advantage of good burning days. A ban should not be implemented until there is assurance that alternatives are available. He suggests that covering the debris will help to assure cleaner burning. He warned about the possibility of rodent infestation.

Richard Elliott believes the cost of burning alternatives are too high. He does not own a chipper and does not own a trailer for hauling. The landfills are full and the landfill cost is too high. Chipper rental costs are too high. An additional problem is that rodents are attracted by the debris.

Harold Beldin expects burning in unregulated areas on the perimeter of the ban area to lead to smoke intrusions into the ban area. He has found that it is impossible to get good combustion on rainy days. He objects to the high cost of drop boxes.

Sharon Kromer does not believe that the statutorily required reasonable alternatives are available. She objects to a bureaucratic agency regulating her behavior.

Jim A. Odell believes that the people have lost their freedom to "initials" like the DEQ and EQC. His neighbors burn in a pit and throw garbage in it. He has a 3 and 8/10 acre property and must burn because he cannot cover the burn pile and wait a sufficiently long length of time for the debris to dry. Mr. Odell wants to retain the freedom to burn.

L.C. Schwanz believes that debris harbors rodents and that smoke is a less serious health problem than would otherwise occur. He points out that rain acts as a scrubber for pollutants. A year-round burning season would provide more good burn days. He urges that people be permitted to burn whenever they want, provided they burn efficiently and safely.

Glen Oakes' concern is freedom. He was concerned whether the anti-ban message expressed at the meeting would carry beyond the meeting, and the views expressed be put into effect. He believes that government tends to wear you out with meetings.

Floyd E. Olson believes that people are over regulated. He believes that someone is always dictating to citizens. He objects to building controls on land he owns. He points out that diseased trees cannot be mulched.

He urged people to arm themselves. He suggests a year-round open burning season to take advantage of good burning days. He points out that blackberry vines cannot be shredded. He objects, too, to the Vehicle Inspection Program and believes that Tri-Met causes more pollution than all wood burning.

Louise Weidlich represents Neighborhood Protective Association which believes that the burning ban is unconstitutional in that it violates basic property rights and particularly the constitutional prohibition against unequal treatment under the laws. According to Mrs. Weidlich, imposition of a ban selectively on limited geographic areas infringes on this constitutional protection. She opposes any laws regulating debris disposal. She urges that states' rights be given precedence over federal pollution regulations. She believes that backyard burning is an insignificant pollution source compared to cars, woodstoves and road dust.

She urges repeal of the Clean Air Act. She believes that subjugation is the purpose of government regulation and that the interest of the agency is not in elimination of pollution.

Tom Buley believes that we get pollution from the State of Washington and from cars driven by Washington residents. He believes that fairness is the real issue. Smoke is not that harmful. Cavemen tolerated smoke in caves, and if it was so harmful, the world population would never have grown. To support his view of the healthfulness of smoke, he points to the steadily increasing human lifespan. He believes that retirees should not be blamed for the bad state of the world and objects to a ban on woodstove use, even though it is mostly the young who use woodstoves. He suspects that agency staff are probably all apartment-dwellers and do not appreciate the problems of East County. Mr. Buley suggests that less costly disposal methods be found and provided. Alternately, he would add collection costs to the income tax base so that apartment dwellers would help pay for disposal.

Bob Luce believes that DEQ has proposed the ban because it cannot tax burning. Mr. Luce has been clearing Lynchwood Park and taking the debris to Vance Park as a good citizenship effort. He believes that, instead of landfilling, we should learn to tolerate some smoke. Alternately, he suggests putting DEQ employees to work disposing of debris by operating chippers and collecting debris. He is tired of bureaucracy dictating what citizens must do. Instead, citizens should rise and decide things without bureaucracy.

Roger Kromer believes that DEQ is a necessary government agency and that it is important to have a regulatory agency which can see the big picture. However, he believes the agency is misguided in banning burning instead of figuring out when burning can be done safely. The agency should examine its priorities. Backyard burning is too insignificant a pollution source to warrant a ban. The agency should provide better disposal sites before imposing a ban.

BEAVERTON
February 21, 1984

William Basaraba has no means of disposing of his yard debris if a backyard burning ban is imposed.

George Sorenson has no means of disposing of his yard debris if a backyard burning ban is imposed.

Al White has lived in Durham since 1966. He has many fir trees and deciduous trees on his property. His wife is asthmatic but backyard burning smoke has never bothered her. Although Mr. White composts leaves and grinds debris, he typically has five cubic yards of limbs to dispose of. The ban would be the equivalent of a \$100 tax but would not be deductible. The City of Durham has a tree cutting ordinance which he has supported, but he did not anticipate that there would be a ban on burning. He notes that according to DEQ statistics there have only been 13 days in six years when air quality standards were exceeded. He does not believe that a ban is warranted. Further, he believes that a \$30 permit fee is unfair. He urges retention of the present regulation on backyard burning.

Roy Marshall acknowledges the difficult task before the Environmental Quality Commission. He has, in the past, supported various measures taken by the Commission, including automotive emission controls and the regulation of backyard burning, assuming these regulations were necessary. However, he believes that the proposed total ban on backyard burning appears to be an inappropriately drastic measure. He is disappointed with the procedures under which the Commission has undertaken this ban proposal in that it appears that the Commission's objectivity in the current hearings process is tainted by its preliminary decision to impose a ban subject to reevaluation after hearings. Mr. Marshall points to the January 6 staff report submitted to the EQC by the DEQ as showing backyard burning to be an insignificant contributor to violations of air quality standards on particulates. He does not believe that the impact of backyard burning can be clearly separated from the impacts of other sources of particulate. He believes that his own physical limitations and the volume of his material would qualify him for a hardship permit. On the basis of conversations with an air quality engineer and a deputy fire marshall he believes that the ban would create new problems while failing to solve the ones it was attempting to correct. Mr. Marshall proposed some constructive means to reduce the impact of backyard burning:

1. Allow year-round burning season. Burn debris in smaller quantities on a number of good ventilation days.
2. Encourage drying of debris before burning to reduce smoke.
3. Divide the area into regions to reduce daily particulate totals.

4. Encourage numerous small burning piles rather than a single large pile.
5. Get positive. Encourage DEQ experts to come up with creative ways to reduce particulate concentrations without interfering with citizens' right to burn yard cuttings and debris.

Finally, he is concerned with the rising costs of government and asks that any permit issuance and compliance checks be made through existing agencies not with new or augmented DEQ staff. "Let DEQ write the rules but stay out of our backyards." The fire prevention agencies can perform enforcement as part of their regular prevention and patrol duties.

Rus Fredsall is an amateur bonsai raiser. He believes the ban penalizes property owners for doing a necessary job. A ban would create a monumental noncompostable debris problem. His own yard produces a ton of debris annually. He cannot afford alternatives or penalties when violation becomes a necessity. He believes that wet debris burning leads to smoke. Smoke is the only difference between the chemical product of decay and burning. Mr. Fredsall believes that DEQ's current regulatory program is part of the present problem. Invariably DEQ allows burning on wet days. DEQ should not function as Big Brother in 1984.

Herb Elsner is 82 years old. He raises a large garden and has fruit trees that are pruned and sprayed. He and his wife can all the fruit they need for their own use and give the surplus to Tigard Loaves and Fishes. If he cannot burn the prunings from his shrubs and fruit trees he will have to cut them down. He has no truck to haul the debris and it would be too costly to rent one. He lives on a fixed income, Social Security payments, and interest on his savings account. He suggests DEQ create a special exemption by making senior citizens eligible for agricultural burning.

Jim Carlson lives near Hillsboro. He recognizes that burning creates smoke but sees its advantages as being cheap, avoiding collection costs, and providing pest control. He has analyzed alternatives to burning and finds them all flawed. He already composts and chips but you cannot chip large branches. If local government purchases the chippers, higher taxes will be required. Bundling is impractical. Enforcement would be difficult and create a bad image for the fire department. Moreover, the law is essentially unenforceable.

John Cooper has spent seven years studying pollution. He believes the level of impact on air pollution from backyard burning is substantial, and may be as high as for woodstoves. Total suspended particulate includes dirt and large particles which do not reach the lungs. Burning produces fine particulate which does reach the respiratory tract and remains harmful. The chemical composition of smoke from backyard burning is similar to that of tobacco. It is a potent form of pollution containing carbon and harmful particulates and gases. The health impact of backyard burning is greater than what is obvious. Materials which are burned often

include hazardous waste material which can be particularly harmful to the aged and to children who are likely to breathe it. He addresses the freedom to breathe, which he believes has priority over the freedom to burn. Mr. Cooper believes that alternative solutions are available.

Jeanne Roy a southwest Portland resident has followed the backyard burning issue over the last few years. In 1972 the main issue raised was the problem of landfills. This time, cost seems to be the major issue. She supports the rule individually and as a member of the League of Women Voters which has long supported a ban on backyard burning. She does not find the alternate disposal methods burdensome. She wants the organic material that her yard debris produces. She has developed a variety of means, including the purchase of a chipper, to dispose of her yard debris in a constructive manner. She points out that the costs to health, especially of young children, outweighs the costs of alternate disposal means. People want year-round burning the way it used to be but you cannot return to the old way because it did not work. All city dwellers accept restrictions in order to engage in communal living. The proposed restriction is necessary because what we do to the air affects everyone. DEQ conducts air quality monitoring in nonresidential areas. If the monitoring were in residential areas where the burning was taking place, the smoke measurements would probably be even higher than they presently are. We are the last metropolitan area of our size in the United States to allow backyard burning.

Irwin House supports the testimony provided by Mr. Marshall above.

Richard Cowger believes the ban encroaches on his freedom. First the DEQ regulated vehicle emissions. Now it is attempting to regulate backyard burning. Mr. Cowger believes that woodstoves will be the next object of DEQ regulation.

Dockum Shaw, a Hillsboro resident, favors the ban. Hillsboro, Cornelius, and Forest Grove should be included within the ban boundaries. This would reflect their inclusion in the Metropolitan Service District. These areas have a population density of 2,600 people per square mile, while the City of Beaverton has a population density of 2,900. Gresham has less population density. One burning alternative is the Aloha disposal site.

Hillsboro can deal with the ban. The city already has a sweeper available to pick up leaves. He suggests that pick up times be published in the local newspaper, Argus, to inform residents of disposal alternatives.

George Ruhberg notes that the best things in life--air and water--were free. We are losing this freedom to pollution due to individual selfishness. Garden Home is an area of large lots. When his neighbors burn they add garbage and refuse to the burning debris pile. He will not squeal on his neighbors but he reminds us that we must take care of our air.

Gerald Warnock is a radiologist who takes 3,000 x-rays each year. None of his patients ascribe their lung problems to backyard burning. According to Dr. Warnock, burning is the only real option. Chippers are too noisy and are dangerous. He believes that the hardship permit fee is unreasonable. The problem is the DEQ's program management, not yard debris.

Doug Brown favors the ban and wants to include the Hillsboro city limits in the burn area. He is a runner. He notices that the typical open burns are wet and smoky. He thinks alternatives are currently available but will not be viable until a ban is imposed. Although alternatives will entail some expense, people have already accepted that expense in terms of other garbage, and it seems a small price to pay for health.

George Burton suggests that burning be allowed later in the day and that the burning season be extended. While the ban would be supportable for people living on small lots, he does not believe that people should have to pay a permit fee for disposal of natural waste. The greatest contributor to total suspended particulates is diesel engines. Only after vehicle pollution hazards are eliminated should a backyard burning ban be considered.

Harry Vincent is 70 years old and has a two acre lot in Metzger on which he has an orchard including native trees. Mr. Vincent has emphysema but smoke does not bother him. Instead of a ban, EQC staff should do a better job of selecting burn days and should control bus emissions. He has always burned and cannot see what a backyard burning ban would accomplish when indoor wood burning is permitted and garbage can be burned indoors. Runners are too sensitive about clean air.

Pat Smith has property in Multnomah on which she composts and mulches but still needs to be able to burn fir debris. She points out that many people burn garbage and green wood in fireplaces. That kind of burning is a better candidate for prohibition.

Mike Misovetz opposes the ban on an economic basis. It is not feasible for senior citizens. Alternate disposal means are physically impractical. Composting often takes three to five years. Chippers are expensive. Transportation costs of debris disposal are high. He cites DEQ's statistics as showing that backyard burning makes a negligible contribution to pollution. In Eugene from 1969 to 1979 the City paid for debris disposal while since 1979 individuals are required to pay for it. He believes that alternate disposal costs cited by DEQ are inaccurate.

Gary Blackburn supports year-round burning on favorable days. He believes that it's a waste of gasoline (a finite resource) to haul away yard debris (a renewable resource). He suggests undertaking a campaign to educate the public on clean burning methods. Mr. Blackburn's grandparents were surrounded by wood smoke but have lived to be over 86 years old.

Owen Cramer is a career weather forecaster and fire researcher who has studied fire behavior, smoke behavior and smoke management. He doubts whether a prohibition on backyard burning will reduce standard violations for total suspended particulate because these violations typically occur when there is no wind and when air is thermally stratified, precisely when no burning is allowed. He suggests that a compromise be undertaken:

1. Correct burning practices to require hot flaming fires burning dry woody material.
2. Allow burning only when there is enough energy to lift smoke well above the land surface.
3. Smudgy, nonflaming fires should be avoided.
4. Define a nonflaming smudgy fire as a nuisance punishable by fine.
5. Outlaw burning of other than wood material. Exclude grass clippings, weeds, and leaves.
6. Increase enforcement.
7. Prohibit burn sites within 100 feet of the closest neighbor.
8. Require permits at a reasonable cost to finance enforcement, e.g. \$5.00 for a permit for five burn days.
9. Use the permit as an education tool.

Mr. Cramer's other suggestions are to provide by rule:

1. Burning prohibition on the first day following a stagnant air or polluted air condition.
2. Require adequate wind--vertical mixing alone is not a sufficient basis for allowing burning. The ventilation index requirement should be revised accordingly.
3. The burn day determination should not be issued until the actual early morning particulate in the air is determined. This may require a delay in the burning announcement.

Mr. Cramer urges a vigorous program to promote recycling of yard debris.

Mrs. Bruce Brooks says that if backyard burning is banned there should also be a ban on woodstoves. She suggests that a better effort be made to utilize good ventilation days for burning.

Bruce Brooks suggests basing burning authorization on more localized weather conditions. He believes that a ban would just create more government jobs. He believes transporting debris would create more harm than burning. If you have a good, hot fire there will be less fine particulate produced. The number of burn days should be increased.

John Wollam is a 70 year resident of Cooper Mountain. He is a gardener who burns. He has been a Camel smoker for over 40 years. His wife has health problems but she does not mind backyard burning smoke. According to Mr. Wollam a ban does not make sense and he will use his barbecue for yard debris disposal if necessary.

Larry Schmidt of Cedar Mill has an acre of wooded property. He is a building contractor who is prohibited from burning construction debris. He believes that DEQ has provided faulty statistics in its reports on backyard burning. He believes that the ban is a disguised fee or tax. He has had enough of government and enough of government fees. According to Mr. Schmidt burning is a God-given disposal method. However, if a ban is imposed it should be imposed uniformly throughout the United States.

Judy Fessler believes that DEQ's goal of improving air quality is a good one. However, a ban on backyard burning would require a disproportionately heavy use of agency resources compared to the smoke problem. She is concerned lest the ban deter pruning, creating visual blight. The cost of disposal is too high. Alternatives are not reasonably available to everyone. Rodent control will be a problem. Overgrown shrubs will lead to loss of visual surveillance for crime prevention.

J. E. McKinley lives on a two-acre site in Garden Home which produces a great deal of brush. A vegetable gardener, Mr. McKinley cannot afford to maintain his garden if he has to pay for debris disposal. Mr. McKinley has lived with wood and coal smoke all his life and does not believe it is harmful.

Joe Graziano is a retired respiratory therapist. His father is asthmatic and he is a runner. He believes burning is a health hazard; that it hampers recreational use of the environment; and that it infringes on his right to breathe clean air.

Jeane Percy opposes the ban and provided written testimony from the Mayor of the City of Durham objecting to this agency's burning policy and program. At their January 18, 1984 meeting, by unanimous vote the Durham City Council rejected any support of the ban, finding that the scope and conditions of the ban are not in the best interest of the citizens of Durham. The Council believes that the following issues have not been adequately addressed:

1. The actual need for a ban;

2. Guarantee that a ban will lead to meeting federal standards;
3. Accuracy of scientific and cost data;
4. Why citizens should be forced to subsidize "the small businesses who will benefit from extra business generated for services to dispose of yard debris."

The letter also states that the following impacts on citizens have not been adequately answered:

1. Who will pay the difference if the disposal cost is higher than estimated?
2. Senior citizens on fixed incomes cannot afford the actual costs.
3. Elderly citizens are not able to haul their own debris.
4. Low income citizens will not be able to afford the actual cost.

In conclusion the Council requests that a review of the data and narrative submitted to support the ban be made to determine if it is unbiased and accurate.

Leonard Costa is a property owner who believes he is already overtaxed. DEQ is adding to the burden. He points out that green foliage purifies the air and pruning keeps plants healthy. Smoke will not hurt anyone. Atmosphere knows no boundaries, but DEQ regulates automobiles and burning only in a limited area. He believes that the purpose of the ban is to justify jobs of DEQ employees.

Eve Heidtman supports the ban for health reasons. She believes the issue is simple consideration. We cannot dispose of our trash in the public water supply. We should not be permitted to dispose of it in the air supply.

John Bullinger believes that DEQ should concentrate on the pollution generated by vehicles on public highways. He has a large lot with many trees and an extensive laurel hedge. Laurel is difficult to compost. He can afford to pay for a permit but opposes the proposed system because he believes that he should not be required to pay to burn. He also suggests that the proposed boundary is too extensive. The ban should be limited to city limits and Washington County should not be included at all.

Joe Berger is a 50 year resident of Aloha. He has a two-acre property. He believes that DEQ is a necessity if properly managed, but urges that the agency use common sense by allowing burning during dry periods. We need to encourage proper burning practices.

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William Zenger believes that the present smoke problems have been created by DEQ's mismanagement of the burning program. Mr. Zenger believes that whatever part of the airshed is protected by a backyard burning ban will go to other pollution sources. He objected to the hearings process and urged the agency to hold its next meeting in a phone booth on Super Bowl Sunday and then declare public disinterest in the issue. He believes that the backyard burning issue has been confused by publicity. He thought that the legislature had prohibited a ban. He considers the alternatives to burning too expensive. He plans to get rid of his vegetation by paving over his formerly productive land. He believes that debris accumulation will lead to rodent infestation. He is dubious about "self-serving" DEQ statistics. He believes that DEQ should not use its resources to enforce backyard burning but should concentrate on other kinds of "everyday" pollution.

Arthur Yerkes believes the ban will create too great a hardship to justify a one percent particulate reduction. He believes that vector control will be a problem. Many people are forced to prune because of the terms of homeowners covenants. While a ban may clean the air, it will open the northwest to a threat of bubonic plague.

Louise Weidlich states that she represents a citizens' association whose purpose is to protect private property rights. She believes that the ban violates the equal protection clause of the state and federal constitution because it creates three classes of citizens according to burning rights. A ban may lead to unconstitutional area government. She proposes a repeal of the federal Clean Air Act, and urges individuals to take care of their property themselves without the assistance of government.

Larry Cole, a member of the Beaverton City Council and mayoral candidate, appeared individually to express his concern about a ban without adequate alternatives. He sees that a ban would assist economic development by providing a larger allocation of the pollution airshed to industry. He has proposed a citywide mulching program to the Beaverton City Council, but the program is not yet adopted. The City of Beaverton already sponsors a spring cleaning program but still needs a storm debris program. He does not believe that a permit should be required because one should not have to pay to burn. He opposes state-enforced programs on local government because he believes that local government should be in control.

Denis Heidtman points out that two-thirds of homeowners do not burn. He has a treed quarter-acre property. Smoke from neighbors' burning comes onto his property. He points out that we have for many years accepted restraint on river dumping. It is now time to stop polluting the air. He points to the very substantial sums of money already spent by Oregon industry to control pollution, and states that individuals should now be prepared to help too. He recently had a hedge cut on his property which he hauled and dumped for \$15. He encourages mulching, and for people to make a serious effort to solve the problem.

OREGON CITY
February 22, 1984

Robert Potter is a 30-year resident of Oregon City. He has a 15-acre farm. Even under current restrictions, he has difficulty maintaining his property and considers the proposed ban intolerable, although he qualifies for an agricultural burning permit. He proposes that instead of a ban, DEQ extend the burning season to allow burning in dry weather. He does not believe it is appropriate to charge a fee for burning.

Hal Roberts is 73 years old and lives in Jennings Lodge on a 1/2-acre property. He is retired and living on a fixed income. His property taxes have increased dramatically over the years. He does not believe a ban is appropriate in rural and semi-rural areas and believes that the EQC has no idea of the hardship that would be encountered by a backyard burning ban in his area. He has no realistic means of disposing of his yard debris. Until the agency also prohibits all woodburning stoves and fireplace burning, he will continue to burn twice a year in defiance of a ban. Mr. Roberts is a veteran of World War II, having served 27 months in a battle zone in the Navy. He fought a war to preserve principles of freedom and feels that two days a year to burn his debris on his own property is not too much to ask in return for his contribution. He will risk being arrested and hauled into court, but will pay no fine and serve no sentence. He has never previously, willingly or knowingly, broken any laws or rules. He suggested instead of a ban, the agency adopt a regulation allowing burning on alternate days by odd and even numbered houses, so as to reduce the accumulation of particulate on any given day. The present restrictions are counterproductive because the timing is too short and the allowable burning days are usually wet.

Virginia Weber suffers from chronic bronchitis which is aggravated by smoke. She grows wine grapes on an 11-acre property and is able to dispose of the vines by composting and shredding.

Kenneth Kocher disagrees with DEQ's statistical data and believes that people in the rural areas have a lot more than one cubic yard to dispose of. He believes that the permit fee is merely a gimmick to raise revenue.

John Hayward lives on a 1 and 1/2-acre property with many trees. He cannot haul limbs and trimmings and does not intend to pay a hardship permit fee, although he believes he might be eligible for a hardship permit because he has no access to a portion of his property.

John Davidson's house was built before zoning restrictions. It is placed very close to the property edge and lacks easy access to his accumulated debris. His many large trees produce needles and cones which are not compostable. It is impossible for him to reasonably dispose of the debris by any method but burning. In burning, he is considerate of his neighbors and advises them so that they can close their window. His neighbors are similarly considerate of him. Retired and living on a fixed income, Mr. Davidson cannot afford to pay for debris disposal.

Floyd Earls lives on a 500 foot deep lot with many trees. While hauling might be possible, he and his neighbors live on a fixed income and would find this a hardship. It is possible that they could use mulchers; Mr. Earls had no problems before DEQ established a backyard burning schedule. He believes that the current regulations have led to more concentrated burning. He suggests that if the agency would ease off by allowing year-round burning, the present smoke problems would be reduced.

Charles Schram has a 120 fruit tree U-pick orchard on 2 and 1/2 acres. It is situated near an industrial area. After the trees are six years old, they each produce almost a cubic yard of prunings. He must be able to burn to prevent disease. Chippers are too expensive and would wear out too quickly. Year-round burning on good days would allow smoke dispersion. Burning should be allowed during the summer months. The present hardship fee system is ridiculous in that it will not aid health sufferers.

Guy Corliss disagrees with the current burning system which leads to burning of wet material which produces the unnecessary smoke. He lives on a steep hillside property and is unable to haul the debris uphill to dispose of it. He lives on a fixed income and cannot afford to pay to have the debris hauled. He believes that the hardship permit is too costly. There is presently too much government. Taxes keep rising. Over the last 10 years, his property taxes have increased from \$806 to \$2,037. The agency's proposed regulation reminds him of "Big Brother".

Robert Koppelo is a Jennings Lodge resident who has many trees, shrubs, and blackberry vines. Some of the blackberry vines are as much as 40 feet. He does not have the means to haul away his debris. He suggests that an appropriate prohibition would be against the burning of green grass. He reminds us that trees produce oxygen.

Doris Young believes that the DEQ is creating some of the smoke problem by forcing people to try to burn large wet piles of backyard debris which smoke and smoulder. If people could burn year round on good days, they would have smaller, dry, and fast-burning piles which would produce less smoke. This would also eliminate long-standing piles that are havens for rodents. Landfill sites are scarce and should not be used for yard debris. Ms. Young believes that DEQ's published disposal cost figures are low.

Alternate disposal will require consumption of fuel with resulting pollution. Backyard chippers are too costly and inefficient. A ban would be a hardship on poor people, and charging a permit fee will not solve the air pollution problem. Tax subsidies are inappropriate as taxes are already too high. Shrubs improve the air and should not be discouraged by making debris disposal difficult.

Robert Mountain is on the West Linn Recycling Committee. At first, recycling was unpopular, but people accepted their duty and eventually did not find it particularly burdensome. People are composting even when they have other options. He suggests recycling energy from wood rather than wasting it. While people dislike change and like freedom to do as they please, it is clear that one person cannot impose smoke on a neighbor. We do not have the right to blow smoke in our neighbors' faces.

Joseph M. Hoff lives on two acres and has an orchard. While he composts all possible material, he still needs to burn and would like to be able to burn year round.

Dr. Trygve Steen teaches environmental toxicology at Portland State University. According to Dr. Steen, reducing backyard burning reduces emissions of fine particulate. Fine particulate is durable and remains in our lungs for extended periods. The human body can protect itself from large particulates, but small particulate is especially harmful. There is always a tradeoff between economic growth and personal privileges. However, areas with high population density cannot tolerate burning. Backyard burning smoke is taking up airshed space, forcing industry to assume expensive controls.

Eric Zimmer is 69 years old. He used to just burn small piles of debris when he was ready. Now, because of regulations, he cannot. He has fruit trees and his neighbors have firs and they share the benefits. While he composts trimmings, he can't get rid of limbs and branches. He favors less restriction so that people will not be forced to burn wet debris.

Paul Rowson believes that year-round burning will better enable people to take advantage of good burning days. It would result in less intensive burning by spreading it over a longer period of time. He believes the proposed hardship fee is discriminatory. He is concerned about the cost of enforcement of a ban and its administration. He questions whether the hardship fee will increase when state employees are given pay raises.

Edith Hartke is a lifelong Oak Grove resident. She is a low-income person who cares for an invalid sister. Ms. Hartke gardens to produce food. Burning is important to her gardening effort and helps her remain independent. She has tried putting signs on her berry vines, reminding them not to grow, but the vines have not been obedient.

Gail Parker is a nurse who is a member of Fore Laws on Board. She recommends composting as the best way to deal with garden debris. She favors the ban because it requires people to accept personal responsibility for keeping air clean. Oregon City provides free pickup for yard debris. Her compost piles get hot enough to destroy plant diseases.

James Tobin has bronchitis. Nonetheless, he opposes DEQ and is tired of "alphabets" telling him what to do. He believes that smoke is caused by DEQ telling people when and when not to burn. In an airplane in winter, he smells wood smoke. This smoke is coming from woodstoves and fireplaces. In summer, he is not bothered by smoke.

Gary Linton believes the contribution by backyard burning to air pollution is insignificant. He believes that the hardship permit fee is a tax for which people have been deprived of the right to vote. He predicts that the fee will increase. He considers the ban an unnecessary regulation of an already over-regulated populace. He warns that woodstove regulation will be next.

Harold Nunn, Oregon City fire chief, does not like the proposed ban. He has received 53 calls opposing the ban and 9 approving it. He believes that DEQ mismanages the burning program. He believes that we should use local weather readings when selecting burning days instead of relying on information obtained from Salem.

Dr. V.P. Shoemaker is a 40-year area resident. He believes his own situation to be average. Although he composts all he can, he still needs to burn. He disagrees with the statistics provided by DEQ. He does not believe that 10-15 percent of people are sensitive to smoke. He believes that DEQ's management of the burning program has caused problems. Cigarette smoking, rather than backyard burning, is the culprit in the inhalation problems of the people he sees in his medical practice.

Dale Kathrine is a mobile home park operator. His property supports over a 100 sweet gum trees and other trees. He collects leaves and brush and carts them off the property to burn them. He believes that emission problems are pronounced in Portland, but not in the outlying area which is proposed to be subject to the burn. Property maintenance is essential. Allowing year-round burning would diminish, not increase, the air quality problem.

Jeanne Roy favors the ban. The ban was first proposed 14 years ago. Ms. Roy lives on an acre property and has found a variety of ways to dispose of her debris without burning. She chooses not to burn, both to avoid air pollution and because she believes in the value of composting. She composts all small debris, and uses the large debris for fuel. She puts medium-sized debris through a chipper. She has found that it costs her about \$2 a yard to chip debris. That cost is even lower than the cost cited by DEQ.

Ann Pierce regrets that her neighbors are not considerate about their burning practices. Population increases have made old ways of doing things impractical. Other cities have dealt with the yard debris issue and she believes that the Portland area should be able to accomplish a satisfactory solution without burning.

Chris Pierce is 26 years old. At the age of 6, he became interested in the backyard burning issue when he realized that nice days were being spoiled by backyard burning smoke. His wife is asthmatic. His aunt has bronchitis. They, along with others, have the right to enjoy sunny days, good health, and clean air. That right supersedes the right to burn.

Ray Baker has lots of trees on his property. He believes that DEQ is overreacting if only 13 percent of backyard debris is being burned. A ban is too severe a remedy for so small a quantity of debris. He urges the use of education instead of regulation. Burning restrictions may be dangerous in that they could increase fire hazards and lead to rodent infestation. He would prefer to be able to burn year round.

Wes Bohlman sees the burning ban as a "rights" issue. He believes that people should get up in arms to depose DEQ, which has acted in opposition to citizens' rights to live. In one instance, Mr. Bohlman was burning and a state policeman made him put out the fire because his smoke was obstructing a freeway. The fire department has given him permission to burn because DEQ had said it was a burn day. He believes that DEQ makes restrictions, not solutions. He also objects to the \$7 fee exacted in the Vehicle Inspection and Maintenance Program.

Harvey Bartran is a retired minister whose trees, shrubs and plants help him live and eat. He points out that there are many hazards to living. He believes that the hardship permit fee is a tax on livability. The fee will lead either to vegetation overgrowth or elimination of trees. He cites the biblical example of the Saracens conquering the Mid-East and placing a tax on trees, causing the people to cut down the trees, resulting in the land being turned to a desert. He believes that the issue should be put on the ballot. It is unfair that renters will not have to pay.

Ansel Stratton believes that vehicle fumes, particularly diesel emissions, produce more pollution than backyard burning. He proposes that people be permitted to burn in dry weather so that smoke production will be modest. He points out that chippers wear out quickly and are a costly alternative.

John Mueller believes that DEQ represents "Big Brother Government" and should be eliminated. He sympathizes with people who are physically affected by smoke, but points out that oxygen comes from trees and foliage, which also use carbon dioxide. Having raised filberts, he is aware of the amount of debris which must be removed. He does not believe that DEQ should regulate agricultural burning either.

John Hushagen is a professional arborist. He supports the ban, having heard no one offer a reasonable alternative. However, he thinks local government should implement a chipping service, operating like a garbage collection contract. He is willing to volunteer his services to work on a committee to solve the debris problem.

Steve Weber feels DEQ is misdirecting its efforts at a small contributor to pollution. He is concerned that indiscriminate dumping might be encouraged by a burning ban. He believes we need to burn dry material in good weather and that any regulation should allow thi

Jerry Herrmann is a member of the West Linn Recycling Task Force. Provisions for a curbside yard debris program are being developed in combination with private or municipal composting projects. Yard debris material should be recovered and used. The City of West Linn is willing to educate and help others in the collection and conversion of this valuable resource. The West Linn Solid Waste and Recycling Committee believes that the burning ban will provide that opportunity.

Henry Allanson supports all previous testimony in support of continued burning.

Merritt Wilson, of West Linn, opposes the ban. He does not believe that DEQ has met statutory requirements. People cannot afford the available alternatives. He urges citizens to use the administrative process and then go to the courts in opposition to the ban. Citizens should force the DEQ to come up with viable alternatives.

John Groner has a 300' x 300' property with a 700' laurel hedge. Although he mulches all his leaves, the laurel hedge is not readily compostable. He would have 50 truckloads of debris to dispose of if he could not burn, and the cost of disposal would be enormous. He believes that he has to put up with a number of annoying conditions, including odors from a nearby restaurant which do not violate DEQ regulations. He also is offended by

pollution from vehicles. These are not controlled, and he does not think burning should be either. He believes that the ban is a perversion of democracy, and that the agency should be castrated. He believes that a DEQ poll showed that a majority of people are opposed to the ban. Nonetheless, the EQC pursued the ban, despite opposition.

Leo Browne believes that sources other than backyard burning are causing pollution. People should burn on good days and cause less smoke. Mr. Browne believes that landfills will soon be filled with non-biodegradable material. A hardship fee will not improve anyone's health. More and more taxes are being exacted for less freedom. He believes that the people favoring the ban live on small sites; that chippers are dangerous, and that large limbs and fir cones will not be readily disposed of. His mental health is being affected by loss of rights and a high cost of living. He urges the agency to be reasonable. He urges people to sign petitions to oppose the ban.

Dick Groener criticizes the agency for failing to be responsive to the public. Too many bureaucrats justify their existence by measures such as the proposed ban. Particulates produced by backyard burning are insignificant compared to other pollution sources. Smoke is not unhealthy. In the old days, fires burned all night, yet his grandfather died at the age of 91. He believes that the agency has been especially arrogant in its treatment of people.

Barbara Krieg believes a burning ban will 1) deal with less than 1 percent of the pollution problem; 2) penalize each property owner in proportion to the fruit, nut, berry and ornamental growth, he or she maintains; 3) recycle diseased plant material and spread virus, fungus and insect problems; 4) offset the benefits of less air pollution by encouraging the removal of (or not planting of) trees and shrubs; 5) force middle income property owners to subsidize those who cannot afford the cost of disposal; and 6) discourage nicely-maintained yards. Ms. Krieg believes that the agency has spent thousands of dollars on studies, hearings and paperwork, and will spend thousands more if the ban invoked. She asks that people be left alone.

Leonna Moyer lives on two acres which are mostly cultivated. She has a 1,400 foot laurel hedge. Although she composts and mulches, she is still left with a great deal of debris and has had to dispose of it at an annual cost of as much as \$630.

D.L. Moyer is opposed to the ban and agrees with the comments of other people who spoke in opposition.

J.M. Kerr is a heavy construction contractor who has spent many years researching the issue before the agency. He has done experiments in composting. Laurel chips takes 5 years to decompose. He has a chipper but it remains idle because it is too expensive and dangerous to use.

It is also ecologically unsound, as it emits a great deal of fumes. It is also very noisy. He believes that smoke is an insignificant problem. He believes that there is no substantial support for the agency's proposed action.

Louise Weidlich is a member of the Neighborhood Protective Association. She has attended all the previous hearings on backyard burning. She asks that the Commission attend the various hearings so that they can listen to the feelings of the people. She believes that the ban violates the state and federal constitutions in that it creates 3 classes of citizenship. She opposes regional government, which may lead to world government, and may do away with the states. She urges Oregon to get out from under the Clean Air Act.

James Curtis is a co-chairman of HOP, a neighborhood association which opposes the ban. He also personally opposes the proposed ban. He suggests that a vote on the ban be held according to geographic zones so that the Portland cliff dwellers will not make decisions for outlying areas. He states that if the backyard burning ban is put into effect, there should also be political pressure exerted to stop slash burners and valley grass farmers who are big polluters. He sees rodent infestation as a problem if a ban is imposed. He remembers that DEQ fought for a garbage burner in Oregon City. At that time, he believes, the agency said that burning garbage was a good idea.

Alice Curtis opposes the ban.

Mack Woods opposes the ban and opposes DEQ. He is a patriotic Navy retiree. He says that if DEQ does not use common sense, the agency will not survive. He believes the people are being over regulated and over taxed.

SUMMARY OF TESTIMONY - PORTLAND
February 28, 1984

Frank Ivancie, Mayor of the City of Portland, opposes the proposed backyard burning ban. He believes that public participation hearings sap the energy of concerned citizens and local government representatives. He cites a City of Portland survey which he believes shows only 8 percent of those polled consider open burning a problem in the Portland area, and only 13 percent believe open burning is a threat to clean air. He referred to a Department of Environmental Quality survey as indicating that 85 percent of area residents oppose the ban, while 15 percent approve it. 89 percent of his correspondents oppose the ban, while 11 percent support it.

Although agency staff has indicated there are a variety of alternatives, he believes that a staff report to the Environmental Quality Commission did not agree. According to Mayor Ivancie the problem of backyard burning is not significant. He believes there are no viable alternatives to open burning. In Mayor Ivancie's view, bureaucratic impediments have been imposed on area residents preventing them from burning storm debris in dry weather. The backyard burning issue is "a big nothing as far as a problem is concerned." He states that citizens want to be able to burn on a reasonable basis. He asks the Commission to get off citizens' backs.

T. Dan Bracken is Chairman of the Portland Air Quality Advisory Committee. The committee provides air quality pollution control strategies to both the Department of Environmental Quality and the Metropolitan Service District. The broad-based Committee includes representatives from industry, local government, private groups, and interested citizens from all counties in the Portland area and the City of Portland. The Committee has consistently supported elimination of backyard burning in the Portland air quality maintenance area. Backyard burning contributes to our failure to meet air quality standards and to deterioration of air quality in local areas. As attainment becomes more difficult, we must adopt strategies to control area sources such as backyard burning and woodstoves, distributing the cost of clean air to all users of the airshed rather than relying on industry to bear the burden alone. There are no longer any large uncontrolled sources subject to a quick technological fix. The fine particulates emitted in burning have greater health impact than coarse particulates from traditional sources (such as road dust). Our airshed is a finite system and has a certain "carrying capacity." If backyard burning continues, other sources will have to be more strictly controlled. Needed economic growth in Oregon could be severely restricted if emissions from backyard burning continue to use up part of the carrying capacity of the airshed. Alternatives to burning exist in the Portland area and other cities have successfully implemented similar actions. The vast majority of area residents do not burn.

Cecil W. Loose presented a petition signed by many members of Master Gardeners, Oregon Camellia Society Growers, Horticulturists, and by home ornamental growers, yard maintenance services, propagators, gardeners, and citizens of the metropolitan area who wish to continue burning indefinitely. Their goal is to keep the metropolitan area clean with the least disorderly, unsanitary, and costly disposals. The petition states that chipping will encourage the spread of undesirable weeds, plant diseases, and insects. Sanitation by burning is important to control communicable plant diseases. Debris accumulation will be unsightly. Conservation will be discouraged by use of fossil fuel for trucking and chipping. Particulate from yard burning is negligible. The present system of burning regulation and restriction encourages evasion and discourages use by working people. Burning is easy and inexpensive. Scheduled yard burning is preferable to unnecessary, arbitrary and discriminatory fees. Alternatives are not reasonably available. Landfill life would be shortened. The petitioners ask that yard burning rights be recognized.

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Larry Bollinger lives on a heavily wooded half-acre lot but has never had to burn any yard debris. He fully supports a ban because burning is unnatural and a waste of a valuable resource. It is a nuisance and health hazard. It encourages burning of materials other than yard debris. People will only move toward making alternatives available when the option to burn is eliminated. As a member of the West Linn Solid Waste and Recycling Committee, formed to provide advice to the West Linn City Council, Mr. Bollinger worked to boost recycling awareness. A regular weekly curbside pickup of recyclables has been established in his area, and is provided as required by the franchises of regular garbage haulers. A major stumbling block to implementation of the plan was the easy availability of backyard burning. With the announcement in November of the proposed ban, they were able to start work on their proposal for a monthly curbside pickup program for yard debris. They plan to partially offset the costs of the program through a minor adjustment in the regular garbage pickup rates. Mr. Bollinger commends the EQC for its efforts. The real stumbling block is peoples' ingrained habits. People need to become aware of how easily yard debris can be converted to a beneficial soil amendment.

Edward Kost opposes the ban as unwarranted and unnecessary. He feels there are no feasible alternatives, in that the cost of disposal sites and chippers is too high. People do not have a means to haul the debris if they do not have a pickup. Tree limbs and grape trimmings cannot be composted. According to Mr. Kost, old people are opposed to the ban while young people support it. He remembers that there was all sorts of burning in the old days and that people did not "drop dead like flies." He feels burning does not pose a health hazard.

Dr. David Bilstrom states that there are 80,000 people in the Portland metropolitan area with respiratory health problems. Health care costs are high. Medicine is not cheap. Lung disease is a serious problem. We are dealing with social responsibility. We can no longer afford to each do as we please. Backyard burning was banned in his Midwest home town 30 years ago. He urges people not to defile the area by burning. Alternatives to burning exist and the cost is minimal compared to health costs.

Audy R. Spliethof believes we need burning because there are no alternatives. His garbage man will not pick up limbs. He has many rose bushes which must be trimmed several times a season. He cannot kill his blackberry bushes and does not want to have weeds in his backyard. Chips present a disposal problem. A burning ban will not work. There is too much bureaucracy already. Burning does not hurt anyone. He is out of work and has no alternatives. Moreover, a Portland area ban will not protect us from air pollution generated in other areas.

Christopher Pierce states that the Portland metropolitan area is virtually the only area of its size in the United States which still allows open burning of yard debris without a permit. The benefits of a ban make the sacrifice seem small. The mandatory vehicle inspection and maintenance program created some inconvenience and cost, but has led directly to a 34 percent decrease in carbon monoxide emissions in the Portland metropolitan area. The statutory criteria have been met. Statistics are deceptive. Although backyard burning accounts for only 1 percent of the annual particulate pollution, particulate pollution is measured by weight. Thus, floating particulate of dust and soil appear to contribute the vast majority of particulate pollution. Nonetheless, finer particulate is more readily inhaled into the lungs and is more durable, with resulting health effects.

The monitoring stations for this particulate are not located close to where backyard burning takes place. Alternatives are available. 87 percent of all yard debris created in the Portland metropolitan area is disposed of in some way other than open burning. 65 percent of all households do not burn. Composting is free. Other alternatives are not unreasonably priced. There are three processors in the metropolitan area eager to turn yard debris into mulch or hog fuel for industries and sell it at a profit. Each has invested heavily in this alternative and must have a high volume of yard debris delivered in order to remain viable. The processors are capable of receiving and processing all of the yard debris generated in the region. The fine particulate pollution given off by backyard burning is a serious health hazard and a visible irritant. A ban would allow a margin in the airshed which could be dedicated to industrial expansion, economic and population growth, or allow the cutback of other more costly emission control efforts. It is time that the 35 percent minority of Portland area households which burn yard debris begin using the nonburning alternatives.

Vern Lentz had testified at an earlier hearing. In response to newspaper reports, an emphysema/cancer victim asked him to speak again on her behalf. On backyard burning days she is terribly incapacitated. She must shut her windows, use oxygen and see her doctor. The quality of life for everyone is an issue and the quality of air is an essential element of that issue.

Char Lentz reminds us of the addage "waste not, want not." She hopes that the older people who have been resistant to changing backyard debris disposal practices will put their energy and effort toward solving the problem of air quality and debris disposal.

Dr. David Thompson sees a lot of sick people who have felt the impacts of backyard burning. As a physician practicing in internal medicine, he sees people with serious lung ailments who have been affected by backyard burning. This is the kind of problem which physicians cannot do a great deal to correct. However, cleaning up the air would help. Although people whose health is directly and substantially affected are a minority, they have a big problem. He is disappointed with politicians who do not seem to care about minority views.

Jeanne Roy believes we need burning restrictions. She is interested in both air quality and health problems. Backyard burning fires represent 11 percent of the particulate material downtown. She believes the measurements would be higher in residential neighborhoods. The graduate center has done research on backyard burning smoke which indicates it is as bad in the spring and fall as woodstove smoke is in the winter. There are many necessary restrictions to living in an urban area. When we allowed burning year-round, more burning was undertaken. Shortening the season several years ago led to fewer fires. Burning should not be allowed in the winter when smoke would cumulate with woodstove burning. From a health standpoint, it is worse to breathe smoke than to breathe dust.

Ann Hanrahan lives on a 50' x 100' lot. Her neighbors burn grass clippings and other improper material. She is forced to leave her home and neighborhood when burning goes on. She has an asthmatic mother who has problems during backyard burning. Although her grandmother lives on income from a pension, she is willing to pay to haul away the debris. Ms. Hanrahan is a nurse and sees many people who are affected by backyard burning.

George Merz questions whether the statutory criteria supporting a ban have been met. He is dubious of the statistics which have been prepared by the agency. Most people do not have the means to take debris to a disposal site. He believes that actual disposal costs are higher than those cited by DEQ. He believes that backyard burning particulate emissions are an insignificant contributor to violations of the annual particulate air quality standards. Exceedences are infrequent. Instead of a ban, the EQC should:

1. Require more careful selection of burning days;
2. Instruct homeowners on how to burn;
3. Improve air quality test stations to obtain more accurate data;
4. Force the cities to do a better job of removing dust from the streets;

5. Improve availability of disposal sites and disposal rates;
6. Provide curbside pickup; and
7. Make reports honest and straightforward, so that anyone can truly evaluate them without the help of an engineer.

The agency should be forced to either prove its case or stop "wasting taxpayers time and money year after year in preparing ambiguous reports oriented toward perpetuating their bureaucracy."

Walter J. Klosterman proposes a ban on agricultural burning. His wife is asthmatic and has problems with backyard burning smoke. However, he does not feel that garbage rates for yard debris removal are reasonable. Taxes are high enough and they should be applied to a government sponsored yard debris collection system.

Bobbie Simons is a bronchitis sufferer who moved to Portland from Philadelphia nine years ago. Backyard burning was banned there in 1950. Her neighbor continually burns although he does little gardening. Without a ban there is no accountability. It is human nature to oppose change, but it is very easy to recycle. Alienation can be diminished by recycling projects. Backyard burning is a health hazard. It is the responsibility of the agency and local governments to work to solve the problem. Ms. Simons urges people not to allow politicians to play politics with health. By allowing backyard burning to continue, the agency gives license to citizens who abuse the burning privilege.

Grace Bullock is a senior citizen and lifelong Portland resident. She believes we must change our habits. All backyard burning is hazardous. Burners, including her neighbors, burn materials other than backyard debris. They also burn on unauthorized days. Backyard burning is damaging her property, causing economic damage.

Amanda Jacobson is a senior citizen and long-time resident of Portland who has never burned. Burning is hazardous to health. While burning does not affect her directly, she accepts a responsibility to protect those who are adversely affected. Burning odor is offensive. People abuse even the current restrictions by burning prohibited materials. It is hard to ask close neighbors to refrain from burning. Smoke and ash damage her house paint. Her neighbor told her that he burns to kill aphids. She wished him luck. Her garbage man never refuses to haul away her debris. Local governments should help senior citizens with the yard debris disposal problem.

Ed Eggen is a long-time suburban resident. He has good neighbors. He would like to have the existing system of controls continued. His collector will not take yard debris. He cannot compost rose clippings and certain other debris, but his hauler will not remove it. He finds the fragrance of backyard burning pleasant. He urges people to respect the privileges and rights of others. DEQ should have a permit system to allow limited burning.

Erich Zimmer used to burn backyard debris year-round. He now burns a minimum amount of material and opposes the ban.

Irving Ott cannot afford to haul away his yard debris. He says that if a ban is imposed he will cut his trees because he cannot afford debris removal.

Austin L. Brown submitted a letter including 35 signatures of people who urge an indefinite ban on backyard burning so that the citizens of Multnomah County can breathe fresh air and live healthier lives.

Bruce Dumdei presented testimony from the City Club of Portland. The City Club supports the decision to restrict open burning. In a research report on "Air Pollution Control Policies in the Portland Airshed," which was unanimously approved by the membership this past June, the City Club recommended a ban on open burning. Supporting this recommendation, the City Club study cites many of the points presented in the DEQ report:

1. "Backyard" burning produces mostly fine particulate which contribute proportionally much more to reduced visibility and to adverse health affects than the larger particulate;
2. Most "backyard" burning takes place in residential areas where the impacts on people may be more dramatic than the impact of other pollution sources;
3. If better monitoring of air quality in residential neighborhoods is provided (as recommended by the City Club study), and if a federal fine particulate standard is adopted (also recommended by the City Club), the impact of open burning smoke on particulate violations may become much greater than it is today;
4. The City Club believes that the air quality challenge of the future will be the control of area sources. A successful effort in this regard will require all individuals to make some sacrifices and changes in habits.

It appears that alternative disposal methods are "reasonably available to a substantial majority" of area residents. The hardship permit will address those without reasonable alternatives. Strict interpretation of the letter permit rules should be implemented. The Department should consider a shorter time period for which a permit is valid. The City Club encourages increased efforts in the development of a practical and inexpensive system of home collection. Perhaps yard debris could be included as a "recyclable material" pursuant to the mandatory recycling laws passed by the last legislature. Substantial money is spent each year in the United States in protecting our air. If we value clean air this highly, it is neither sensible nor fair to force one segment of the Portland population to pay to cleanup our air while we permit another segment to dump its incinerated yard debris into the air at a rate of pollution greater than that for all industrial sources combined on some burning days. Rights as citizens carry responsibilities.

Daniel Halloran is a board member of the Oregon Environmental Council, a statewide nonprofit citizens' group which supports restrictions on residential backyard burning for at least three principal reasons:

1. Portland violates federal standards for total suspended particulate. This is an obvious indication that our air is unacceptably dirty.
2. Open backyard burning is frequently both a health hazard and a public nuisance. Portland's airshed generally suffers from poor ventilation and backyard fire smoke does not disperse quickly.
3. As a matter of equity, it is only fair that all sources of pollution bear some responsibility for control of that pollution. We have long regulated heavy industry. We require automobile owners to have their cars checked for emissions. Woodstove and coal burners face stringent regulations to control emissions. All these control strategies have some costs associated with them. It is appropriate to have backyard burners who are adding to the pollution loadings in Portland pay some of the cost of reducing that pollution.

The problem of open burning has generally been understated because people look at average emissions over the year. Also, the federal standard measures total suspended particulate rather than fine particulate which is generally recognized to be more of a problem in terms of health and visibility reduction. Vegetative burning emits large quantities of fine particulate.

OEC does suggest certain modifications:

1. Reduce the duration of the hardship permit, perhaps to a one-time permit, to facilitate enforcement and cut down on total emissions from the hardship exemptions.
2. A short-term or one-time use permit could support a fee of \$7 to \$15 which would cover at least part of DEQ's administrative costs and serve as a disincentive to apply for the exemption.
3. Exemptions should only be allowed for woody debris rather than leaves, grass clippings, and weeds which are more readily compostable.
4. There should be a minimum distance that fires must be from other residences in order to reduce the nuisance and health impact. A 75' to 100' minimum from the nearest dwelling would be reasonable.

Linda Girard is a past president of the Board of Directors of the Eastmoreland Neighborhood Association which supports the ban. The Board represents 1,651 households and over 4,500 people. The ban would help Portland meet air quality standards by 1987 and is one of the few possible solutions to reduction of particulate matter on certain days. The Board feels that alternatives are available. Their association sponsors a spring cleanup each April, providing drop boxes and charging residents a nominal fee for the service. They provide curbside pickup for senior citizens through the help of volunteers. They support the concept of hardship permits for those households for which there is no reasonable alternative. The experience of other cities throughout the Northwest indicates that the ban is an effective way to reduce particulate matter without placing an unreasonable burden on individual households.

In a state and city which have had a reputation for environmental awareness and responsibility, a ban on backyard burning is philosophically consistent and long overdue.

Maureen Steinberger learned this fall that her seven year-old daughter is developing asthma. The effect of burning on air quality is bad, but the effect in the immediate area of the open fire is devastating, especially to people like her daughter who have respiratory illnesses. There are advertisements in Nickel Ads, a short advertising newspaper available at no charge at local shopping areas, by individuals who will haul clippings to a yard debris recycler. Her hauler picks up her yard debris. In the past this has cost about \$30 per year. Her neighborhood association sponsors periodic cleanup, making a drop box available. This year, the association is working on a pick-up program for those unable to self-haul.

A call to Metro's Recycling Switchboard revealed there are people in her area who want her yard debris for composting. Although she must haul it to them, she is willing to do this and there is no dumping fee involved. Ms. Steinberger points out that there is no constitutional or other right to burn leaves and branches in backyards. The bad consequences on others overwhelmingly suggests that any current privilege must be balanced against the overwhelmingly significant negative affect backyard burning has on others. She believes that people simply do not realize the extent of the health effects of burning. She believes that objections to the ban stem from habit rather than from real concerns about constitutional rights or from hardship. She asks that local governments continue to work on alternative ways to collect yard debris and aggressively promote the burning ban. She urges the City of Portland and local neighborhood associations to address the needs of senior citizens and those on fixed incomes by providing free pickup to them.

Kreta M. Chambers believes that burning on a reasonable basis is logical. She urges an education program so that people will burn with the least adverse impact. Economic and environmental costs of transporting yard debris would be considerable. Yard debris constitutes an attraction to rodents.

Jack L. Pottenger would like to continue burning on a regular basis under a practical protective system cutting down the number of days that burning is available and choosing better days for burning. He suggests that we segment the city into divisions for burning eligibility. Provisions for the burning of windfall debris should be provided.

Frank Striby supports the ban but feels the best alternative to burning is composting. He has a large amount of land and a great deal of material which is hard to compost. He cures some for firewood and gives it to friends. He runs two compost piles, one for short-term composting and one for long-term hard to compost materials. While rats could be a problem, he does vector control for his neighborhood and never finds rats in well-maintained or well-managed gardens. Rats are usually a result of sewer system breaks.

Joe Graziano opposes backyard burning and the use of woodburning stoves. He is asthmatic and has four children with lung problems. The people who burn are infringing on his right to breathe good clean air. The small particulate produced by yard debris burning are particularly harmful to people with respiratory problems, present an unknown damage to children, and are harmful to everyone. His family's activities are severely restricted during the burning season.

Marydee Sklar is a member of the Portland League of Women Voters. The League has supported a ban since 1968. All segments of the community must take some responsibility for cleanup of air quality problems. Alternatives will continue to increase as the ban goes into effect. The provision for hardship cases is important, but strict enforcement of a backyard burning ban is essential.

Walt Meyer has a wife who has a bad lung but is not bothered by backyard burning smoke. Neither is his nephew who is asthmatic. He believes that poor people cannot afford to rent drop boxes even if plutocrats can. He feels there is enough wind in the City of Portland to blow away the smoke. Politicians create the wind. All they want to do is to make a job for DEQ which is a tax burden to all people.

Walter Gadsby does not believe a total ban will work. He urges modification of the present system. Mr. Gadsby lives near the arboretum and has many fir trees on his property. He must burn the debris because the elevation of the property makes removal impossible. There are no reasonable alternatives. He believes that there are many similar homes in west Portland with problems similar to his. While people should not burn leaves and wet garbage, we need a more rational regulatory system. DEQ's present system is poorly devised.

Wayne Coppel represents Resource Conservation Consultants, a Portland firm specializing in recycling and solid waste management. Extensive work has been done to identify collection and disposal alternatives available to citizens in the ban region. He believes that the yard debris which is not composted or recycled at one of the three processing centers in the region can be effectively handled by the existing solid waste collection and disposal system. Burning by permit is appropriate for hardship cases. Once the ban is implemented, responsible cities and citizens will start their own yard debris collection and recovery projects. That has been the experience in other cities across the country. It is time to get on with it.

Philip V. Lassen opposes the ban and is worried about the effect on landfills. Seattle has a permit system. He would like senior citizens to be given a free permit. He proposes year-round burning to take advantage of days with good smoke dispersion. He seeks better enforcement of burning and the use of a fee to deter improper burning. Only woody materials should be eligible for burning. Air filter machines should be distributed to people with respiratory problems. The city should be segmented to have burning in specific areas on specific days.

Marilyn Pitts supports the ban because clean air is essential to health. Alternatives do exist although they are sometimes challenging to use. Exceptions are planned for and hardship permits are available. The ban

will encourage recycling and provide an incentive for haulers and neighborhoods to cooperate. The ban is necessary for economic and health reasons.

Mark Hope represents Backyard Yard Debris Processors. He supports recycling and does not believe that a full recycling effort will be undertaken until the ban is in effect. Burning causes health and economic problems. Complaints about burning are frequent. He believes that Mayor Ivancie should have stayed to listen to the testimony of his constituents rather than insisting that burning is not a problem. It is a major problem for people who have respiratory illness. He believes the proposed ban allowing for hardship permits is a good compromise.

Judith Dehen believes that we are dealing with a cost balance: Pay now or pay later. Future health costs are a real potential. No one has the right to inflict health damage on others. She believes people should restrict burning smoke to their own property by piping backyard smoke into their own houses. We have similar restrictions on personal smoking. She believes the ban will force local governments to act to provide necessary disposal services. Gladstone has a yard debris program now.

David Auker composts to dispose of his yard debris. Improper burning practices are a problem. The localized effect of smoke is greater than its measured contribution to air pollution. Weather prediction is unreliable. Wind only serves to blow smoke into someone else's yard. Even one day of smoke is too much to tolerate.

Charles Farrier has a vegetable garden and a number of fruit and nut trees and flowering shrubs. While he composts all he can, he needs to burn to get rid of plant disease. He does not believe that DEQ is concerned with air pollution problems. The goal of DEQ is to gain complete control of people's lives. He does not believe that most European countries prohibit burning. According to Mr. Farrier, France is a socialistic country which has banned burning and now has a large accumulation of garbage. If DEQ is allowed to grow and gain more control, it will not be long until all trees and shrubs will be taxed to support the agency. The result will be an end to trees and shrubs as has happened in some Mediterranean countries. Mr. Farrier favors year-round burning on days approved by the fire department. DEQ is an unnecessary layer of government. He urges a ballot measure on the issue, and believes he can predict the result.

Patricia Gail Burck has allergies which are aggravated by backyard burning. She lives on a limited income but may be forced to leave the Willamette Valley if air quality does not improve. She has researched 1978 EPA data indicating that fine particulate increases tremendously with an increase in the moisture of the material which is burned. Slash burning is also a problem for her. She supports the ban with its hardship provision as a reasonable compromise.

Robert Mountain serves on the West Linn Recycling Committee. Because he recycles, his domestic garbage load is reduced, providing room for diseased plant clippings. He believes that burning spreads spores and plant diseases throughout the community. He is also concerned about individuals who spray plants and then burn the material. He points to Pakistan as a devastated wasteland because it abused its resources.

John Wiest, Jr. supports the ban but objects to using tax money to support DEQ. He believes the agency's research and other efforts have been of poor quality. He cites studies which conclude that backyard burning creates 90 percent of carbonaceous pollution. He provided a bibliography of research materials which he considers superior to the studies undertaken by the agency. He also submitted articles which he described as providing superior evaluation to that undertaken by the agency. They include "The Effect Of Increased Particles On The Endocytosis Of Radiocolloids By Pulmonary Macrophages In Vivo: Competitive And Toxic Effects," "The Respiratory Tract And The Environment," and "The Use Of Carbon Isotopes In Identifying Urban Air Particulate Sources." He indicates that a study done in Sydney, Australia, using carbon isotopes indicated that backyard burning was a much more significant problem than DEQ has identified. He believes that DEQ is 700 to 900 percent short in their assessment. Backyard burning aggravates lung disease and increases the death rate.

Louise Weidlich is a member of the Neighborhood Protective Association. She supports private property rights. Ms. Weidlich announces that DEQ has a \$7.9 million budget so it should not impose a fee for hardship permits. The agency should not attempt to establish a new bureaucracy to implement enforcement of a ban. Ms. Weidlich submitted a copy of the Bill of Rights of the United States Constitution and referred to the Fourth Amendment prohibition against unreasonable search and seizure. She is concerned that a ban would lead to an enforcement process which would undermine that constitutional protection. Ms. Weidlich believes that commissioners should attend the preliminary public participation hearings.

Charles Tuben opposes the ban. He believes that it is unfair and that the hardship permit fee is unreasonable. It is difficult to determine what constitutes hardship. He agrees that fines should be imposed on people who burn garbage. It is difficult to distinguish emission sources. Woodstoves and vehicles are substantial pollution contributors. He doubts the accuracy of DEQ's statistics purporting to attribute a particulate percentage to backyard burning fires.

Steve Roso believes that a complete ban is unreasonable. Instead, he proposes that we establish a year-round burning season using good air dispersion days. We need smoke management, not a service fee to burn or more controls. We should reduce not increase the debris load imposed on landfills.

Robert Luce believes that many who testified in favor of the ban object to burning because people have abused it by burning illegally. Too many decisions are being made by administrative agencies and nonelected officials.

LKZ:d
HW713
Enclosures
Attachments

SUBJECT: Summary of Written Testimony

The Department received 198 letters by the close of the hearing record, March 1, 1984. Since then we have received approximately 30 letters, which are also included for your information.

Of the letters received by the deadline, 39 percent generally favored the proposed rules, 53 percent generally opposed the rules, 4 percent were neutral, 4 percent were from residents outside the affected area. Of the latter category, most were from people who oppose the ban, although a few were from people who asked that the ban boundaries be extended to include Hillsboro.

The following organizations submitted testimony in support of a ban:

- Associated Oregon Industries (AOI)
- Oregon Lung Association (OLA)
- Portland Air Quality Advisory Committee
- Buckman Community Association (inner SE Portland)
- Irvington Community Association (inner NE Portland)
- Multnomah Neighborhood Association (SW Portland)
- Brooklyn Action Corps (inner SE Portland)

No organization submitted testimony opposing the ban, although one letter in opposition was co-signed by 13 persons from southwest Portland; another was co-signed by 6 Gresham residents.

The following health practitioners submitted testimony in support of a ban:

- Dr. Charles Schade, Multnomah County Health Officer
- David Bilstrom, M.D.
- Marilyn Rudin, M.D., Oregon Pulmonary Association
- Mike Anderson, Registered Respiratory Therapist
- Susan Smith, Nurse Practitioner

No health practitioners submitted testimony opposing the ban, although one physician, Dr. Karl Poppe, requested a hardship permit.

The Cities of Durham and Tigard submitted testimony opposing a ban. The City of King City submitted testimony supporting a ban. The City of Milwaukie wrote a letter asking that the DEQ work closely with the local governments to ensure that costs of a ban are not a burden to residents, and that a ban not disrupt existing recycling programs.

Four fire departments submitted essentially neutral testimony. Portland Fire Bureau and Multnomah County Fire District 10 requested the Department add to the rules a requirement that debris be disposed of before it becomes

a fire hazard. They also said that the Department should provide 24 hour a day, 7 day a week enforcement. The Happy Valley and Boring Fire Departments asked that their areas continue to have seasonal burning.

Generally, those favoring a ban said that backyard burning smoke causes health problems, reduces visibility, and creates poor air quality. They also said alternatives are available, and that they use them.

Those opposing a ban generally said that alternatives to burning are unavailable or too costly or unacceptable for other reasons. Many referred to the size of their lots or volume of debris. They also said backyard burning smoke is an insignificant problem.

Following is a listing of all the different points made in the written testimony:

Those Favoring a Ban

1. A ban on burning will improve air quality.
2. A ban will stop illegal burning (because it will be more obvious and easier to catch).
3. Backyard burning obliterates views of Mt. Hood.
4. Backyard burning causes breathing problems and eye irritation even for healthy people.
5. Backyard burning dirties windows and house paint.
6. Backyard burning forces persons with respiratory problems to stay indoors or to leave town.
7. Children cannot play outside and adults cannot enjoy yards during burning.
8. Backyard burning smoke is primarily composed of fine particulate, which is most harmful to health.
9. Backyard burning occurs in areas of maximum exposure to people.
10. Backyard burning is archaic and anachronistic.
11. Woodstove regulations are long range solutions, a ban on backyard burning will help clean up our air now.
12. The costs of alternatives are low compared to other options for reducing air pollution.
13. Those who incur costs should pay them (persons with respiratory problems are now paying for other's burning).
14. It is not right for the majority to harm the health of the minority.
15. Home ownership includes responsibility to pay for maintaining it.
16. Persons capable of gardening are capable of disposing of debris in ways other than burning.
17. The noise of chippers is transitory compared to smoke, which hangs on.
18. Further alternatives will not be developed until a ban is in place.
19. People burn garbage in addition to yard debris now.
20. Composting is good for soil.

Those Opposing a Ban

1. A ban will increase air pollution from vehicles transporting debris to disposal sites.
2. A ban will increase illegal dumping, burning of debris in fireplaces, fire hazards, rodent infestation.

3. A ban will spread plant disease.
4. A ban will cause property values to go down because people will not tend their yards.
5. Enforcement of a ban will be impossible.
6. Woodstoves, vehicles, slash burning, road dust, industry, airplanes are all bigger sources of pollution; DEQ should concentrate efforts on those sources.
7. Pollution from backyard burning smoke is a temporary inconvenience.
8. It is not fair that agricultural burning would still be allowed.
9. Estimates for alternative costs are too low.
10. Chippers are noisy, expensive, dangerous, polluting and ineffective for large debris.
11. Landfills are too full to take more debris.
12. It is too difficult to haul debris to a disposal site.
13. People have a right to burn debris.
14. EQC does not have authorization to adopt rules.
15. DEQ cannot be trusted to tell the truth.
16. The current burning system causes the pollution problems from backyard burning.
17. A permit fee is unfair and too expensive.

Many individuals opposing a ban believe that changing the current system will improve air quality, while still allowing burning. Following are their suggestions, in brief:

- Allow burning year-round on days with appropriate conditions.
- Allow burning during dry months only.
- Allow burning on alternate days, in different parts of town.
- Allow burning on only 2 or 3 days a year.
- DEQ should make burn days more specific to the Portland area's various microclimates. (Sometimes burning is appropriate in East Multnomah County when it is not in Washington County, for example.)
- See Hannelore Mitchell and Owen Cramer's letters (numbers 137 and 176) for detailed suggestions.

Others had suggestions for improving the alternatives; including:

- Promote composting.
- Increase education on the alternatives.
- Set up community recycling centers.
- Encourage civic groups to help those who cannot haul debris.

Late Letters

Of the 30 letters received past the deadline for written testimony, 53 percent generally supported a ban on burning, 47 percent generally opposed a ban.

The following organizations submitted testimony in support of a ban:

- Southeast Uplift Advisory Board
- Better Breathers of Providence Hospital

No organization submitted testimony opposing a ban, although one letter from Milwaukie was cosigned by 11 residents.

The cities of Lake Oswego and Tualatin submitted resolutions protesting the proposed ban. Clackamas County Rural Fire District #54 asked that its district not be included in the proposed ban boundaries.

A physician, Richard Wernick, M.D., submitted testimony supporting the proposed ban.

Most of the late letters made points similar to those already listed. Following is a listing of new points:

Those Favoring a Ban

1. The odor of backyard burning is unpleasant.
2. The cost of medical care for those suffering from backyard burning affects are greater than the costs of alternatives.
3. Other communities have successfully banned burning.

Those Opposing a Ban

1. A ban would impose a substantial financial burden on local governments.
2. DEQ staff has not proved the need for a ban on burning.
3. A ban would deny residents equal treatment under the law, because people could continue to use woodstoves.

Margaret McCue:d
229-6488
April 18, 1984



CITY OF
PORTLAND, OREGON
 BUREAU OF ENVIRONMENTAL SERVICES

Mike Lindberg, Commissioner
 John Lang, Administrator
 1120 S.W. 5th Ave.
 Portland, Oregon 97204-1972
 (503) 796-7169

April 13, 1984

MEMORANDUM

TO: Mayor Frank Ivancie
 Commissioner Charles Jordan
 Commissioner Mike Lindberg
 Commissioner Mildred Schwab
 Commissioner Margaret Strachan

FROM: Members of the Yard Debris Task Force
 John Lang, Chairman

SUBJECT: Yard Debris Task Force Report

State of Oregon
 DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
 APR 13 1984
 AIR QUALITY CONTROL

The attached report provides information on yard debris handling in Portland and recommends a role for the City to take in increasing opportunities for citizens to conveniently use yard debris recovery options.

This submittal is an interim report. The Task Force found the issue of handling yard debris very complex and concluded that two short-term projects are possible now but that the development of a long-term system for recovering yard debris that would be available to all could not be achieved within the 90 days allocated by resolution.

After much research and analysis, the most significant conclusion of the Task Force was that while yard debris processing centers exist and are well-equipped to receive material, the methods available for property owners to transport separated yard debris to processors are not always well-publicized, convenient or economical.

This lack of hauling services should be addressed by the City at three levels by:

- reducing the need for any yard debris hauling by educating and promoting use of a home composter.
- guaranteeing that neighborhoods have the option to organize yard debris cleanups and therefore provide at least periodic collection and transportation of yard debris.

- guaranteeing that every resident has permanent, regular yard debris collection services through a comprehensive City-wide yard debris transportation system.

The two intermediate projects recommended by the Task Force are:

1. Home Composting Training

Training sessions on the mechanics of home composting are recommended through the City's neighborhood associations. The Office of Neighborhood Associations would manage this project by hiring qualified people to conduct sessions in how to build a composter, how to maintain it, and how to use the resulting material.

2. Neighborhood Cleanups

It is recommended that the City co-sponsor neighborhood cleanups with individual neighborhood associations. The Office of Neighborhood Associations would arrange cleanup sites and volunteers. The Bureau of Buildings, Neighborhood Division would coordinate drop box services and disposal of collected yard debris at processing centers. Cleanups would be advertised with printed flyers delivered door-to-door by volunteers. Collection and recycling of other material would also be available at the cleanups.

The most significant role for government to take in yard debris handling is doing what no one else can do: organizing and setting up a collection system that can ensure that yard debris can be handled permanently, regularly and inexpensively. Just as it is inefficient for citizens to haul their own garbage, dig their own water well, and provide their own sewer, it is inefficient for everyone to haul their own yard debris. The significant service that the City of Portland can provide is in instituting a comprehensive City-wide system of yard debris collection.

To do this requires more time. The Task Force began to develop this project but the details and costs of how it could be accomplished were not able to be thoroughly researched in the time-frame you provided.

Members of the Task Force intend to continue developing the information necessary. In the meantime, we will also be monitoring trends that are making current options for recovering yard debris less convenient and more expensive and reinforcing the need for making new alternatives available to all citizens in an efficient and economical manner.

We would appreciate your reaction to our findings and recommendations as reviewed in the attached report. Members of the Task Force are available to answer any questions you may have. We are also available as a group to brief you and your assistants on the information. A list of all City staff who are participating in the Task Force is attached.

YARD DEBRIS TASK FORCE

PARTICIPANTS LIST

BUREAU OF ENVIRONMENTAL SERVICES

John Lang, Chairman	796-7169
Karen Kramer	796-7062
Delyn Kies	796-7010

BUREAU OF BUILDINGS

Monty Anderson	796-7339
Sterling Bennett	796-7332
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BUREAU OF MAINTENANCE

Bill Maslen	248-5500
John Widmer	248-5508/16

BUREAU OF PARKS

Bill Owens	796-5379
Steve Goetz	248-4489 or 248-4397

OFFICE OF NEIGHBORHOOD ASSOCIATION

Laura Taylor	248-4519
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OFFICE OF TRANSPORTATION, BUREAU OF TRANSPORTATION PLANNING AND DEVELOPMENT

Judith Kenny	796-7707
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Participant List

DEPARTMENT OF ENVIRONMENTAL QUALITY

John Kowalczyk	229-6459
Bill Bree	229-6975

METROPOLITAN SERVICE DISTRICT

Dennis Mulvihill	221-1646
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YARD DEBRIS TASK FORCE

Report to City Council

April 13, 1984

INTRODUCTION:

Through the adoption of resolution 33589 on January 12, 1984, you asked us to report to you "on an appropriate role for the City to take in addressing the problem of yard debris disposal and identify projects that would promote yard debris recovery and recycling." Over the last three months, we have met five times, conducted individual and joint research, inventoried existing City programs and asked advice from yard debris processors, haulers and interested citizens. We have defined our task narrowly; we have not spent time debating the merits of yard debris recovery and we have not re-analyzed the problem of yard debris disposal. Rather, we concentrated on providing an analysis of a role for the City to take in making yard debris recovery and recycling more convenient for City residents. Our objective here is to provide a brief description of our findings and recommendations.

The Task Force is composed of representatives of the Bureau of Buildings, the Office of Neighborhood Associations, the Bureau of Maintenance, the Bureau of Transportation Planning and Development, the Parks Bureau, the Department of Environmental Quality, Metropolitan Service District, and is chaired by John Lang of the Bureau of Environmental Services. We jointly have come to the following recommendations.

MAJOR FINDINGS:

FINDING #1

YARD DEBRIS RECOVERY AND RE-USE OPTIONS EXIST AND ARE WELL-DEVELOPED IN THE PORTLAND AREA. THESE OPTIONS REDUCE THE NEED FOR YARD DEBRIS TO BE BURNED OR DISPOSED OF IN LANDFILLS.

BACKGROUND:

The Portland region is very fortunate to have private firms in the business of yard debris recovery and re-use. Three firms currently exist to receive and process separated yard debris into re-useable products. McFarlanes Bark in Clackamas, The Wood Yard in Aloha, and Grimm's Fuel south of Tigard all accept yard debris from the public and commercial haulers for a fee and recycle it into garden mulch, fuel or other products of value. These three have adequate equipment and facilities to handle all the yard debris produced in the region. Yard debris can also be disposed at St. Johns Landfill in a segregated area for future large scale chipping and possible use in final cover for the site.

There are also several firms that offer the service of heavy duty mobile chippers that can be brought to specific sites to chip large accumulations of yard debris that can then be used for a variety of purposes. One local firm recently chipped all the debris collected by Multnomah County from the December, 1983 ice storm.

The private yard debris processing firms have all indicated their intention to retain the yard debris processing portion of their businesses. Consequently, they can all use more material and are interested in working with local governments in the area to get larger supplies of yard debris for processing to protect their investment in equipment and fulfill the needs of the end users of the processed material. Processors have been working closely with the Metropolitan Service District and the Department of Environmental Quality over the last several years to develop these yard debris recovery facilities.

The Task Force concluded that there is no need for the City to be involved in increasing opportunities for yard debris processing.

FINDING #2

YARD DEBRIS RECOVERY OPTIONS INCLUDE HOME COMPOSTING, NEIGHBORHOOD COLLECTION AND TRANSPORT TO A CENTRAL PROCESSING POINT OR TRANSPORTING THE DEBRIS DIRECTLY TO A PROCESSING CENTER. A COMPREHENSIVE CITY-WIDE COLLECTION OF YARD DEBRIS TO PROCESSING CENTERS IS NOT IN PLACE AND IS THE MOST DIFFICULT TO PROVIDE WITHOUT GOVERNMENT SUPPORT.

BACKGROUND:

Portland citizens essentially have three methods of recovering and recycling yard debris: by composting it on-site, by waiting for the occasional neighborhood cleanup where separated yard debris is collected, or hauling it themselves to yard debris processors. Portland garbage haulers will collect and transport yard debris, but debris usually ends up being mixed with garbage and disposed of at the landfill. Part of the reason for this is that processors charge by volume rather than weight. Therefore unless the debris is compacted and made more dense in some way, it is cheaper for the hauler to dispose of it at the landfill.

It is estimated that 28% of yard debris is now home composted. Home composting, of course, is the least expensive and one of the most responsible methods of handling debris. Large bulky debris, however, is not readily composted and some properties do not accommodate large composting operations. Written information on how to set up and take care of a compost pile is available from the Metropolitan Service District and the Department of Environmental Quality.

Some neighborhood yard debris cleanups now occur through neighborhood associations or through groups of neighbors just sharing the cost of a drop-box. Until last year, the City did have a program of sponsoring City-wide cleanups in conjunction with neighborhood associations. This program was not funded during 1983-1984.

The self-hauling option is clearly not available to every citizen. Not everyone owns a car, let alone a pick-up or trailer. Processing centers are remote and yard debris is bulky and awkward to handle and haul.

The Task Force concluded that public assistance is necessary and appropriate to support yard debris composting on-site, neighborhood collection programs and yard debris transportation services.

FINDING #3

THERE IS A ROLE FOR LOCAL GOVERNMENTS IN YARD DEBRIS HANDLING, BUT THERE IS ALSO A NECESSARY ROLE FOR PROPERTY OWNERS, BOTH INDIVIDUALLY AND IN THEIR NEIGHBORHOODS.

BACKGROUND:

Responsibility for handling yard debris currently rests with the property owner. Apart from routine street cleaning and some emergency storm cleanup efforts, Portland government neither provides nor guarantees the provision of a yard debris collection and disposal service to citizens.

As we talked to other local government representatives, we found that this situation was unusual. Although very few governments provide yard debris collection directly with City crews, most governments do make provisions for this service typically through franchise arrangements with garbage haulers. Because the garbage hauling industry in Portland is composed of 125 unregulated, free enterprise businesses, requiring or persuading them to add separate yard debris collection to their basic service is not a likely possibility without some mechanism for cost recovery, route efficiencies and quality control.

For this reason, the Task Force investigated several options for property owners at the neighborhood level to efficiently and economically collect yard debris for recovery by the processors.

Intermediate processing sites: The Task Force looked at the possibility of siting intermediate processing sites in existing neighborhoods so that short yard debris hauls could be made by property owners. After developing and attempting to apply site criteria for neighborhood sites, we found that appropriate sites were rare and would probably be difficult to secure. Requirements for security and supervision, time of operation, the noise and appearance of processing, and truck access needs combined to make intermediate processing a troublesome option. Also considered was the concern of the inefficiency of handling the yard debris more than once. Once yard debris has been loaded and is "in-transit", it is inefficient for the debris to be unloaded, handled, reloaded and unloaded again. Once material has been collected, it should be transported to its final destination: the processor.

Use of Chippers: Even with the problems of neighborhood processing sites, the Task Force remained convinced that yard debris handling could be eased by programs available at the neighborhood level. Making wood chippers available to neighborhood groups or residents was given considerable review. The committee decided that chippers present problems of maintenance and real concern for operator safety. To make chippers available is possible but to keep them running efficiently and to guarantee that they are without hazard would require considerable effort and energy without significant results. The labor costs for experienced operators and mechanics to work with the chipper would be high.

Neighborhood Cleanups: However, it was estimated that yard debris neighborhood cleanups could collect 300-400 cubic yards of debris at each clean up, in addition to removing and recycling other neighborhood debris. Several neighborhoods have continued to seek subsidy for neighborhood cleanups.

Neighborhood cleanups remained as the most effective way of handling yard debris at the neighborhood level by allowing "in neighborhood" collection of yard debris and transportation to a processing center.

City-Wide Separate Collection: A comprehensive, City-wide system of separated yard debris collection is the most undeveloped but necessary component of yard debris handling. Although options for yard debris handling at home and in the neighborhood should be supported, emphasis should be placed on organizing a system of yard debris collection that would be available to everyone. A combination of various methods of yard debris recovery and recycling methods-at home, in the neighborhood and at the remote processing sites, will guarantee that residents will have a choice in selecting the most convenient method. However, it will only be through a comprehensive city-wide yard debris collection system that city residents can be assured of a permanent, regular, and inexpensive method of handling yard debris.

The Task Force concluded that the appropriate role for Portland government is in setting up this comprehensive city-wide yard debris collection system. It is also appropriate for the City to provide specific information to citizens on how to participate in any City-supported method as an integral part of the program. General promotion and education is now conducted adequately by the Metropolitan Service District and the State Department of Environmental Quality and no attempt should be made to compete with or duplicate these efforts.

FINDING #4

RESPONSIBLE METHODS OF HANDLING YARD DEBRIS WILL COST THE PROPERTY OWNER. IRRESPONSIBLE METHODS OF HANDLING YARD DEBRIS WILL COST THE CITY IN TERMS OF POLLUTION, ILLEGAL DUMPING, AND INCREASED COSTS OF KEEPING THE STREETS CLEAR AND THE CITY CLEAN. A COMBINATION OF USER FEES AND SUBSIDIZED FEES WOULD BEST SERVE THE OBJECTIVE OF PROVIDING SAFE, CONVENIENT METHODS OF HANDLING YARD DEBRIS AT A REASONABLE COST.

BACKGROUND:

Funds are available to carry out City sponsored yard debris handling programs and projects. Funding for City sponsored yard debris recovery programs is potentially available from a combination of three sources:

1. City funds from the Bureau of Buildings Nuisance Abatement program and/or the Refuse Disposal Fund;
2. Metropolitan Service District funds from the Waste Reduction program budget;
3. Charges to users based on their participation in a particular program.

User charges are emphasized as the primary source of funding as is the case with options for handling yard debris now available to the public. Other funds are for the purpose of initiating and supporting recovery options in the best interest of the public.

RECOMMENDATIONS TO DATE:

In selecting and developing the following three recommendations, we sought to recommend City action that would:

- . achieve significant results in terms of increased recycling, increased landfill space and a cleaner city,
- . be possible with funds currently identified and available,
- . improve options for yard debris recovery at all three levels: at home, in the neighborhood and off-site at a processing center,
- . not relieve the homeowner of the ultimate responsibility of appropriately handling yard debris, but rather support activities that will make responsible action more convenient and less expensive to the homeowner.

The following three projects are recommended; two can be implemented immediately and one will require a lengthier development time.

PROJECT 1 - HOME COMPOSTING TRAINING

It is proposed that the City make available through its neighborhood associations on-site training sessions on the mechanics of home composting. The Office of Neighborhood Associations would manage this project by hiring qualified people to conduct 4-hour training sessions in how to build a composter, how to keep it working and how to use the resulting material. These training sessions would be advertised through the neighborhood newsletters and currently available material from the Metropolitan Service District would serve as the "text".

Initially, this training would be targeted to each of the five districts. If demand increased, the project could be expanded to individual neighborhood associations.

Cost: Home Composting Training is estimated to cost \$1000.00 per year. This money would pay for the trainers' time and some material.

PROJECT 2 - NEIGHBORHOOD CLEANUPS

It is proposed that the City co-sponsor with individual neighborhood associations a total of 25 neighborhood cleanups in Spring 1984, Fall of 1984, and Spring of 1985.

The Office of Neighborhood Associations would be responsible for arranging cleanup sites and volunteers. The Bureau of Buildings, Neighborhood Division would assist by coordinating the drop box services and disposal of collected material at selected yard debris processing centers. The Neighborhood Division would also assist with printed flyers to be delivered at door-steps by volunteers before each neighborhood cleanup. Cleanups would also require the presence of a Bureau of Buildings Field Representative to ensure correct yard debris separation from other material and to monitor the removal of material from the site by contracted haulers. Collections and recycling of other material would also be accomplished at the cleanups.

Cost: Estimated costs for each cleanup are:

Collection and disposal fees	\$1,300.00
Staff Time	\$135.00
Printing	\$50.00
	<hr/>
	\$1,485.00
1,485.00 x 25 cleanups =	\$37,135.00

To begin this program immediately would require an amendment to FY 83-84 budget to the Bureau of Buildings of \$7,425.00 (5 cleanups) and an addition to FY 84-85 budget of \$29,710.00 (20 cleanups).

In order to not impact the General Fund, funding would be sought from the Metropolitan Service District through its Waste Reduction Grant Funds with the balance coming from fees from the cleanup participants and possibly the Refuse Disposal Fund with City Council approval.

PROJECT 3 - CITY-WIDE YARD DEBRIS COLLECTION

It is appropriate and feasible for the City to organize a yard debris collection program that would provide permanent and regular collection of separated yard debris to every property owner. In small cities of this region, governments guarantee the availability of this service through licensing or franchise arrangements with garbage haulers. In Lake Oswego and Gladstone, franchised haulers provide separated yard debris collection to every household through

agreements within the established rate and tax structure. Both cities have estimated that this service costs \$10.00 per year per household.

It is unknown how a similar arrangement in Portland could work and how much it would cost. An arrangement could take several forms: regulation of existing waste hauling, contracting with yard debris haulers, or the provision of the service by City crews.

To answer these questions will require additional research and analysis. Although the Task Force acknowledges this project will require more work before a detailed proposal can be brought before the City Council we believe that it has the potential of more completely meeting the objectives discussed on page 5. It could achieve significant results in terms of increased recycling, increased landfill space and a cleaner city and will provide property owners a convenient, inexpensive way of responsibly handling yard debris. The Bureau of Environmental Services is the most appropriate bureau to further investigate this project and is prepared to do so at the Council's direction. At this point, no additional funds are necessary.

RULEMAKING STATEMENTS

for

PROPOSED REVISIONS OF OPEN BURNING RULES

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

STATEMENT OF NEED:

Legal Authority

This proposal amends OAR 340-23-005 through 23-115. It is proposed under authority of ORS 468.020, ORS 468.310, ORS 468.355, and ORS 468.450.

Need for the Rule

An open burning ban is needed to meet daily particulate air quality standards in the Portland area. Putting 4th priority agricultural burning in the Willamette Valley in the Open Burning Rules will consolidate all such requirements into one rule. The EQC has found that alternatives are available to backyard burning.

Principal Documents Relied Upon

1. Environmental Quality Commission Reports from the Director dated February 22, 1980, January 30, 1981, August 27, 1982, and November 18, 1983.
2. METRO Yard Debris Demonstration Grant Reports dated October 17, 1983 and March, 1983.
3. Portland-Vancouver AQMA (Oregon Portion) Control Strategy for total suspended particulates, adopted by the Environmental Quality Commission December 19, 1980.

FISCAL AND ECONOMIC IMPACT STATEMENT:

Use of non-burning techniques to dispose of yard debris will cost the average citizen who now burns about \$6/year. Small businesses will benefit from extra business generated for services to dispose of yard debris.

LAND USE CONSISTENCY STATEMENT:

The Department has concluded that the proposals do affect land use.

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

Goal 11 (public facilities and services). The rules may assist the Region in meeting its solid waste disposal needs by enhancing use or recycling of yard debris and reducing the amount of yard debris currently disposed of in landfills.

Public comment on any land use issue involved is welcome and may be submitted in the same fashions as are indicated for testimony in this NOTICE 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 conflict brought to our attention by local, state, or federal authorities.

DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 340

DIVISION 23

How to use these Open Burning Rules

340-23-022

- (1) These rules classify all open burning into one of seven classes: Agricultural, Commercial, Construction, Demolition (which includes land clearing), Domestic (which includes burning commonly called "backyard burning" and burning of yard debris), Industrial or Slash. Except for field burning within the Willamette Valley and slash burning which is controlled by the forest practices smoke management plan administered by the Oregon Department of Forestry, these rules prescribe requirements for and prohibitions of open burning for every location in the state. Generally, if a class of open burning is not specifically prohibited in a give location, then it is authorized subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. In addition, some practices specifically mentioned in OAR 340-23-035 are exempted from regulation under these rules.
- (2) Organization of rules
 - (a) OAR 340-23-025 is the Policy statement of the Environmental Quality Commission setting forth the goals of these rules.

- (b) OAR 340-23-030 contains definitions of terms which have specialized meanings within the context of these rules.
- (c) OAR 340-23-035 lists specific types of open burning and practices which are not governed by these rules.
- (d) OAR 340-23-040 lists general requirements which are usually applicable to any open burning governed by these rules.
- (e) OAR 340-23-042 lists general prohibitions which apply to most open burning.
- (f) OAR 340-23-043 establishes the open burning schedule based on air quality and meteorological conditions as required by ORS 468.450.
- (g) OAR 340-23-045 indexes each county of the state to a specific rule giving specific restrictions for each class of open burning applicable in the county.
- (h) OAR 340-23-055 through 340-23-090 are rules which give specific restrictions to open burning for each class of open burning in the counties named in each rule.
- (i) OAR 340-23-100 provides for a letter permit authorization for open burning under certain circumstances which otherwise would be prohibited.
- (j) OAR 340-23-105 establishes criteria for use of forced-air-pit incineration.
- (k) OAR 340-23-110 requires fire permit issuing agencies to keep records and reports.

- (1) OAR 340-23-115 contains the legal description of Open Burning Control areas and maps which generally depict these areas.
- (3) Use of these rules will be made easier by using the following procedures:
 - (a) Read OAR 340-23-040 and OAR 340-23-042 to understand general requirements and prohibitions which apply to all burning which is governed by these rules.
 - (b) In OAR 340-23-030 read the definitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning plus the definitions of land clearing and yard debris to determine the type of burning of concern. Also read OAR 340-23-035 to determine if the type of burning is exempted from these rules.
 - (c) Locate the rule (OAR 340-23-055 through OAR 340-23-090) which governs the county in which burning is to take place. OAR 340-23-045 is an index of the county rules.
 - (d) Read the sections of the county rules which apply to the type of burning to be accomplished.
 - (e) If not prohibited by these rules, obtain a fire permit from the fire district, county court or county commissioners before conducting any burning.
 - (f) If the type of burning proposed is prohibited by these rules, refer to OAR 340-23-100 (Letter Permits) or OAR 340-23-105 (Forced Air Pit Incinerators) for a possible alternative.

Policy

340-23-025 In order to restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the state, it is the policy of the Environmental Quality Commission:

- (1) to eliminate open burning disposal practices where alternative disposal methods are feasible and practicable;
- (2) to encourage the development of alternative disposal methods;
- (3) to emphasize resource recovery;
- (4) to regulate specified types of open burning;
- (5) to encourage utilization of the highest and best practicable burning methods to minimize emissions where other disposal practices are not feasible; and
- (6) to require specific programs and timetables for compliance with these rules.

Definitions

340-23-030 As used in these rules unless otherwise required by context:

- (1) "Agricultural Operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose; it does not include the construction and use of dwellings customarily provided in conjunction with the agricultural operation.
- (2) "Agricultural open burning" means the open burning of any agricultural waste.

- (3) "Agricultural waste" means any material actually generated or used by an agricultural operation but excluding those materials described in OAR 340-23-042(2).
- (4) "Auxiliary Combustion Equipment" includes, but is not limited to, fans or air curtain incinerators.
- (5) "Combustion Promoting Materials" include, but are not limited to, propane, diesel oil, or jellied diesel.
- (6) "Commercial open burning" means the open burning of any commercial waste.
- (7) "Commercial Waste" means:
 - (a) Any material except
 - (A) Agricultural waste,
 - (B) Construction waste,
 - (C) Demolition waste,
 - (D) Domestic waste,
 - (E) Industrial waste and
 - (F) Slash.
 - (b) Examples of commercial waste are material from offices, wholesale or retail yards and outlets, warehouses, restaurants, mobile home parks, and dwellings containing more than four family living units such as apartments, condominiums, hotels, motels or dormitories.
- (8) "Commission" means the Environmental Quality Commission.
- (9) "Construction open burning" means the open burning of any construction waste.

- (10) "Construction waste" means any material actually resulting from or produced by a building or construction project. Examples of construction waste are wood, lumber, paper, crating and packing materials used during construction, materials left after completion of construction and materials collected during cleanup of a construction site.
- (11) "Demolition open burning" means the open burning of demolition waste.
- (12) "Demolition waste" means any material actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site for land improvement or cleanup excluding yard debris (domestic waste) and agricultural waste.
- (13) "Department" means the Department of Environmental Quality.
- (14) "Director" means the Director of the Department or delegated employee representative pursuant to ORS 468.045(3).
- (15) "Domestic open burning" means the open burning of any domestic waste.
- (16) "Domestic Waste" means household material, which includes paper, cardboard, clothing, yard debris, or other material, actually generated in or around a dwelling of four (4) or fewer family living units, or on the real property appurtenant to the dwelling. Such materials actually generated in or around a dwelling or more than four (4) family living units are commercial wastes. Once domestic waste is removed from the property of origin it becomes commercial waste.

- (17) "Fire Hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or to adjacent lands.
- (18) "Forced-air Pit Incineration" means any method or device by which burning is [done] accomplished in a subsurface pit or above ground enclosure using:
- (a) Combustion air supplied under positive draft by an air curtain, and
 - (b) Combustion air controlled in such a manner as to optimize combustion efficiency and minimize the emission of air contaminants.[and done]
 - [(c) in a subsurface pit or above ground enclosure.]
- (19) "Industrial open burning" means the open burning of any industrial waste.
- (20) "Industrial Waste" means any material, including process waste, produced as the direct result of any manufacturing or industrial process.
- (21) "Land clearing" means the removal of trees, brush, logs, stumps, debris or man made structures for the purpose of site clean-up or site preparation. All material generated by land clearing is demolition waste except those materials which are included in the definitions of agricultural wastes, yard debris (domestic waste), and slash.

(22) "Letter Permit" means an Air Contaminant Discharge Permit issued pursuant to OAR 340-23-100.

(23) [(22)]"Local jurisdiction" means

- (a) the local fire permit issuing authority or
- (b) local governmental entity with authority to regulate by law or ordinance.

(24) [(23)]"Open Burning" includes burning in

- (a) Open outdoor fires,
- (b) Burn barrels,
- (c) Incinerators which do not meet the emission limitations specified for refuse burning equipment in OAR 340-21-025 and
- (d) any other burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

(25) [(24)]"Open Burning Control Area" means an area established

to control specific open burning practices or to maintain specific open burning standards which may be more stringent than those established for other areas of the state. Open burning control areas in the State are described in OAR 340-23-115.

The open burning control areas in the state are:

- (a) All areas in or within three (3) miles of the corporate city limits of cities having a population of four thousand (4000) or more, as further described in OAR 340-23-115(1) and generally shown in Figure 2 thereof.

- (b) The Coos Bay open burning control area as described in OAR 340-23-115(2) and generally shown in Figure 3 thereof.
- (c) The Rogue Basin open burning control area as described in OAR 340-23-115(3) and generally shown in Figure 4 thereof.
- (d) The Umpqua Basin open burning control area as described in OAR 340-23-115(4) and generally shown in Figure 5 thereof.
- (e) The Willamette Valley open burning control area as described in OAR 340-23-115(5) and generally shown in Figure 2 thereof.

(26) [(25)] "Person" means any individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the state or any agency thereof, or the federal government or any agency thereof.

(27) [(26)] "Population" means the annual population estimate of incorporated cities within the State of Oregon issued by the Center for Population Research and Census, Portland State University, Portland, Oregon.

(28) [(27)] "Slash" means forest debris or woody vegetation to be burned under the Oregon Smoke Management Plan administered by the Oregon Department of Forestry pursuant to ORS 477.515. The burning of such slash is related to the management of forest land and does not include the burning of any other material created by land clearing.

(29) [(28)] "Ventilation index" means a number calculated by the Department relating to the ability of the atmosphere to disperse pollutants. The ventilation index is the product of the measured or estimated meteorological mixing depth in hundreds of feet

and the measured or estimated average wind speed through the mixed layer in knots.

(30) [(29)] "Waste" includes any useless or discarded materials.

Each waste is categorized in these rules as one and only one of the following types:

- (a) Agricultural,
- (b) Commercial,
- (c) Construction,
- (d) Demolition,
- (e) Domestic,
- (f) Industrial, or
- (g) Slash.

(31) [(30)] "Yard debris" means wood, needle or leaf materials from

trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four (4) family living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin it becomes commercial waste. Yard debris is included in the definition of domestic waste.

Exemptions, Statewide

340-23-035 The rules in this Division 23 shall not apply to:

- (1) Fires set for traditional recreational purposes and traditional ceremonial occasions for which a fire is appropriate, provided that no materials which may emit dense smoke or noxious odors as prohibited in section 340-23-042(2) are burned.

- (2) The operation of any barbecue equipment.
- (3) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety or instruction of employes in the methods of fire fighting, which in the opinion of the agency is necessary.
- (4) Agricultural open burning conducted east of the crest of the Cascade Mountains including all of Hood River and Klamath Counties.
- (5) Agricultural open field burning in the Willamette Valley between the crests of the Cascade and Coast Ranges so long as it is in compliance with OAR Chapter 340, Division 26, [Agricultural Operations] Rules for Open Field Burning (Willamette Valley).
- (6) Open burning on forest land permitted under the forest practices Smoke Management Plan filed with the Secretary of State pursuant to ORS 477.515.
- (7) Fires set pursuant to permit for the purpose of instruction of employes of private industrial concerns in methods of fire fighting, or for civil defense instruction.

General Requirements Statewide

340-23-040

This rule applies to all open burning within the purview of these rules whether authorized, permitted or prohibited by the rules in this Division 23, (unless expressly limited therein), or by any other rule, regulation, permit, ordinance, order or decree of the Commission or other agency having jurisdiction.

- (1) All Open burning shall be constantly attended by a responsible person or an expressly authorized agent until extinguished.
- (2) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof, or who is in ownership, control or custody of the material which is burned, shall be considered a responsible person for the open burning. Any person who causes or allows open burning to be initiated or maintained shall also be considered a responsible person.
- (3) It shall be the duty of each responsible person to promptly extinguish any burning which is in violation of any rule of the Commission or of any permit issued by the Department unless the Department has given written approval to such responsible person to use auxiliary combustion equipment or combustion promoting materials to minimize smoke production and the responsible person complies with the requirements in the written approval. However, nothing in this section shall be construed to authorize any violation of OAR 340-23-042(1) or (2).
- (4) To promote efficient burning and prevent excessive emissions of smoke, each responsible person shall, except where inappropriate to agricultural open burning:
 - (a) Assure that all combustible material is dried to the extent practicable. This action shall include covering the combustible material when practicable to protect the

material from deposition of moisture in any form, including precipitation or dew. However, nothing in this section shall be construed to authorize any violation of OAR 340-23-042(1) or (2).

- (b) Loosely stack or windrow the combustible material in such a manner as to eliminate dirt, rocks and other non-combustible material and promote an adequate air supply to the burning pile, and provide the necessary tools and equipment for the purpose.
 - (c) Periodically restack or feed the burning pile and insure that combustion is essentially completed and smoldering fires are prevented and provide the necessary tools and equipment for the purpose.
- (5) Open burning in compliance with the rules in this Division 23 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 this or any other governmental entity having jurisdiction.

General Prohibitions Statewide

340-23-042 This Rule applies to all open burning within the purview of these rules whether authorized, permitted or prohibited by the rules in this Division 23 (unless expressly limited therein), or by any

other rule, regulation, permit, ordinance, order or decree of the Commission or other agency having jurisdiction.

- (1) No person shall cause or allow to be initiated or maintained any open burning which interferes unreasonably with enjoyment of life or property or which creates any of the following:
 - (a) A private nuisance[;] , except as created by agricultural open burning;
 - (b) A public nuisance[;] , except as created by agricultural open burning; or
 - (c) A hazard to public safety.
- (2) No person shall cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors.
- (3) No person shall cause or allow to be initiated or maintained any open burning of any material in any part of the state on any day or at any time if the Department has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions pursuant to OAR 340-23-043.
- (4) No fire permit issuing agency shall issue any fire permit which purports to authorize any open burning of any material at

any location on any day or at any time if the Department has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions. However, the failure of any fire permit issuing agency to comply shall not excuse any person from complying with this section.

(5) No person shall cause or allow to be initiated or maintained any open burning authorized by the rules in this Division 23 during hours other than specified by the Department.

(6) No person shall cause or allow to be initiated or maintained any open burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to OAR 340-61-005 through 340-61-085.

Open Burning Schedule

340-23-043 Pursuant to ORS 468.450, 476.380, 477.520 and 478.960 the following open burning schedule shall be administered by the Department.

(1) **Mandatory Prohibition Based on Adverse Air Quality Conditions.**

(a) The Department shall notify the State Fire Marshal that all open burning shall be prohibited in all or a specified part of the state for the times and locations which the Department has declared:

(A) A particulate or sulfur dioxide alert pursuant to OAR 340-27-010(2)[(a), (b) or (c)];

(B) A particulate or sulfur dioxide warning pursuant to OAR 340-27-010(3)[(a), (b), or (c)]; or

(C) An emergency for any air contaminant pursuant to OAR 340-27-010(4).

(b) All open burning shall be prohibited until the Department notifies the State Fire Marshal that the episode and prohibition have been declared to have terminated.

(2) Discretionary Prohibition or Limitation Based on Meteorological Conditions.

(a) The Department may notify the State Fire Marshal that all or specified types of open burning shall be prohibited or limited in all or any specified parts of the state based on any one or more of the following criteria affecting that part of the state:

(A) An Air Stagnation Advisory issued by the National Weather Service;

(B) The daily maximum ventilation index calculated by the Department for the Willamette Valley Open Burning Control Area is less than 200;

(C) The daily maximum ventilation index calculated by the Department for the Rogue Basin or Umpqua Basin open burning control area is less than 200;

(D) The daily maximum ventilation index calculated by the Department for any area outside the Willamette Valley, Rogue Basin and Umpqua Basin open burning control areas is less than 150;[or]

(E) For regulation of burning of yard debris in urban areas, consideration of the amount of precipitation, expected during the day; or

(F) [(E)] Any other relevant factor.

(b) All open burning so prohibited or limited shall be prohibited or limited until the Department notifies the State Fire Marshal that the prohibition or limitation has been terminated.

(c) In making the determination of whether or not to prohibit or limit open burning pursuant to this section the Department shall consider:

(A) The policy of the state set forth in ORS 468.280;

(B) The relevant criteria set forth in ORS 468.295(2);

(C) The extent and types of materials available to be open burned;

(D) In the case of Agricultural open burning, the recommendations received from any local agricultural smoke management organization; and

(E) Any other relevant factor.

(d) In making the determination of whether or not to prohibit or limit any open burning pursuant to this section the Department shall give first priority to the burning of perennial grass seed crop used for grass seed production, second priority for annual grass seed crop used for grass seed production, third priority to grain crop burning and fourth priority to all other burning.

(3) Unless and until prohibited or limited pursuant to sections (1) or (2) of this rule, open burning shall be allowed during a day, so long as it is not prohibited by, and is conducted consistent

with the other rules in this Division 23 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

County Listing of Specific Open Burning Rules

340-23-045

Except as otherwise provided, in addition to the general requirements and prohibitions listed in OAR 340-23-040 and 340-23-042, specific prohibitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning are listed in separate rules for each county. The following list identifies the Rule where prohibitions of specific types of open burning applicable to a given county may be found.

County	OAR Rule Number	County	OAR Rule Number
Baker	340-23-055	Lake	340-23-055
Benton	340-23-060	Lane	340-23-085
Clackamas	340-23-065	Lincoln	340-23-055
Clatsop	340-23-055	Linn	340-23-060
Columbia	340-23-080	Malheur	340-23-055
Coos	340-23-090	Marion	340-23-060
Crook	340-23-055	Morrow	340-23-055
Curry	340-23-055	Multnomah	340-23-070
Deschutes	340-23-055	Polk	340-23-060
Douglas	340-23-090	Sherman	340-23-055
Gilliam	340-23-055	Tillamook	340-23-055
Grant	340-23-055	Umatilla	340-23-055
Harney	340-23-055	Union	340-23-055

County	OAR Rule Number	County	OAR Rule Number
Hood River	340-23-055	Wallowa	340-23-055
Jackson	340-23-090	Wasco	340-23-055
Jefferson	340-23-055	Washington	340-23-075
Josephine	340-23-090	Wheeler	340-23-055
Klamath	340-23-055	Yamhill	340-23-060

340-23-050 [Renumbered to 340-23-110]

Open Burning Prohibitions

Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grants, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.

340-23-055 Open burning prohibitions for the counties of Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler:

- (1) Industrial open burning is prohibited except as provided in OAR 340-23-100.
- (2) Agricultural open burning
 - (a) In Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler Counties, agricultural open burning is exempted from regulation under these rules.

- (b) In Clatsop, Curry, Lincoln and Tillamook Counties agricultural open burning is allowed subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (3) Commercial open burning is allowed subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal, except that all commercial open burning is prohibited in or within three (3) miles of the corporate city limits of the following cities unless authorized pursuant to OAR 340-23-100:
 - (a) In Baker County, the city of Baker.
 - (b) In Clatsop County, the cities of Astoria and Seaside.
 - (c) In Crook County, the city of Prineville.
 - (d) In Deschutes County, the cities of Bend and Redmond.
 - (e) In Hood River County, the city of Hood River.
 - (f) In Klamath County, the city of Klamath Falls.
 - (g) In Lincoln County, the cities of Lincoln City and Newport.
 - (h) In Malheur County, the city of Ontario.
 - (i) In Umatilla County, the cities of Hermiston, Milton-Freewater and Pendleton.
 - (j) In Union County, the city of La Grande.
 - (k) In Wasco County, the city of The Dalles.
- (4) Construction and Demolition open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that Construction and Demolition open burning is prohibited in

or within three (3) miles of the corporate city limits of the following cities unless authorized pursuant to OAR 340-23-100:

- (a) In Baker County, the city of Baker.
- (b) In Clatsop County, the city of Astoria.
- (c) In Crook County, the city of Prineville.
- (d) In Deschutes County, the cities of Bend and Redmond.
- (e) In Hood River County, the city of Hood River.
- (f) In Klamath County, the city of Klamath Falls.
- (g) In Malheur County, the city of Ontario.
- (h) In Umatilla County, the cities of Hermiston, Milton-Freewater and Pendleton.
- (i) In Union County, the city of La Grande.
- (j) In Wasco County, the city of The Dalles.

(5) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

Benton, Linn, Marion, Polk, and Yamhill Counties

340-23-060 Open burning prohibitions for Benton, Linn, Marion, Polk, and Yamhill counties which form a part of the Willamette Valley open burning control area described in OAR 340-23-115.

- (1) Industrial open burning is prohibited except as provided in OAR 340-23-100.
- (2) [Agricultural open burning is allowed subject to OAR 340-26-005 through 340-26-030 (Agricultural Operations) and the requirements and prohibitions of local jurisdictions and the State Fire

Marshal.] Agricultural open field burning of grass and cereal grain fields for seed production is regulated by OAR Chapter 340, Division 26, Rules for Open Field Burning (Willamette Valley). All other agricultural open burning is allowed subject to OAR 340-23-040 and 340-23-042, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(a) Agricultural open burning within the purview of this rule will be prohibited between July 15 and September 15 unless specifically authorized by the Department on a particular day.

(b) Burning hours are during daylight hours unless otherwise set by the Department. Large piles of land clearing debris or stumps shall be handled in accordance with OAR 340-23-040(4)(c) and may be allowed, without addition of new waste material, to burn after hours and into prohibition condition days.

(3) Commercial open burning is prohibited except as provided in OAR 340-23-100.

(4) Construction and Demolition open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that unless authorized pursuant to 340-23-100, Construction and Demolition open burning is prohibited within special control areas including the following:

(a) Areas in or within six (6) miles of the corporate city limit of Salem in Marion and Polk Counties.

(b) Areas in or within three (3) miles of the corporate city limit of:

(A) In Benton County, the cities of Corvllis and Philomath.

- (B) In Linn County, the cities of Albany, Brownsville, Harrisburg, Lebanon, Mill City and Sweet Home.
 - (C) In Marion County, the cities of Aumsville, Hubbard, Gervais, Jefferson, Mill City, Mt. Angel, Silverton, Stayton, Sublimity, Turner and Woodburn.
 - (D) In Polk County, the cities of Dallas, Independence and Monmouth.
 - (E) In Yamhill County, the cities of Amity, Carlton, Dayton, Dundee, Lafayette, McMinnville, Newberg, Sheridan and Willamina.
- (5) Domestic open burning
- (a) As generally depicted in Figure 1 of OAR 340-23-115, domestic open burning is prohibited in the special control areas named in Section (4) of this Rule except that open burning of yard debris is allowed beginning March first and ending June fifteenth inclusive, and beginning October first and ending December fifteenth, inclusive, subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
 - (b) Domestic open burning is allowed outside of special control areas named in Section (4) of this Rule subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(c) No person shall cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by the Department pursuant to OAR 340-23-043.

Clackamas County

340-23-065 Open Burning Prohibitions for Clackamas County:

- (1) Industrial open burning is prohibited except as provided in OAR 340-23-100.
- (2) [Agricultural open burning is allowed subject to OAR 340-26-005 through 340-26-030, (Agricultural Operations) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.] Agricultural open field burning of grass and cereal grain fields for seed production is regulated by OAR Chapter 340, Division 26, Rules for Open Field Burning (Willamette Valley). All other agricultural open burning is allowed subject to OAR 340-23-040 and 340-23-042, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
 - (a) Agricultural open burning within the purview of this rule will be prohibited between July 15 and September 15 unless specifically authorized by the Department on a particular day.
 - (b) Burning hours are during daylight hours unless otherwise set by the Department. Large piles of land clearing debris or stumps shall be handled in accordance with OAR 340-23-040(4)(c) and may be allowed, without addition of new waste material, to burn after hours and into prohibition condition days.

- (3) Commercial open burning is prohibited except as may be provided by OAR 340-23-100. (4) Construction and Demolition open burning is
- (4) Construction and Demolition open burning is allowed subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal except that unless authorized pursuant to OAR 340-23-100, Construction and Demolition open burning is prohibited within special control areas including the following:
- (a) Areas in or within six (6) miles of the corporate city limits of Gladstone, Happy Valley, Lake Oswego, Milwaukie, Oregon City, Portland, Rivergrove and West Linn.
- (b) Areas in or within three (3) miles of the corporate city limits of Canby, Estacada, Gresham, Molalla, Sandy and Wilsonville.
- (5) Domestic open burning
- (a) As generally depicted in Figure 1A of OAR 340-23-115, domestic open burning is always prohibited within the following fire districts unless authorized pursuant to OAR 340-23-100: Clackamas County RFPD #1, that portion of Clackamas County RFPD #54 which lies within the Metropolitan Service District, that portion of Clackamas County RFPD #71 which lies west of a line extending due north of the western tip of Beebe Island in the Clackamas River, Glenmorrie RFPD, #66, Gladstone, Lakegrove RFPD #57, Lake Oswego, Milwaukie, Oregon City, Oak Lodge, Portland, Riverdale RFPD #60, Rosemont RFPD #67, that part of Tualatin RFPD #64 which lies north of I-205 and West Linn.

(b) [(a) As] Areas of Clackamas County generally depicted in Figure 1 of OAR 340-23-115 and not included in the area where burning is prohibited by OAR 340-23-065(5)(a), domestic open burning is prohibited [within the following fire districts] except that open burning of yard debris is allowed within the following fire districts between March first and June fifteenth inclusive and between October first and December fifteenth inclusive, subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal: Beaver Creek RFPD #55, Boring RFPD #59, Canby, Canby RFPD #62, [Clackamas Co. RFPD #1,] that portion of Clackamas Co. RFPD #54 which lies outside the Metropolitan Service District, that portion of Clackamas RFPD #71 which lies east of a line extending due north of the western tip of Beebe Island in the Clackamas River, [Glenmorrie RFPD #66, Gladstone,] Happy Valley RFPD #65, [Lake Grove RFPD #57, Lake Oswego, Milwaukie, Oregon City, Oak Lodge, Portland, Riverdale RFPD #60, Rosemont RFPD #67] Sandy RFPD #72, that part of Tualatin RFPD #64 which lies south of I-205 [, West Linn].

(c) [(b)] Domestic open burning is allowed in all other areas of Clackamas County subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(d) [(c)] No person shall cause or allow to be initiated or maintained any domestic open burning other than during daylight hours

between 7:30 a.m. and two hours before sunset unless otherwise specified by the Department pursuant to OAR 340-23-043.

Multnomah County

340-23-070 Open Burning Prohibitions for Multnomah County.

- (1) Industrial open burning is prohibited except as provided in OAR 340-23-100.
- (2) [Agricultural open burning is allowed subject to OAR 340-26-005 through 340-26-030, (Agricultural Operations) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.] Agricultural open field burning of grass and cereal grain fields for seed production is regulated by OAR Chapter 340, Division 26, Rules for Open Field Burning (Willamette Valley). All other agricultural open burning is allowed subject to OAR 340-23-040 and 340-23-042, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
 - (a) Agricultural open burning within the purview of this rule will be prohibited between July 15 and September 15 unless specifically authorized by the Department on a particular day.
 - (b) Burning hours are during daylight hours unless otherwise set by the Department. Large piles of land clearing debris or stumps shall be handled in accordance with OAR 340-23-040(4)(c) and may be allowed, without addition of new waste material, to burn after hours and into prohibition condition days.
- (3) Commercial open burning is prohibited except as provided in OAR 340-23-100.

(4) Construction and Demolition open burning, unless authorized pursuant to OAR 340-23-100, is prohibited west of the Sandy River but is allowed east of the Sandy River subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning.

(a) As generally depicted in Figure 1A of OAR 340-23-115, open burning is always prohibited within the following area of Multnomah County unless authorized pursuant to OAR 340-23-100: west of a line beginning at the eastern most point where the Portland city limit meets the Multnomah-Clackamas Counties line, thence northward and eastward along the Portland city limits to Johnson Creek, thence continuing eastward and northward along Johnson Creek to the Gresham city limit, thence northward and eastward along the Gresham city limit to 182nd Avenue, thence northward along 182nd Avenue to its junction with 181st Avenue, thence northward along 181st Avenue to Sandy Boulevard, thence eastward along Sandy Boulevard to 185th Avenue, thence northward along 185th Drive and its extension to the Columbia River and the state line, but excluding that portion of western Multnomah County included in Skyline RFPR #20, Sauvie Island, Burlington Water District and all other areas in northwestern Multnomah County which is outside of a Fire Protection District.

(b) [(a)]As generally depicted in Figure 1 of OAR 340-23-115, domestic open burning is prohibited in areas of Multnomah County west of the Sandy River not included in the area where burning is

prohibited by OAR 340-23-070(5)(a), except that open burning of yard debris is allowed from March first to June fifteenth inclusive and from October first to December fifteenth inclusive, subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(c) [(b)] Domestic open burning is allowed east of the Sandy River subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(d) [(c)] No person shall cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

Washington County

340-23-075 Open Burning Prohibitions for Washington County.

- (1) Industrial open burning is prohibited except as provided in OAR 340-23-100.
- (2) [Agricultural open burning is allowed subject to OAR 340-26-005 through 340-26-030, (Agricultural Operations) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.] Agricultural open field burning of grass and cereal grain fields for seed production is regulated by OAR Chapter 340, Division 26, Rules for Open Field Burning (Willamette Valley). All other agricultural open burning is allowed subject to OAR 340-23-040 and 340-23-042, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(a) Agricultural open burning within the purview of this rule will be prohibited between July 15 and September 15 unless specifically authorized by the Department on a particular day.

(b) Burning hours are during daylight hours unless otherwise set by the Department. Large piles of land clearing debris or stumps shall be handled in accordance with OAR 340-23-040(4)(c) and may be allowed, without addition of new waste material, to burn after hours into prohibition condition days.

(3) Commercial open burning is prohibited except as may be provided by OAR 340-23-100.

(4) Construction and Demolition open burning, unless authorized pursuant to OAR 340-23-100, is prohibited in all incorporated areas and areas within rural fire protection districts. Construction and Demolition open burning is allowed in all other areas subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning

(a) As generally depicted in Figure 1A of OAR 340-23-115, open burning is always prohibited within the following area of Washington County unless authorized pursuant to OAR 340-23-100:

(A) That portion of Tualatin RFPD north of I-205 plus the area including the cities of Tualatin, Durham, Tigard and King City, which is north of a line starting at the point where I-205 meets the Tualatin city limit, thence westward, southward, westward and finally northward along the Tualatin city limit to Highway 99W, thence northward along

Highway 99W to the Tualatin River, thence westward along the Tualatin River to its intersection with the boundary of the Metropolitan Service District, thence generally northward and westward along the Metropolitan Service District Boundary to the boundary between the Tualatin RFPD and Washington County RFPD #1.

(B) That part of Washington County Rural Fire Protection District #1 which is within the Metropolitan Service District.

(C) That part of Washington County Rural Fire Protection District #2 starting at the point where Highway 26 crosses the eastern boundary of the fire district, thence westward along Highway 26 to Cornelius Pass Road, thence northward along Cornelius Pass Road to West Union Road, thence eastward along West Union Road to the fire district boundary, thence southerly along the district boundary to the point of beginning.

(b) [(a) As generally depicted in Figure 1 of OAR 340-23-115,] Excluding areas listed in OAR 340-23-075(5)(a) above, domestic open burning is prohibited in all municipal and rural fire protection districts of Washington Co., excluding the Tri-Cities RFPD as generally depicted in Figure 1 of OAR 340-23-115, except that open burning of yard debris is allowed between March first and June fifteenth inclusive and between October first and December fifteenth inclusive, subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(c) [(b)] Domestic open burning is allowed in the Tri-Cities RFPD and in all unincorporated areas of Washington County outside of municipal or rural fire protection districts subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(d) [(c)] No person shall cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

Columbia County

340-23-080 Open Burning Prohibitions for Columbia County.

- (1) Industrial open burning is prohibited unless authorized pursuant to OAR 340-23-100.
- (2) Agricultural open burning is allowed subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (3) Commercial open burning is prohibited unless authorized pursuant to OAR 340-23-100.
- (4) Construction and Demolition open burning
 - (a) Unless authorized pursuant to OAR 340-23-100, Construction and Demolition open burning is prohibited in and within three (3) miles of the city limits of Clatskanie, Rainier, St. Helens, Scappoose and Vernonia.

- (b) Construction and Demolition open burning is allowed in all other parts of Columbia County subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (5) Domestic open burning is allowed subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

Lane County

340-23-085 Open Burning Prohibitions for Lane County. That portion of Lane County east of Range 7 West, Willamette Meridian, forms a part of the Willamette Valley open burning control area as generally described in OAR 340-23-115(5) and depicted in Figure 2.

- (1) The rules and regulations of the Lane Regional Air Pollution authority shall apply to all open burning in Lane County provided such rules are no less stringent than the provision of these rules except that the Lane Regional Air Pollution Authority may not regulate agricultural open burning.
- (2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-23-100.
- (3)[Agricultural open burning is allowed subject to OAR 340-26-005 through 340-26-030 (Agricultural Operations), and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.]
Agricultural open field burning of grass and cereal grain fields for seed production is regulated by OAR Chapter 340, Division 26. Rules for Open Field Burning (Willamette Valley). All other agricultural open burning is allowed subject to OAR 340-23-040 and

340-23-042, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(a) Agricultural open burning within the purview of this rule will be prohibited between July 15 and September 15 unless specifically authorized by the Department on a particular day.

(b) Burning hours are during daylight hours unless otherwise set by the Department. Large piles of land clearing debris or stumps shall be handled in accordance with OAR 340-23-040(4)(c) and may be allowed, without addition of new waste material, to burn after hours and into prohibition condition days.

(4) Commercial open burning, unless authorized pursuant to OAR 340-23-100, is prohibited in Lane County east of Range 7 West, Willamette Meridian and in or within three (3) miles of the City limits of Florence on the coast. Commercial open burning is allowed in the remaining areas of Lane County subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Construction and Demolition open burning unless authorized pursuant to OAR 340-23-100 is prohibited within all fire districts and other areas specified in this section but is allowed elsewhere in Lane County subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Areas where open burning of construction and demolition waste is prohibited include:

(a) Bailey-Spencer RFPD,

(b) Coburg RFPD,

(c) Cottage Grove,

- (d) Creswell RFPD,
- (e) Crow Valley RFPD,
- (f) Dexter RFPD except that portion east of the Willamette Meridian,
- (g) Elmira-Noti RFPD except that portion west of the line between Range 6 West and Range 7 West,
- (h) Eugene Fire District,
- (i) Eugene RFPD No. 1,
- (j) Goshen RFPD,
- (k) Junction City Fire District,
- (l) Junction City RFPD,
- (m) Lane RFPD No. 1,
- (n) Lowell RFPD,
- (o) Marcola RFPD,
- (p) McKenzie RFPD except that portion east of the Willamette Meridian,
- (q) Monroe RFPD, only that portion within Lane County,
- (r) Oakridge RFPD,
- (s) Pleasant Hill RFPD,
- (t) South Lane RFPD,
- (u) Springfield Fire Department and those areas protected by the Springfield Fire Department,
- (v) That portion of Western Lane Forest Protection District north of Section 11, [TWP. 19 South, RGE 4 West] T19S, R4W and bordering the city of Eugene and/or Crow Valley, Eugene #1, Goshen and Creswell RFPDs,

- (w) Willakenzie RFPD,
 - (x) Zumwalt RFPD,
 - (y) Those unprotected areas which are surrounded by or are bordered on all sides by any of the above listed fire protection districts or by Eastern Lane Forest Protection District.
- (6) Domestic open burning.
- (a) Domestic open burning outside the fire districts listed in Section (5) of this Rule is allowed subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
 - (b) Domestic open burning is prohibited within all fire districts listed in Section (5) of this Rule except that open burning of yard debris is allowed subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
 - (c) Refer to Lane Regional Air Pollution Authority open burning rules for specific seasons and hours for domestic open burning.

Coos, Douglas, Jackson and Josephine Counties

340-23-090 Open burning prohibitions for Coos, Douglas, Jackson and Josephine Counties.

- (1) Open burning control areas
 - (a) The Coos Bay open burning control area as generally described in OAR 340-23-115 and depicted in Figure 3 is located in Coos County.

- (b) The Umpqua Basin open burning control area as generally described in OAR 340-23-115, and depicted in Figure 5, is located in Douglas County.
 - (c) The Rogue Basin open burning control area as generally described in OAR 340-23-115 and depicted in Figure 4, is located in Jackson and Josephine Counties.
- (2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-23-100.
 - (3) Agricultural open burning is allowed subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
 - (4) Commercial open burning is prohibited within the Coos Bay, Umpqua Basin and Rogue Basin open burning control areas and in or within three (3) miles of the corporate city limits of Coquille and Reedsport unless authorized pursuant to OAR 340-23-100. Commercial open burning is allowed in all other areas of these counties subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
 - (5) Construction and Demolition open burning is prohibited within the Coos Bay, Umpqua Basin and Rogue Basin open burning control areas unless authorized pursuant to OAR 340-23-100. Construction and Demolition open burning is allowed in other areas of these counties subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

- (6) Domestic open burning is allowed subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

Letter Permits

340-23-100 (1) Open burning of commercial, industrial, construction or demolition waste on a singly occurring or infrequent basis or the open burning of yard debris which is otherwise prohibited, may be permitted by a letter permit issued by the Department in accordance with this rule and subject to OAR 340-23-040 and 340-23-042 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. OAR 340-14-025, [and] 340-20-140, and 340-20-150 through 340-20-185 shall not apply.

- (2) A letter permit may only be issued on the basis of a written application for disposal of material by burning which has been approved by the Department. Each application for a letter permit shall contain the following items:
- (a) The quantity and type of material proposed to be burned,
 - (b) A listing of all alternative disposal methods and potential costs which have been identified or investigated,
 - (c) The expected amount of time which will be required to complete the burning[,] (not required for yard debris).
 - (d) The methods proposed to be used to insure complete and efficient combustion of the material,
 - (e) The location of the proposed burning site,

- (f) A diagram showing the proposed burning site and the structures and facilities inhabited or used in the vicinity including distances thereto,
 - (g) The expected frequency of the need to dispose of similar materials by burning in the future,
 - (h) Any other information which the applicant considers relevant or which the Department may require.
 - (i) For open burning of yard debris:
 - (A) A "Hardship Permit Application" completed on a form supplied by the department and
 - (B) Either payment of the appropriate fee pursuant to section (11) of this rule or a "waiver request" completed on a form supplied by the department.
- (3) Upon receipt of a written application the Department may approve the application if it is satisfied that:
- (a) The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the materials exists; and
 - (b) The proposed burning will not cause or contribute to significant degradation of air quality.
- (4) The Department also may deny an application for a letter permit or revoke or suspend an issued letter permit on any of the following grounds:
- (a) Any material misstatement or omission in the application or a history of such misstatements or omissions by the applicant:

- (b) Any actual or projected violation of any statute, rule, regulations, order, permit, ordinance, judgement or decree.
- (5) In making its determination under section (3) above, the Department may consider:
- (a) The conditions of the airshed of the proposed burning.
 - (b) The other air pollution sources in the vicinity of the proposed burning;
 - (c) The availability of other methods of disposal, and special circumstances of conditions which may impose a hardship on an applicant;
 - (d) The frequency of the need to dispose of similar materials in the past and expected in the future;
 - (e) The applicant's prior violations, if any;
 - (f) The projected effect upon persons and property in the vicinity; and
 - (g) Any other relevant factor.
- (6) Each letter permit issued by the Department pursuant to section (2) of this Rule shall contain at least the following elements:
- (a) The location at which the burning is permitted to take place.
 - (b) The number of actual calendar days on which burning is permitted to take place, not to exceed seven (7).
- Burning pursuant to a permit for yard debris shall be limited to three (3) days per season unless satisfactory justification for more burning is provided by the applicant.

(c) The period during which the permit is valid, not to exceed a period of thirty (30) consecutive days, except a permit for yard debris. The actual period in the permit shall be specific to the needs of the applicant.

(d) A letter permit for yard debris shall be valid for a single burning season or for both the spring and fall burning seasons during a calendar year, as appropriate to the application and the fee paid pursuant to the schedule in OAR 340-23-100(11). The spring burning is from March First to June Fifteenth, inclusive, and the fall burning season is from October First to December Fifteenth, inclusive.

(e) [(d)] Equipment and methods required to be used by the applicant to insure that the burning is accomplished in the most efficient manner over the shortest period of time to minimize smoke production.

(f) [(e)] The limitations, if any, based on meteorological conditions required before burning may occur. Open burning under permits for yard debris shall be limited to the hours and times which limit seasonal domestic yard debris burning permitted in the county where the burning under the letter permit is to occur.

(g) [(f)] Reporting requirements for both starting the fire each day and completion of the requested burning[.] .(optional for permits for yard debris.)

(h) [(g)] A statement that OAR 340-23-040 and 340-23-042 are fully applicable to all burning under the permit.

(i) [(h)] Such other conditions as the Department considers to be desirable.

- (7) Regardless of the conditions in any letter permit, each letter permit, except permits for yard debris, shall be valid for not more than thirty (30) consecutive calendar days of which a maximum of seven (7) can be used for burning. The Department may issue specific letter permits for shorter periods.
- (8) Letter permits shall not be renewable. Any requests to conduct additional burning shall require a new application and a new permit.
- (9) For locations within Clackamas, [Columbia,] Multnomah and Washington Counties, letter permits may be issued only for the purpose of disposal of:
- (a) Material resulting from emergency occurrences including, but not limited to floods, storms or oil spills.
 - (b) Material originating as yard debris which has been collected and stored by governmental jurisdictions provided that no other reasonable means of disposal are available.
 - (c) Yard debris excluding grass clippings and leaf piles, on the property of a private residence where the inability to burn creates a significant hardship due to:
 - (A) An economic burden when the estimated cost of alternative means of yard debris disposal presents a financial hardship in relation to household income and expenses of the applicant.

(B) A physical handicap, personal disability, chronic illness, substantial infirmity or other physical limitation substantially inhibiting the ability of the applicant to process or transport yard debris; or

(C) Inaccessibility of yard debris, where steepness of terrain or remoteness of the debris site makes access by processing or transportation equipment unreasonable;

(10)[Failure to conduct open burning according to the conditions, limitations, or terms of a letter permit, or any open burning in excess of that permitted by the letter permit shall be violation of the permit and shall be cause for assessment of civil penalties for each violation as provided in OAR 340-12-030, 340-12-035, 340-12-040(3)(b), 340-12-045, and 340-12-050(3), or for other enforcement action by the Department.] No person shall violate any condition, limitation, or term of a letter permit.

(11) All applications for a letter permit for yard debris shall be accompanied by a permit fee which shall be payable to the Department and become non-refundable upon issuance of the permit.

The fee to be submitted is:

(a) For a single burning season, spring or fall; \$20.

(b) For a calendar year; \$30.

(12) The Department may waive the single season permit fee if the applicant shows that the cost of the hardship permit presents an extreme financial hardship in relation to the household income and expenses of the applicant.

Forced Air Pit Incinerators

340-23-105 Forced air pit incineration may be approved as an alternative to open burning prohibited by these rules, provided that the following conditions shall be met:

- (1) The person requesting approval of forced air pit incineration shall demonstrate to the satisfaction of the Department that no feasible or practicable alternative to forced-air pit incineration exists.
- (2) The forced-air pit incineration facility shall be designed, installed, and operated in such a manner that visible emissions do not exceed forty percent (40%) opacity for more than three (3) minutes out of any one (1) hour of operation following the initial thirty (30) minute startup period.
- (3) The person requesting approval of a force-air pit incineration facility shall be granted an approval of the facility only after a Notice of Construction and Application for Approval is submitted pursuant to OAR 340-20-020 through 340-20-030.
- (4) A forced-air pit permit for operation of a forced-air pit incineration facility shall be required and shall be based on the same conditions and requirements stipulated for letter permits in OAR 340-23-100, which is included here by reference, except that the term of the permit shall not be limited to thirty (30) days and the operation of the facility shall not be limited to seven (7) days, but both the term of the permit and the operation limit of the facility shall be specified in the permit and shall be appropriate to the purpose of the facility.

Records and Reports

340-23-110

As required by ORS 476.380(4) and 478.960(7), fire permit issuing agencies shall maintain records of open burning permits and the conditions thereof, and shall submit such records or summaries thereof to the Commission as may be required. Forms for any reports required under this section shall be provided by the Department.

Open Burning Control Areas

340-23-115

Generally areas around the more densely populated locations in the state and valleys or basins which restrict atmospheric ventilation are designated open burning control areas. The practice of open burning may be more restrictive in open burning control areas than in other areas of the state. The specific open burning restrictions associated with these Open Burning Control Areas are listed in OAR 340-23-055 through OAR 340-23-090 by county. The general locations of Open Burning Control Areas are depicted in Figure 2 through 5 of this rule. The Open Burning Control Areas of the state are defined as follows:

- (1) All areas in or within three miles of the incorporated city limits of all cities with a population of 4,000 or more.
- (2) The Coos Bay Open Burning Control Area is located in Coos County with boundaries as generally depicted in Figure 3 of this rule. The area is enclosed by a line beginning at a point approximately 4-1/2 miles WNW of the City of North Bend, at the

intersection of the north boundary of T25S, R13W, and the coast line of the Pacific Ocean; thence east to the NE corner of T25S, R12W; thence south to the SE corner of T26S, R12W; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean; thence northerly and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13W, the point of beginning.

- (3) The Rogue Basin Open Burning Control Area is located in Jackson and Josephine Counties with boundaries as generally depicted in Figure 4 of this rule. The area is enclosed by a line beginning at a point approximately 4-1/2 miles NE of the City of Shady Cove at the NE corner of T34S, R1W, Willamette Meridian; thence south along the Willamette Meridian to the SW corner of T37S, R1W; thence east to the NE corner of T38S, R1E; thence south to the SE corner of T38S, R1E; thence east to the NE corner of T39S, R2E; thence south to the SE corner of T39S, R2E; thence west to the SW corner of T39S, R1E; thence NW along a line to the NW corner of T39S, R1W; thence west to the SW corner of T38S, R2W; thence north to the SW corner of T36S, R2W; thence west to the SW corner of T36S, R4W; thence south to the SE corner of T37S, R5W; thence west to the SW corner of T37S, R6W; thence east to the SW corner of T35S, R1W; thence north to the NW corner of T34S, R1W; thence east to the point of beginning.
- (4) The Umpqua Basin Open Burning Control Area is located in Douglas County with boundaries as generally depicted in Figure 5 of this

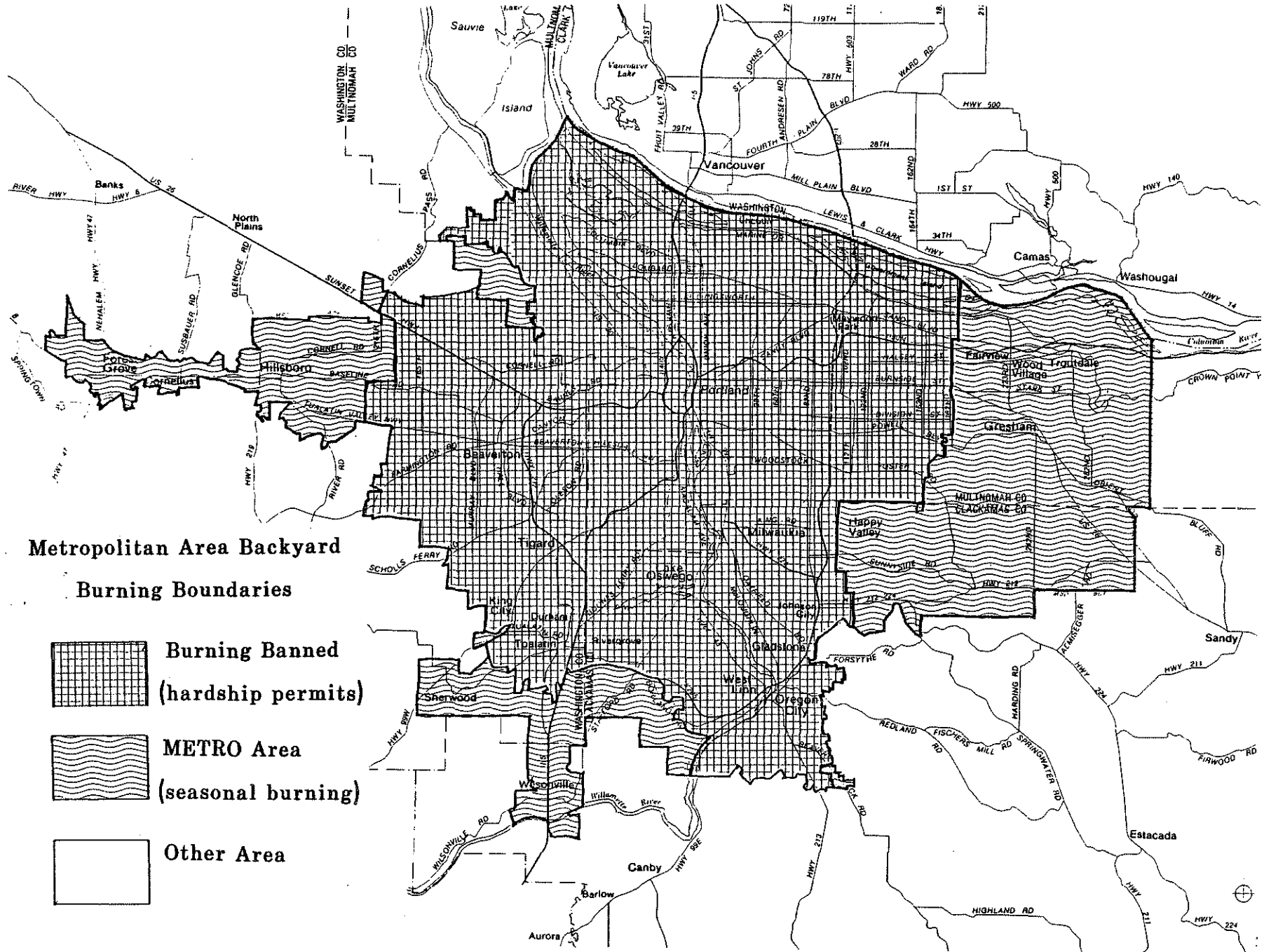
rule. The area is enclosed by a line beginning at a point approximately 4 miles ENE of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridan; thence south to the SE corner of T25S, R5W; thence east to the NE corner of T26S, R4W; thence south to the SE corner of T27S, R4W; thence west to the SE corner of T27S, R5W; thence south to the SE corner of T30S, R5W; thence west to the SW corner of T30S, R6W; thence north to the NW corner of T29S, R6W; thence west to the SW corner of T28S, R7W; thence north to the NW corner of T27S, R7W; thence east to the NE corner of T27S, R7W; thence north to the NW corner of T26S, R6W; thence east to the NE corner of T26S, R6W; thence north to the NW corner of T25S, R5W; thence east to the point of beginning.

- (5) The boundaries of the Willamette Valley Open Burning Control Area are generally depicted in Figures 1 and 2 of this rule. The area includes all of Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and that portion of Lane County east of Range 7 West.
- (6) Special control areas are established around cities within the Willamette Valley Open Burning Control Area. The boundaries of these special control areas are determined as follows:
 - (a) Any area in or within three (3) miles of the boundary of any city or more than 1,000 but less than 45,000 population.
 - (b) Any area in or within six (6) miles of the boundary of any city of 45,000 or more population.
 - (c) Any area between areas established by this rule where the boundaries are separated by three (3) miles or less.

(d) Whenever two or more cities have a common boundary, the total population of these cities will determine the applicability of subsection (a) or (b) of this section and the municipal boundaries of each of the cities shall be used to determine the limit of the special control area.

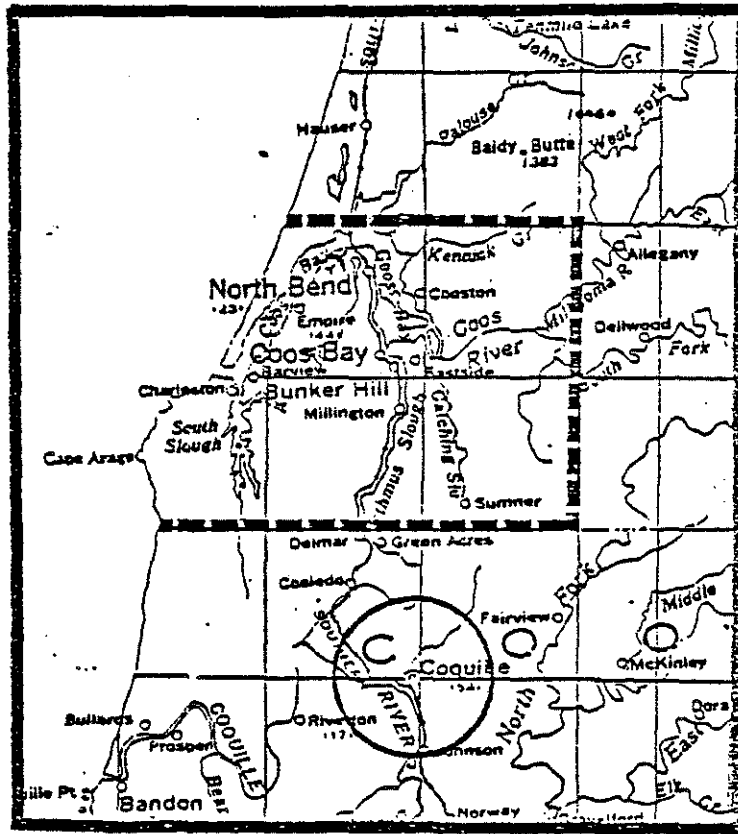
(7) A domestic burning ban area around the Portland metropolitan area is generally depicted in Figure 1A. This area encompasses parts of the special control area in Clackamas, Multnomah and Washington Counties. Specific boundaries are listed in OAR 340-23-065(5), 340-23-070(5) and 340-23-075(5). Domestic burning is prohibited in this area except as allowed pursuant to OAR 340-23-100.

2-FIGURES



340-23-115
 FIGURE 1A

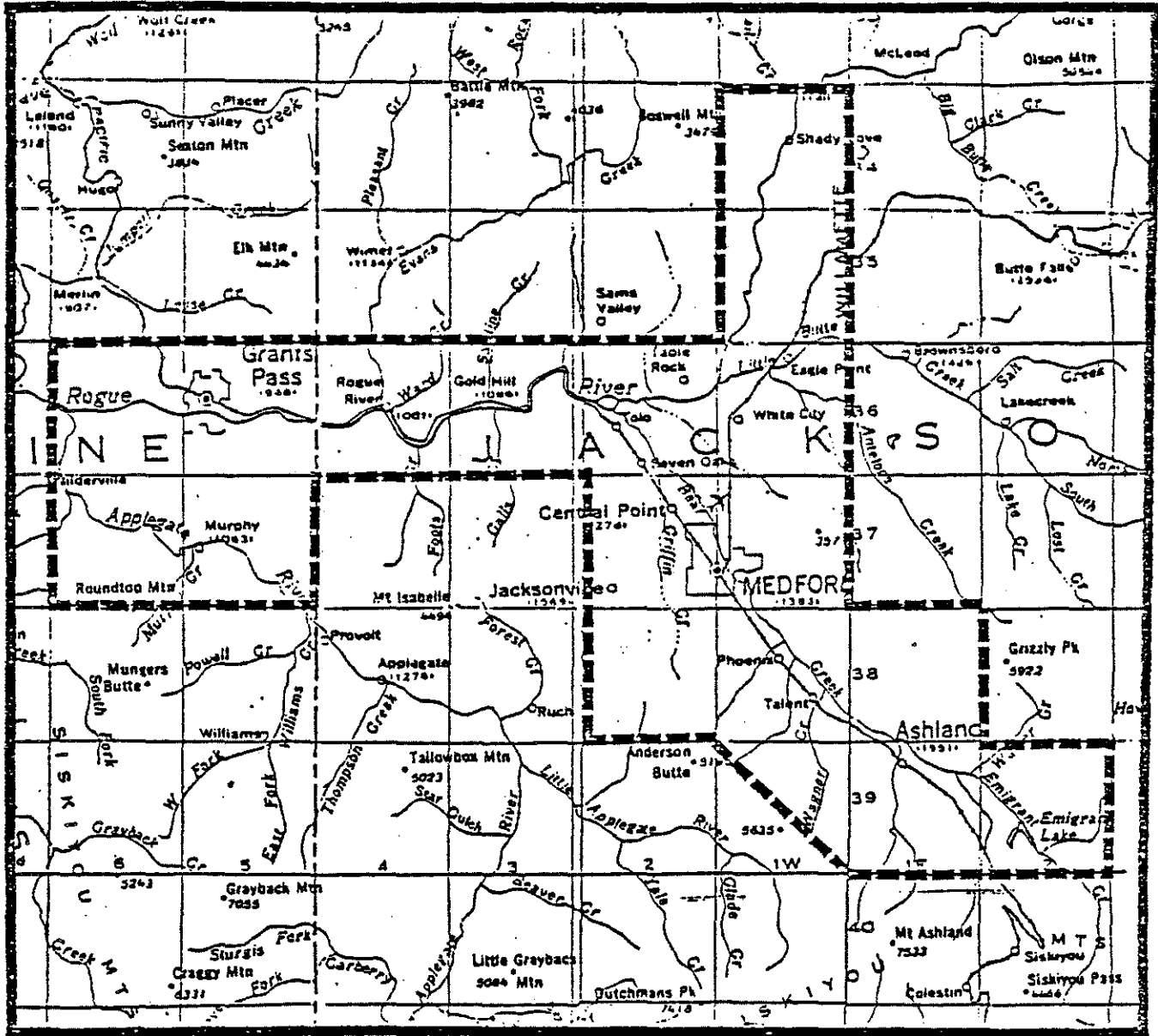
COOS BAY OPEN BURNING CONTROL AREA
(Coquille Control Area Shown As Circle)



340-23-115
FIGURE 3

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ROGUE BASIN OPEN BURNING CONTROL AREA

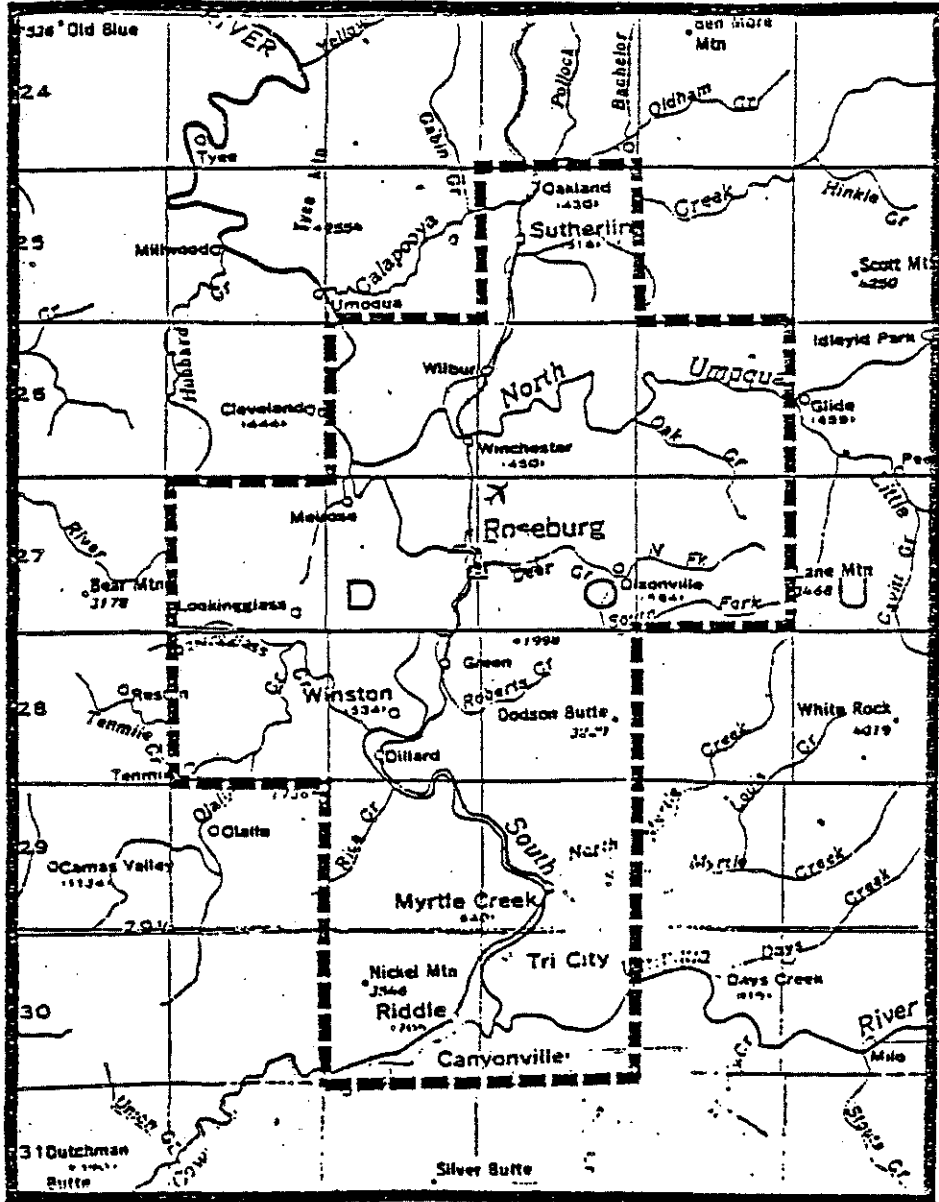


340-23-115

FIGURE 4

5-FIGURES

UMPQUA BASIN OPEN BURNING CONTROL AREA



340-23-115

FIGURE 5

6-FIGURES

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