

8/10/1984

OREGON

ENVIRONMENTAL QUALITY

COMMISSION MEETING

MATERIALS



State of Oregon
**Department of
Environmental
Quality**

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

August 10, 1984

Room 360, State Office Building
700 SE Emigrant
Pendleton, Oregon

TENTATIVE 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 June 8, 1984 special meeting, June 29, 1984 regular meeting and July 10, 1984 conference call meeting.
- B. Monthly Activity Reports for May and June, 1984.
- C. Tax Credits.

9:10 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 on the Revision of Oregon Administrative Rule, Chapter 340, Division 12, Civil Penalties and Revision to the State Clean Air Act Implementation Plan (SIP).
- E. Request for Authorization to Conduct Public Hearings on Designation of Grants Pass Carbon Monoxide Non-Attainment Area as a Revision to 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.

- F. Proposed Adoption of Rules Amending Standards of Performance for New Stationary Sources OAR 340-25-510 to 690 to Include New Federal Rules for Metallic Mineral Processing and four Volatile Organic Compound Sources and to Amend the State Implementation Plan.
- * G. Proposed Adoption of Rules for Land Application and Disposal of Sewage Treatment Plant Sludge and Sludge Derived Products Including Septage. (OAR 340, Division 50)

- * H. Request for the Commission to Adopt (1) Modifications Proposed to Administrative Rule OAR 340-53-027 for Development and Management of the Statewide Sewerage Works Construction Grants Priority List and (2) the Draft FY85 Construction Grants Priority List.
- * I. Proposed Adoption of Hazardous Waste Management Rules, OAR Chapter 340, Division 100 to 110.
- J. Eastern Regional Manager's Report.

WORK SESSION

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

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

The Commission will not hold a breakfast meeting. They will lunch with local officials at the Tapadera Inn and Restaurant, SE First and SE Court Streets in Pendleton.

The next Commission meeting will be September 14, 1984 in Bend.

Copies of the staff reports on the agenda items are available by contacting the Director's Office of the Department of Environmental Quality, P.O. Box 1760, Portland, Oregon, 97207, phone 229-5300 or toll-free 1-800-452-4011.

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

August 10, 1984

Room 360, State Office Building
700 SE Emigrant
Pendleton, Oregon

AGENDA

9:00 a.m.

CONSENT ITEMS

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APPROVED

A. Minutes of the June 8, 1984 special meeting, June 29, 1984 regular meeting and July 10, 1984 conference call meeting.

APPROVED

B. Monthly Activity Reports for May and June, 1984.

APPROVED

C. Tax Credits.

9:10 a.m.

PUBLIC FORUM

NO ONE
APPEARED

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HEARING AUTHORIZATIONS

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APPROVED

E. Request for Authorization to Conduct Public Hearings on Designation of Grants Pass Carbon Monoxide Non-Attainment Area as a Revision to the State Implementation Plan.

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APPROVED

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APPROVED

* G. Proposed Adoption of Rules for Land Application and Disposal of Sewage Treatment Plant Sludge and Sludge Derived Products Including Septage. (OAR 340, Division 50)

- APPROVED * H. Request for the Commission to Adopt (1) Modifications Proposed to Administrative Rule OAR 340-53-027 for Development and Management of the Statewide Sewerage Works Construction Grants Priority List and (2) the Draft FY85 Construction Grants Priority List.
- APPROVED * I. Proposed Adoption of Hazardous Waste Management Rules, OAR Chapter 340, Division 100 to 110.
- ACCEPTED J. Eastern Regional Manager's Report.

WORK SESSION

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THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED FIFTY-EIGHTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

August 10, 1984

On Friday, August 10, 1984, the one hundred fifty-eighth meeting of the Oregon Environmental Quality Commission convened in room 360 of the State Office Building, 700 SE Emigrant, Pendleton, Oregon. Present were Commission Chairman James Petersen, and Commission members Arno Denecke, Wallace Brill and Sonia Buist. Commissioner Mary Bishop 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

The Commission did not hold a breakfast meeting.

FORMAL MEETING

AGENDA ITEM A: Minutes of the June 8, 1984 special meeting, June 29, 1984 regular meeting, and July 10, 1984 conference call meeting.

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

AGENDA ITEM B: Monthly Activity Reports for May and June, 1984.

It was MOVED by Commissioner Denecke, seconded by Commissioner Brill and passed unanimously that the Monthly Activity Reports for May and June, 1984 be approved.

AGENDA ITEM C: Tax Credit Applications.

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

PUBLIC FORUM:

No one wished to appear.

AGENDA ITEM D: Request for authorization to conduct a public hearing on the revision of Oregon Administrative Rules, Chapter 340, Division 12, Civil Penalties and Revision to the State Clean Air Act Implementation Plan (SIP).

This item was a request to hold a public hearing on proposed revisions to the civil penalty rules and the State Clean Air Act Implementation Plan.

The civil penalty rules have not received a comprehensive review since they were first implemented in 1974. These proposed revisions will:

1. Allow the Department to assess a civil penalty without warning notice on persons disposing of hazardous wastes at an unauthorized location.
2. List the more frequently occurring violations in each program schedule.
3. Provide for consistent civil penalty amounts for similar violations among program schedules.
4. Give the Department the flexibility to assess the maximum penalty allowed by statute if necessary.
5. Update the State Implementation Plan to include civil penalty rule changes.
6. A summary of the changes in the minimum and maximum penalties for various violations is attached to the staff report.

Director's Recommendation

Based on the summation in the staff report, it is recommended the Commission authorize a public hearing to take testimony on the proposed revisions to the civil penalty rules, OAR Chapter 340, Division 12, and proposed revisions to the State Implementation Plan.

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

AGENDA ITEM E: Request for authorization to conduct public hearings on designation of Grants Pass carbon monoxide nonattainment area as a revision to the State Implementation Plan.

This item identifies a carbon monoxide problem area in Grants Pass and requests that the Commission authorize a public hearing to formally designate the area as a carbon monoxide nonattainment area. This designation would initiate the process of developing a carbon monoxide control plan for the area as required by the federal Clean Air Act. The Department is working with the City of Grants Pass, Josephine County, and the Oregon Department of Transportation to develop this control plan.

As a result of a meeting the Department had with the City of Grants Pass and Josephine County officials after the staff report was written, an amendment to the staff report summarizing the results of that meeting was submitted to the Commission. This amendment indicated that the group recognized the traffic congestion and carbon monoxide problems in downtown Grants Pass, and that past studies recommended improvements in the traffic signal system and construction of a third bridge over the Rogue River to reduce traffic congestion. There was also a preliminary consensus by those present that the City of Grants Pass would be the most appropriate lead agency. Unfortunately, the City of Grants Pass had to recently reduce its planning staff due to the failure of a levy election. The Department agreed to investigate possible Section 105 funds from EPA for lead agency planning activities.

This amendment to the staff report was added for information only and did not change the recommendation in the staff report.

Director's Recommendation

Based on the summation in the staff report, the Director recommends that the EQC authorize a public hearing on the designation of the Grants Pass carbon monoxide nonattainment area as a revision to the State Implementation Plan.

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

Director Hansen noted later in the meeting that it was unclear if the motion on this item included the amendment. Therefore, it was MOVED by Commissioner Denecke, seconded by Commissioner Brill and passed unanimously that the amendment to the staff report be accepted.

AGENDA ITEM F: Proposed adoption of rules amending standards of performance for new stationary sources, OAR 340-25-510 to -690, 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 the Environmental Protection Agency has promulgated five more New Source Performance Standards. The Department has committed to bring state rules up to date with EPA rules on a once a year basis. No comments were received at a hearing on the proposed rules.

The five new sources classes affected are: (1) metallic mineral processing plants, (2) tape and label surface coating, (3) volatile organic compound (VOC) leaks in the synthetic organic chemical industry, (4) beverage can surface coating, and (5) bulk gasoline terminals.

If any of the following existing sources in Oregon makes major modifications to their plants they will be subject to the proposed rules: (1) Hanna Nickel Smelting, Riddle; (2) tape and label (none known); (3) resin plants: (a) Reichhold, White City; (b) Borden, Springfield and LaGrande; and (c) Georgia-Pacific, Albany; (4) Continental Can, Portland; and Carnation, Hillsboro; and (5) Nine gasoline terminals in Portland; one terminal each in Albany, Eugene, Coos Bay, and several very small ones in northeast Oregon.

Director's Recommendation

It is recommended that the Commission adopt the proposed amendments to OAR 340-25-510 to 340-25-690, rules on standards of performance for new stationary sources, and authorize the Department to submit those rule changes to EPA as amendments to the State Implementation Plan.

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

AGENDA ITEM G: Proposed adoption of rules for land application and disposal of sewage treatment plant sludge and sludge derived products including septage (OAR Chapter 340, Division 50).

ORS 468.778 passed by the 1983 Legislature requires the Environmental Quality Commission to adopt rules for use of sludge on agricultural, horticultural and silvicultural land. On February 24, 1984 the Department requested authorization to hold public hearings on proposed rules. Those hearings have been held and a revised draft of the rules prepared for adoption by the Commission.

Director's Recommendation

Based on the summation in the staff report, it is recommended that the Commission adopt the rules for land application and disposal of sewage treatment plant sludge and sludge derived products including septage.

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

AGENDA ITEM H: Request for the Commission to adopt (1) proposed modifications to administrative rule OAR 340-53-027, for development and management of the statewide sewerage works construction grants priority list and (2) the draft FY 85 Construction Grants Priority List.

This item concerns the Construction Grants Priority List recommended for use during federal fiscal year 1985, and an administrative rule that authorizes the Director to use state discretion to fund several projects that would become ineligible after October 1, 1984 as a result of federal law. Although the uppermost limitation for state discretion is 20% of the state's annual funds, only about \$2 million of this amount is expected to be utilized for this over the next one to three years.

Director's Recommendation

Based upon the summation in the staff report, the Director recommends that the Commission adopt OAR 340-53-027 regarding the development and management of the priority list and the FY 85 Construction Grants Priority List.

Commissioner Brill brought with him a letter from the Bear Creek Valley Sanitary Authority requesting that their Whetstone Project be reevaluated and given "grandfather" status. Harold Sawyer, Administrator of the Department's Water Quality Division, replied that placing of this project on the DEQ "potential projects" list would not affect the EPA "grandfather" list as Bear Creek Valley Sanitary Authority fears.

Noting that representatives from the City of Portland were in the audience, Chairman Petersen asked that they be ready to explain during the Department's East Multnomah County groundwater hearings, at the end of August, how the federal construction grants program will affect the cost of Portland's sewerage facilities to the public.

It was MOVED by Commissioner Denecke that the Director's Recommendation be approved; noting that, in effect, this would deny the request of the Bear Creek Valley Sanitary Authority. He asked that the Department send a letter to Richard Miller, Manager of the Authority, urging them to pursue "grandfathering" with the Environmental Protection Agency. The motion was seconded by Commissioner Buist and passed unanimously.

AGENDA ITEM I: Proposed adoption of Hazardous Waste Management Rules, OAR Chapter 340, Division 100 to 110.

The Commission adopted the hazardous waste rules on April 20, 1984. However, since then the EPA has adopted a uniform hazardous waste manifest. The primary purpose of these rule modifications is to adopt the uniform manifest into the state program. Several other

modifications are also proposed in order to: (1) reflect changes made in the federal program subsequent to the last EQC action, (2) incorporate requirements clarifying the state's authority to regulate hazardous waste facilities not yet under permit, and (3) incorporate field staff suggestions developed in the early implementation of the program.

The Director presented an amendment to this agenda item with a revised Director's Recommendation explaining that "interim status" standards are facility standards that are self-implementing; that is, they are enforceable in the absence of the permit. They are an integral part of the federal hazardous waste program and are necessary to assure minimal regulation of hazardous waste facilities in the interim before a permit can be issued. Past EPA comments have indicated the lack of specific interim status standards to be a deficiency in the Oregon program. The deleted items were an attempt to adopt such standards by selectively integrating specific interim status standards into Division 104.

However, recent field experience has demonstrated this integration procedure to be impractical and that separate standards needed to be adopted. The Department will request a public hearing on this action at the Commission's September 14, 1984 meeting.

In view of the decision to adopt separate standards, the modifications in items (2) through (6) and (11) through (14) of Division 104 are proposed to be deleted as being redundant and unnecessary.

Director's Recommendation

Based on the summation in the staff report and its amendment, it is recommended that the Commission adopt the modifications to Divisions 100 to 110 excluding items (2) through (6) and (11) through (14) in the proposed Division 104 modifications (Attachment V, pages 29 through 35 of the staff report), but including the finding that modifying rule 340-102-010 to permit the Department to manage certain pesticide residues under Division 109 is not likely to either:

- (a) Cause or significantly contribute to an increase in serious, irreversible or incapacitating reversible illness; or
- (b) pose a substantial present or potential threat to human health or the environment.

Chairman Petersen said that he was uncomfortable in making the findings in the Director's Recommendation. He asked Robert Haskins, Assistant Attorney General, to advise the Commission on what evidence they were to rely on to make that finding. Mr. Haskins said that ORS 459.445(3) requires the Commission to make these proposed findings. He said the starting point, as found in the discussion in the staff report, was that most pesticide residues are poisonous and if allowed to discharge into the environment in an uncontrolled manner they could, under certain circumstances, pose a substantial

potential threat. Fred Bromfeld of the Department's Hazardous Waste Section, said when the Department talks about pesticide residues in these rules, they mean unused commercial pesticides, unused spray mixtures, wash water from spray tanks, wash water from the bottom of the spray airplane, container rinse water, etc. Under the federal program, Mr. Bromfeld continued, these pesticide residues including the unused commercial pesticides fresh out of the can, is not a hazardous waste. These pesticides are simply not recognized by the federal program. This would be a purely state action that would go beyond the requirements of the federal program. Mr. Bromfeld said the Department is proposing to require unused concentrated commercial pesticides to be handled as they are now, through the hazardous waste system which would most likely mean disposal at Arlington. However, the Department would like to handle the diluted spray mixture and washwater on a more local basis if there are local options available. What the Department is proposing is to require these diluted pesticide residues to be managed, but it is impractical to require containment of washwaters containing low quantities of pesticides for disposal at Arlington. In response to Chairman Petersen, Mr. Bromfeld said that under the current rules these pesticide residues would have to be transported to Arlington or contained somewhere under a hazardous waste permit, and it would be almost impossible to obtain cooperation from the users to do so.

Commissioner Buist asked how this system would be monitored to see that it was working and not being abused. Mr. Bromfeld replied it would be difficult, and the Department would have to rely on their field people to see that it was done properly, but admittedly it was not a high priority item and would be done on a random basis. The Department has one person working with the agricultural community to get the word out on these rules. The Department believes that if rules are reasonable and people can live with them the Department will get cooperation in implementing those rules.

In response to Chairman Petersen, the Commission indicated they did not have any further questions on whether or not they could make the required findings.

It was MOVED by Commissioner Denecke, seconded by Commissioner Buist and passed unanimously that the Director's Recommendation including the amendment to the staff report be approved.

In connection with this item, Commissioner Denecke commented that he was well satisfied with the report the Hazardous Waste Section had done on Nu Way Oil in northeast Portland.

AGENDA ITEM J: Eastern Regional Manager's Report.

Chairman Petersen said he sensed in this report the frustration of the Regional Manager with the large area he had to cover without enough resources. Steve Gardels, Eastern Region Manager, said the subsurface program was probably the hardest to manage, and he could use three additional people for the subsurface program. Chairman Petersen then

asked about the location of the office in Pendleton. Mr. Gardels replied that the location appeared to be sufficient because it was on the interstate highway where the population was centered. The only other choice in the region might be LaGrande.

Commissioner Denecke said he was surprised to read in the report that the feedlot problems had been solved. Mr. Gardels replied that what the Department could work on has been solved, but the Department was prohibited by statute from controlling odors from animal feeding operations. He said the J. R. Simplot feedlot has now installed a 100-acre pond to simply evaporate the liquid portion of the animal waste. He said that they do take out some solids to sell as fertilizer.

Commissioner Buist asked what the Army was storing at Umatilla. Mr. Gardels replied that, historically, munitions were stored there and nerve gas, most of which was attached to rockets. He said that the Army was proposing to build a nerve gas destruction unit, and under the new hazardous waste rules disposal will now be regulated.

Chairman Petersen thanked Mr. Gardels for his report.

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

Respectfully submitted,



Carol A. Spletstaszer
EQC Assistant

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THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE SPECIAL MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

June 8, 1984

On Friday, June 8, 1984, the Oregon Environmental Quality Commission met in special meeting to consider adoption of proposed woodstove certification rules. Present at the meeting were Commission Chairman James Petersen, and Commission members Mary Bishop, Arno Denecke and Wallace Brill. Present on behalf of the Department were its Director, Fred Hansen, and several members of the Department staff.

The 1983 Oregon Legislature enacted House Bill 2235, which requires the Commission to adopt rules dealing with woodstove certification by July 1, 1984. The Department has developed proposed rules with the aid of a Woodstove Advisory Committee primarily representing Oregon's woodstove industry. Hearings were also held on the proposed rules in five locations throughout the state during early May. As a result of hearing testimony, the Department is proposing revisions to the proposed rules in four areas. The most significant revision is a change in the second stage emission standard to a level originally recommended by the Woodstove Advisory Committee. This recommended change would achieve between a 70 to 74 percent reduction in woodstove emissions. This revision is being proposed on the basis that downward revisions in population growth projections indicate airshed improvement needs are not quite as great as first thought.

Secondly, that during some additional testing of woodstoves the Department found that production stove technology, the actual production models available, are not quite as effective in reducing emissions as the prototype technology that we originally tested. Other revisions include: 1) particulate sampling method equivalency criteria which may allow use of the Condar particulate sampler; 2) provisions to reduce emission tests from four to two tests as a cost-saving measure with an intent this be used only for low sale volume or specialty stoves; and 3) minor modifications to the testing equipment specifications. The Department proposes that these rules be adopted in order to ensure meeting the statutory deadline of July 1, 1984.

Chairman Petersen indicated that due to the long list of people who would like to address the Commission on this subject, testimony would be limited from any one person to ten minutes.

Chairman Petersen assured the audience that the Commission had had an opportunity to become familiar with this issue and had a fairly good understanding of the issues that had been raised; and, as much as lay people--nontechnical people--can, a grasp of the technical issues and a feeling for their complexity and the fact that apparently reasonable men with a technical background can differ on some of these issues.

Lawrence Cranberg, consulting physicist and owner of Texas Fireframe Company, Austin, Texas. Dr. Cranberg's company markets a fireplace insert. He endorsed the efforts of the Commission in this matter and its goals and achievements to date, and regretted that he had not had an opportunity to provide personal input prior to this time. However, he had made many written submissions to the Commission. His concern at this time was the definition of a woodstove in the rule. Dr. Cranberg said that the definition differed in the rule and in the appendix to the rule. In the draft rule, the definition reads, "Woodstove means a woodfired appliance with a closed fire chamber which maintains an air to fuel ratio of less than 30 during the burning of 90 percent or more of the fuel mass consumed in the low firing cycle." And, in the accompanying Appendix 1, The Standard Method for Measuring the Emissions and Efficiencies of Woodstoves, the definition reads, "A woodstove is defined as an appliance having an air to fuel ratio by weight less than 30 during the burning of 90 percent or more of the fuel mass consumed in the low firing cycle." Dr. Cranberg said the difference in these two definitions was that one of them refers to a closed container and the other one does not. He urged the Commission to resolve this inconsistency. He also said that the action the Commission would take today would, he felt, have a profound effect on the use of wood energy by the American public. Dr. Cranberg went on to describe his "slot fire" invention to the Commission.

Chairman Petersen asked John Kowalczyk, of the Department's Air Quality Division, to respond to Dr. Cranberg's statement about the inconsistency in definitions.

John Kowalczyk agreed that there was a difference in wording in the two definitions. However, the Department felt that the controlling factor is the air/fuel ratio and that that is the same in both definitions. Mr. Kowalczyk, however, agreed to the addition of the words "closed fire chamber" into the second definition.

Graig Spolek, Chair of the Advisory Committee. Mr. Spolek provided the Commission with written testimony and told them that the Advisory Committee and the DEQ had worked very closely in developing the rules, and the recommendations before the Commission from the Advisory Committee and the DEQ were virtually identical. He said he thought they were technically sound and workable. However, subsequent to public hearings, there was the inclusion of the "option to test procedure." He wanted to point out that that option is inconsistent with the intent of the Advisory Committee and it potentially provides a loophole for manufacturers to circumvent the intent of the Advisory Committee's recommendation. The original four test procedure was included in the recommendations not only to accommodate the national

interests, but to close what the Committee perceived was a loophole whereby a particular woodstove manufacturer could tune a stove to perform very well at specific heat rates, but not perform as well over the entire range of heating rates at which it might be expected to perform. In the final vote of the Committee all of the manufacturers voted for the four test procedure; with the small manufacturer representative speaking in favor of the four test procedure. Mr. Spolek encouraged and urged the Commission to use the four test procedure as originally recommended by the Committee and to delete from the current package Section 340-21-152(4) of the proposed rule and Section 5.8.8 of the test method.

Commissioner Denecke asked Mr. Spolek if he saw anything unfeasible about continuing the present Advisory Committee only to be on call either to the Commission or, perhaps, on call to the Chairman. Mr. Spolek responded that he couldn't speak for the availability of all the members, but that as a Committee they perceived that they may be asked back at some point in the future. He said there may be an advantage to asking the Advisory Committee to reconvene, whether it is the same Advisory Committee or not. Chairman Petersen asked Mr. Spolek if he would be willing to participate in that process and Mr. Spolek responded he would. Chairman Petersen said he appreciated what Mr. Spolek and the rest of the Advisory Committee had accomplished and the countless number of hours and days that were spent in going through this process. Chairman Petersen asked Mr. Kowalczyk to respond to Mr. Spolek's comments.

Mr. Kowalczyk said that it was true that the Advisory Committee and the woodstove industry favored the four test procedure strictly as the requirement in the rule with no other options, on the basis that it would save them money in the long run, as well as provide consumers with a type of information needed to operate their stoves at an optimum level. Since the Advisory Committee made their recommendations, the Department has been getting comments from the woodstove industry people that the testing costs were going to be excessive, particularly for those manufacturers that have many models. He said the four test procedure was a way of giving some relief to those manufacturers. He said the Department was trying to set out a policy that manufacturers should only use this method in limited cases. If it becomes abused, or if a lot of manufacturers use that option, the Department feels it would only hurt the effectiveness of the program. Petersen replied that primarily what the Department was looking at was some kind of economic relief to lessen the burden on the woodstove industry.

Jeanne Roy, League of Women Voters of Portland. Ms. Roy said that the League believes that all segments of our society must share in the responsibility for cleaning up the air and sees the woodstove rules as a very important step. She said they would heartily support the rules if they were amended to implement a strict standard by 1986. However, in their present form, they did not believe they would do enough to clean up the air.

Chairman Petersen said the Wood Heating Alliance is represented at this hearing by their attorney who has a statement to make, and then representatives from the industry would speak to the Commission.

Richard Bach, attorney. Mr. Bach had accompanying him representatives from the local woodheating industry and distributed to the Commission a copy of a written statement. Mr. Bach said that during the entire course of the development of the woodstove rules, the Wood Heating Alliance had some nagging doubts about some of the data being developed by the DEQ. They were not saying the DEQ data was wrong or that the DEQ assumptions were wrong, but in a study that they recently had commissioned in connection with this matter raised some questions about those data and those assumptions. They think the Commission ought to be looking a little bit further. The Wood Heating Alliance commissioned this study by Dr. James Manning, a marketing consultant and professor of marketing at Portland State University. Dr. Manning did the survey of woodstove users and woodstove using habits around the state by using a sample of approximately 400 interviewees.

One of the Alliance's doubts was about the emission rate that the DEQ was using as a starting point on which to base the new emission standard of about 30 grams per hour. Mr. Bach said all of the information they had indicated that it ought to be somewhere up in the 40's or 50's. If it were around 50, the 75 percent reduction could be applied to get a much higher emission standard than DEQ is recommending. He said the 30 gram per hour baseline emission rate would require that the average woodstove in the Portland area be burned for 12 hours every day of the 180 day heating season. The information in the study indicated that woodstove users in Portland just don't burnt their stoves for 12 hours a day over a 180 day heating season.

Mr. Bach said that another concern was the DEQ assumption that over a period of time those dirty stoves that are now in use would eventually be replaced with new, cleaner burning stoves, which would cause a significant reduction in the ambient loading of the atmosphere. Currently about 90 percent of the stoves that are on the market are noncatalytic stoves which cannot meet the 15/6 standard that is being proposed for 1986. This means if a stringent standard is adopted there are very few stoves that will be able to meet it now. Mr. Bach said if that standard is adopted it was likely that the manufacturers are going to say it is not worth the effort to market in Oregon. If that is the case, where there are a very limited number of stoves available at a much higher price, the program will not work because people will not replace their stoves at the level anticipated by DEQ. He said people would hold on to their stoves longer, bootleg them, use homemade stoves which are unsafe and which have not been tested, or just recycle used stoves. Mr. Bach said that if the Commission adopted the 15/6 standard now and did not go any further the industry would still work to develop reasonably priced stoves in Oregon to achieve the purposes of the program. However, if they adopted a more stringent standard, there would not be a reasonable mix of stoves at a reasonable price.

Chairman Petersen asked about the statement that the industry would be walking away from Oregon if the rules were adopted. He said that Oregon is just the first state to adopt these rules and that other states would more than likely be adopting similar rules. Chairman Petersen said every state that has a large woodstove population is faced with the same kinds of particulate pollution problems as Oregon. Mr. Bach replied that it was likely that large manufacturers from out-of-state, who are just marketing in this state and not manufacturing here, may very easily walk away and target their markets to those states where there are no regulations or less stringent ones.

Daniel Melcon, member of the Board of Directors of the Wood Energy Institute West. Mr. Melcon said he also worked in the woodstove industry as an independent sales representative and had followed this issue closely for a year-and-a-half. He said there was great reluctance on the part of consumers and the industry to accept the catalytic stove technology point blank. Mr. Melcon referenced information in a couple of trade publications that catalytic stoves were not selling and seemed to be selling even less than they did in March 1984. Chairman Petersen asked why catalytic stoves were not selling. Mr. Melcon replied that it was his own feeling that there is immense confusion in the marketplace and that catalytic technology is extremely promising, but still unproven. Mr. Melcon said that there are a lot of bugs to be worked out in these stoves. In the catalytic stoves he had worked with he had found a higher rate of needing service. Due to problems with the catalyst itself; with the stoves heating as the owners think they should; with water condensing in the stack simply because they are so efficient they use most of the heat in the stove and the temperature of the flue gases is so low water will condense; there are drafting problems; and probably the most severe for woodstoves that he had seen, backpuffing of smoke.

Mr. Melcon said that the Wood Energy Institute West hired Roger Steen, from a company called Air Quality Services in Colorado, to evaluate DEQ's model because there were a lot of questions about it. He said Mr. Steen contended that the DEQ's model was very good and generally can be supported. However, he found a much greater uncertainty factor in it than the Department indicated.

Betty Hume, Klickitat Enterprises, Inc. Ms. Hume is a distributor of Kent Heating Products which come from New Zealand. She could not speak for whether manufacturers would withdraw from the Oregon market because that would be a business decision. But she said they would certainly consider it.

Chairman Petersen asked Ms. Hume, as a member of the Advisory Committee, if she had supported the 15/6 and 9/4 standards and if she still supported it. Ms. Hume replied that she did support the standard, however, with the Manning Study commissioned by the Woodheating Institute, she would urge the Commission to possibly reconsider the 9/4 and to use the 15/6 to allow time to collect data, and then see what is necessary for the 1988 standard. Ms. Hume said the Committee actually started out with a 20/10 recommendation to the DEQ and were encouraged to reconsider as it would not make the

necessary reduction in the airshed. Through a lot of negotiating, compromise was made down to the 9/4, feeling that it was absolutely the bottom line anyone could go. Ms. Hume said she sat on the Advisory Committee representing retailers also, and they were working with the manufacturers to reach that 9/4. However, she could not tell the Commission today that that was possible.

Chairman Petersen said what he was trying to determine was whether the Committee, which made this unanimous decision with one abstention and one person absent, were now changing their mind, or if they were trying to tell the Commission the decision they made was not right. Ms. Hume replied that she now felt there was new data available on how people burn their woodstoves and she thought that they should have an opportunity to look at it before enforcing a strict standard of the type the 9/4 would represent to the industry. She urged the Commission to take their time and to see what results the 15/6 will have.

Commissioner Bishop asked what standard Ms. Hume's stove met at this point and if by 1986 it could go below a 15/6 standard. Ms. Hume replied that her stove originally passed the proposed standard and that she felt quite comfortable that it would no doubt pass the 15, but that she could not say if they could meet the 1986 standard.

Paul Tiegs, Omni Environmental Services. In response to a question from Commissioner Bishop, Mr. Tiegs said it would be difficult to say how many stoves could meet the 1986 standard. It would probably be less than 10 percent of the number of models currently on the market.

Chairman Petersen asked Mr. Tiegs to comment on what kinds of engineering changes would have to be made to the noncatalyst stove to make it more efficient. Mr. Tiegs replied that he would not estimate that the actual cost to change the stove design would be that terribly high to meet the 15/6 standard. But to meet the 9/4 standard would take some type of new technology other than catalysts, and that he was not aware of any studies going on right now with manufacturers that are aimed at forcing this technology. In response to Chairman Petersen, Mr. Tiegs said he did support the 15/6 and 9/4 recommendation of the Committee at the time.

John Powell, Wood Energy Institute West. Mr. Powell commented that Fred Hansen, the Director of the DEQ, had gone out of his way to listen to the woodstove manufacturers and the people in the woodstove industry and that he thought Mr. Hansen had done an excellent job for the Commission in trying to bring them good information.

Mr. Powell stressed that it was an important decision the Commission would be making which would have widespread ramifications for many groups of people. He said that the 9/4 standard would be a catalytic mandate for most manufacturers. There may well be some large manufacturers who could someday create a stove without a catalyst that would reach a 9, but that there would be very few of those in the world. He said that one manufacturer had told him they had \$2 million into a stove right now that would meet the 15 but wouldn't

come close to the 9. So a sizeable investment would have to be made to get new technology that would meet the 9/4 standard without a catalyst. He suggested to the Commission that one of the reasons people are not attracted to the catalyst stove is that it does require maintenance, it requires a higher purchase price and it requires the cash outlay when the catalyst needs to be replaced. Mr. Tiegs said the woodstove industry does feel that it is their responsibility to help clean up the air.

Mr. Powell urged the Commission to continue the Advisory Committee in the future and to make reference to the Advisory Committee in the rule. Mr. Powell reiterated the industry's appreciation to the Director and the staff for their prompt responses to them.

Commissioner Bishop asked Mr. Powell if there was any difference in heat efficiency and safety between the catalytic stove and the regular box stove. Mr. Powell replied that without question, the catalytic stove was a more efficient stove simply because it has more complete combustion. He said the only way a catalytic stove would be safer would be the contention that there is less creosote buildup in the chimney system.

Chairman Petersen asked if the argument was that consumers just would not replace catalysts when they were worn out and as a result there would not be any clean air benefits. Mr. Powell thought if the catalytic stove was the only stove available then there would be a high incidence of nonreplacement because: 1) it requires the consumer to know when the catalyst has been used up; 2) it requires that the consumer either replace it themselves or hire someone to do that; and 3) it requires a replacement cost of \$80 to over \$100. Mr. Powell said that people buy woodstoves to reduce their cost of living and if every two to three years they are required to put \$100 into that stove, it is doubtful they are going to be doing that.

Dick Sparwasser, manufacturer of woodstoves and member of the Woodstove Advisory Committee. He said his company in the past year had marketed a catalyst stove, however the success of that stove was not what they had anticipated. This stove was 33 percent more expensive than an almost identical product without a catalytic system. The cost for development and marketing material for this catalytic stove was well over \$100,000 last year.

Kurt Rumens, President of Lopi International and member of the Board of Directors of the Wood Heating Alliance. He said his company felt that at this point the 15/6 and 9/4 standard would mean they would basically stop their research and development efforts because they know it is unachievable. Mr. Rumens said they had spent \$460,000 since November of 1982 on a six product line of which they have one stove they think might comply. He said they do not make catalytic appliances but would continue to try and make their stoves cleaner burning because that is what the consumer wants. He said the consumer wants clean air and a noncatalytic stove. At this point Mr. Rumens said their company would not even test or ask that their product line be certified for the first phase standard because they know it is

unattainable for the second phase. Mr. Rumens said they felt that emission reductions can be achieved through excellent engineering of a noncatalytic stove.

Bill Braaten, Portland. First of all Mr. Braaten wanted to correct the report of testimony he made in the Eugene hearing. He said it was not his intention to indicate that smoke could be cleaned up with water sprays in the stack. Rather, the intention was that there were tars that would accumulate in the stack which, if ignited, would cause a safety hazard. He said his idea was that to control that burning, sprays would be put in the stack which would eliminate the need for chimney sweeps. He felt there was a health danger to people who cleaned chimneys.

Ben Myren, Intermountain Ambient, Missoula, Montana. Mr. Myren said his company was a consulting firm that specializes in ambient monitoring and emission testing, and that he was also representing Energy and Environment Management Corporation, EEMC, a consulting firm that specializes in emission testing headquartered in Billings, Montana. Intermountain Ambient and EEMC intend to qualify as an accredited woodstove testing laboratory.

Mr. Myren said that he was testifying because what Oregon does is going to have a major impact on what the State of Montana does, and what the City of Missoula, Montana does. He said Missoula had already adopted several regulations aimed at reducing emissions from woodstoves. One in particular, that Oregon might consider, is an opacity regulation to deal with emissions from woodstoves where the catalytic combustor has degraded and is no longer performing correctly. Mr. Myren said that they had made several suggestions to the staff that they find have been incorporated in the proposed rules, and said that was an instance where the DEQ staff had listened to the suggestions made by knowledgeable people in the testing field and made changes that will benefit everyone involved in the testing. He commended the DEQ staff for their efforts in this area.

Mr. Myren said they supported the change of the proposed 1988 emission standard for catalytic stoves to 4 grams per hour. He believed that the explanation given by the DEQ for this change reflects reality. However, they could not support the proposed emission rate of 9 grams per hour for noncatalytic stoves. He said they were unaware of any noncatalytic stoves that have consistently been able to achieve this emission rate. He also said that in essence what the Commission is doing by adopting a 9/4 standard is adopting a catalytic mandate which would close the door on other promising technologies.

Mr. Myren had another concern with the proposed regulations regarding the audit by DEQ of stoves tested by a laboratory. To date, one laboratory has done almost all of the testing for DEQ, especially with the proposed method and fuel configuration. Based on the published results, Mr. Myren said they had a good feel for how precise that lab's work is but did not have a feel for how accurate those results were. He said they had no reason to doubt the figures, but had not seen any data that verifies their accuracy. His concern was that if, after several labs had been tested or had tested the same stove,

the initial lab's results might be found to be off, then another lab might wrongfully be denied accreditation or have a stove wrongfully fail an audit because of arbitrarily set tolerance limits. He asked that the Commission give the situation very careful consideration and direct the staff to adopt limits that are reasonable based upon verifiable data and defensible data.

Another major area of concern Mr. Myren had was with foreign competition. He said they had heard some very disturbing rumors about the intentions of Canadian testing laboratories. He said these labs enjoy a monopoly position in Canada because Canadian authorities refuse to recognize test results from American labs. On the other hand, American authorities recognize the test results from Canadian labs. Mr. Myren felt that this was an unfair situation which needs to be addressed because, if it is not, the Canadians will quickly put American testing labs out of business. He said they were not afraid of competition; they just want equal competition that they are not having right now.

Mr. Myren said that he thought the Oregon market issue that was raised earlier by the industry was somewhat false because the whole industry is moving in this direction. He said he had talked with regulatory people in Idaho and Montana and that both of these states are now moving in the same direction as Oregon. He said it would be foolish for a manufacturer to ignore what happens in Oregon because he would then be ignoring the whole trend of the industry. Mr. Myren said that he thought woodstove regulation was a reasonable and rational approach.

John Charles, Executive Director of the Oregon Environmental Council. Mr. Charles said that he was there as a friend of the Department and apologized that the OEC's representative on the Woodstove Advisory Committee was unable to attend this hearing. Mr. Charles submitted written testimony to the Commission. He said the woodstove program is going to require active participation on the part of the consumer. People need to be properly educated and actively cooperating on the proper burning of their stoves. He urged the Commission not to delay in adopting the 9/4 standard. Mr. Charles said that in the final analysis the Commission may have to take a kind of cold-hearted approach, and take the complex economic arguments about who is going to gain and who is not going to gain and put that aside and deal with the importance of cleaning up the air. He urged the Commission to fulfill their statutory objectives for health and welfare and environmental quality and to figure out a way to meet those objectives. He said the Council's recommendation is to adopt the 9/4 standard effective in 1986, and to not phase it in.

Commissioner Bishop said that a clean Oregon environment was her goal as well, but she was concerned that if the 9/4 standard was implemented there would be bootlegging of stoves and nonreplacement of stoves. Mr. Charles replied that he felt that that would be happening in any event and he didn't know to what extent it would be helped or hurt by phasing in the standard or not phasing it in. He said he felt that bootlegging of stoves would be the issue most easily dealt with by identifying the areas of the state where the

bootlegging problem is going to be the worst and amending building codes in that area to enforce at the actual point of installation. It may well be that in the next couple of years the surrounding states will enact similar programs which should show a significant decrease in the bootlegging problem.

In response to Chairman Petersen, Mr. Charles acknowledged that the Commission does have the statutory responsibility to look at the economic side of the environmental equation.

Larry Hill, State Representative from District 42. Representative Hill told the Commission he was serving in the Legislature when the bill was passed authorizing woodstove regulations. He said he served on the Environment and Energy Committee which worked on the bill for many months and had endless hearings on it. He also chaired the special subcommittee of the Environment and Energy Committee on the woodstove bill to resolve some difficulties late in the Session, and he carried the bill on the floor of the House. Representative Hill said the bill originated from the need to reduce particulates and other effluents from woodstoves, and that DEQ brought the bill to the Legislature's attention with the support of the Governor. It was also supported by a broad coalition of interest groups--including health advocacy groups, consumer groups, environmental groups, business groups including Associated Oregon Industries, labor groups including the AFL-CIO, and local government groups--demonstrating that an extremely broad coalition supported this approach to the problem of woodstove smoke. He said the task was not how to help a particular manufacturer deal with the requirements, but the task was to address the problem caused by woodstove smoke. Representative Hill said there were more problems in the airshed from woodstove smoke than from industrial smoke, and during Legislative hearings they had companies testify that they have to purchase very expensive offsets in order to expand their facilities in the Portland metropolitan area. The Legislature had people tell them that they would not expand their plants and their industries if something was not done about wood smoke because they could not afford to purchase the offsets or it would soon be prohibitively expensive. The Legislature considered various alternatives and decided the only approach was to enforce a standard. The Legislature specifically said the rules should be adopted by July 1, 1984 and the standards implemented by 1986. The intent of the Committee and the Legislature was to have a standard adopted, after careful scrutiny, that would achieve a 75 to 80 percent reduction in woodstove pollution within the next 15 to 20 years. Those were the standards the Legislature envisioned would be adopted in 1986.

Representative Hill complimented all the members of the Advisory Committee for thoroughly exploring this issue. He said that they had done a very thorough and excellent job. He said the compromises made in adopting a split standard between catalytics and noncatalytics, to adopt a phased standard, and finally to drop from a 7/3 to a 9/4 standard were significant compromises that did not actually represent the Legislature's intent. Representative Hill said the Legislature did not intend these compromises to be made and intended that a single standard be adopted that would result in a

75 to 80 percent reduction. However, he said he thought the Commission would find that most of the Legislators who supported this bill and are interested would accept these compromises if necessary. However, he said he did not think the Legislature would accept a single standard of 15/6. Certainly, he said, there should not be a more lenient standard than the 9/4 which is the absolute bottom line. He urged the Commission to adopt the standard as it is proposed and hope for the best.

Chairman Petersen asked if it could be demonstrated to the satisfaction of those parties involved that the baseline emission data was estimated too conservatively and, therefore, we do not need as high a reduction in pollution in order to achieve the Commission's goals by the year 2000, would Representative Hill then support that. Representative Hill replied yes, that if the various social needs of the use of the airshed are met through less stringent measures and it can be shown that in some way the information is wrong, then certainly he would be open to adopting a different approach, but the social goals remain. His interest is in achieving proper use of the airshed to enhance the various social goals in the state.

Chairman Petersen then asked John Kowalczyk to respond to some of the questions the Commission had heard. Mr. Kowalczyk focused on what the consumer was going to do and is the catalyst going to work if that technology is relied on. He said the industry seems to feel that they would really have to try to develop a noncatalyst technology because that's what the consumer wants. Mr. Kowalczyk said that the Commission was hearing testimony that if a 9/4 standard is adopted it would be stopping research and technology. He cited several surveys and articles done in Wood 'n Energy journal showing that approximately 48 percent of the national manufacturers are either marketing catalytically-equipped stoves, developing catalytically-equipped stoves, or considering developing those stoves. He said that six of the eight top manufacturers in Oregon are working on marketing catalytic stoves. Mr. Kowalczyk said that this was not to say the Department really thinks catalytic stoves are the best thing. The Department would like to see a technology that is available that doesn't cost any more, that doesn't have any replacement parts, and that does everything the consumer wants, but the Department does not know of any appliance that would do that. Mr. Kowalczyk thought that the standard the Department was proposing of the second stage 9/4 should not deter any further research into noncatalysts. It does recognize existing technology and, the way it looks to the Department, the majority of the industry in this Country is going toward catalyst-equipped stoves which can perform well.

The Department does not doubt that some people will not replace the catalyst in their stove.

The Department's testing would show that there is technology available now that can be used by anybody that can produce catalyst-equipped stoves that will perform four times better than the proposed second stage standard. The Department believes that if this program is adopted, those types of stoves will be on the market this fall.

Surveys the Department has done in terms of marketing indicate that consumers in this state are willing and want to buy the most efficient and cleanest stoves available by a ratio of six to one, and they are willing to pay a little bit more to do that.

Mr. Kowalczyk said he had briefly looked through the Manning Report that was presented to the Commission earlier by the Wood Heating Institute. He said he found a couple of interesting facts that may shed a bit more light for the Commission. For one thing, there was a question that asked consumers if they knew what a catalytic stove was and 67.6 percent, in this state, said no, they did not know what a catalytic stove is. Also, this study showed that 58 percent felt that air pollution was very important in their consideration in buying a stove, and that 26 percent felt it was somewhat important. Mr. Kowalczyk said that the industry's surveys and the Department's surveys would tend to indicate that the public is really wanting to purchase equipment in the future that is the most efficient and the least polluting.

In response to Commissioner Denecke, Mr. Kowalczyk said that fireplace inserts would be subject to the regulations and that they are becoming even more popular now than the free-standing stove. Generally what happens is that manufacturers take a free-standing stove and with some external modifications make it adaptable to a fireplace system.

Director Hansen said he was initially opposed to the phased standard and became convinced it had value for a number of reasons. If the Department had their preference, there would be a series of stoves of different technologies that would give consumers a broad range of opportunities to choose as well as no replacement parts and various other things. However, the Department recognizes that what we are after is a long term strategy and felt that the phased standard was the best way to go about it. He said the criteria the Department used to come up with the proposed standard ultimately was air quality, and based on that the Department's recommendation would be for the 9/4 as the ultimate standard.

Chairman Petersen commended all the speakers who had brought testimony to the Commission during this hearing and also at the other hearings around the state. He said the quality of the testimony was extremely high and there was no doubt in his mind that everyone that presented information was doing so in total good faith and trying to help the Commission achieve a set of rules that are workable and in the best interests of the people of the state of Oregon. He said this decision was made more difficult for him because, not being a technical person, he did not have the background to be able to adequately choose between conflicting expert testimony. Chairman Petersen said he was not persuaded that a single 15/6 standard was warranted in light of the facts presented to the Commission, and that he believed a stricter standard than a 15/6 was needed to achieve the Commission's goals.

Chairman Petersen asked the Department to keep the Commission advised of what was going on and of data as it was evolving.

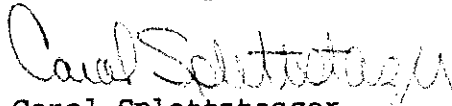
Chairman Petersen suggested an amendment, following Dr. Cranberg's testimony, to include the words "closed fire chamber" in the definition of a woodstove. In addition, Chairman Petersen said the rules require four tests and he wanted the understanding that any variance from four down to two would have to be brought to the Commission and the applicant would have to follow the variance procedures.

Commissioner Denecke said that he, personally, would like to see the Advisory Committee continue. Director Hansen replied that the Advisory Committee was not addressed in the rules and the Department would not expect it to be. Director Hansen said the Advisory Committee was to be established to advise the Commission on the adoption of the Commission's standards. It is the Department's view that that role had been accomplished after the Commission's action at this meeting. Director Hansen said the Department would expect to be able to use an advisory committee to further evaluate any aspects of the program, and that it may be the current Advisory Committee or it may be another advisory committee. Commissioner Denecke replied that it was not necessary that an advisory committee be written into the rules or that the Department use the same advisory committee as long as the varied interests have representation.

It was moved by Commissioner Denecke, seconded by Commissioner Bishop, and passed unanimously that the regulations proposed by the Department and amendments as outlined by Chairman Petersen be adopted.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carol Spletstaszer
EQC Assistant

CS:d

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED FIFTY-SEVENTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

June 29, 1984

On Friday, June 29, 1984, the one hundred fifty-seventh meeting of the Oregon Environmental Quality Commission convened in room 11 of the Naterlin Community Center, 169 SW Coast Highway, Newport, Oregon. Present were Commission Chairman James Petersen, and Commission members Mary Bishop, Arno Denecke and Wallace Brill. 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

The Commission did not hold a breakfast meeting.

FORMAL MEETING

AGENDA ITEM A: Minutes of the May 18, 1984 EQC meeting.

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

AGENDA ITEM B: Monthly Activity Report for April 1984.

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

AGENDA ITEM C: Tax Credit Applications.

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

PUBLIC FORUM:

Kathy Williams, Coastal Citizens for Alternatives to Pesticides, asked the Commission to provide for monitoring of slash burning on the Coast. She is concerned about the burning of slash which has been treated with herbicides. Ms. Williams offered to work with the Department to see that samples were taken in the right places. Chairman Petersen referred Ms. Williams to Tom Bispham, Administrator of the Air Quality Division, to followup on her concerns.

AGENDA ITEM D: Request for authorization to hold a public hearing on proposed revisions to the State Air Quality Implementation Plan (OAR 340-20-047) to address Class I visibility monitoring and to amend new source review rules (OAR 340-20-220 through -270) to add requirements to assess visibility impacts of major new or modified sources on Class I areas.

In December of 1980, the Environmental Protection Agency adopted its rules protecting visibility in the nation's National Parks and Wilderness areas. Subsequent legal challenges stalled EPA's program, leading to the Commission's April 1982 decision to postpone adoption of Department Visibility Monitoring and New Source Review rule. Recent court decisions have clarified EPA's rule and now require states to adopt Visibility Monitoring and New Source Review rule revisions by the end of 1984.

To meet these requirements and to insure that Oregon's scenic resources are protected, the Department is requesting Commission authorization to hold public hearings on the first phase of a visibility protection plan. Key provisions of the plan include:

- An amendment to the State Implementation Plan committing the Department to operation of a visibility monitoring network and,
- Revision of the New Source Review Rule to include visibility impairment analysis for Class I areas.

The second phase of the visibility protection plan addressing control strategies, integral vistas and several other issues, must be adopted by December, 1986.

The Department requests the Commission's approval to proceed with public hearings on the first phase of these rules.

Director's Recommendation

Based on the summation, the Director recommends that the EQC authorize public hearings to consider public testimony on the proposed visibility protection plan State Implementation Plan (SIP) revision which includes a major new or modified stationary source impact protection provision under the New Source Review Rules of OAR 340-20-220 through -270 and revision of the State of Oregon Air Monitoring Network, OAR 340-20-047, Section 5.2.

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

AGENDA ITEM E: Request for authorization to conduct a public hearing on proposed rule amendments establishing noise emission standards for light duty motor vehicles subject to the Portland area Motor Vehicle Inspection Program, OAR Chapter 340, Division 24.

At the May 18, 1984 Commission meeting, a rulemaking petition was considered and accepted. The petition requests that rulemaking be initiated that would add noise emission requirements to the Portland metropolitan vehicle inspection program. The petitioners requested that these rules include automobiles, light trucks, buses, motorcycles, and heavy duty trucks. In accepting this petition, the Commission directed the Department to evaluate several issues as a first step in the rulemaking process and report progress at this meeting.

Since that time, and as an experiment over 1,000 light duty vehicles (autos and pickups) have been noise inspected at our vehicle test stations. Staff has developed an alternative noise test procedure for light duty vehicles that has several advantages over the procedure proposed by the petitioner. An evaluation of other vehicle categories has been initiated; however, no alternative to the petitioner's request is offered, as we believe further study and information is needed.

At this time, the Department is asking for authorization to hold public hearings on the petitioner's proposal for all categories of motor vehicles and on the Department's alternative for the category that includes automobiles and light trucks.

Director's Recommendation

Based on the summation, it is recommended that the Commission authorize public hearings to take testimony on the proposed amendments to establish noise emission standards for light duty motor vehicles subject to the Portland area motor vehicle inspection program, OAR Chapter 340, Division 24 and the proposal of the petitioner to subject light duty vehicles, trucks, buses and motorcycles to the standards of OAR Chapter 340, Division 35, Section 30, Table 2.

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 the modification of hazardous waste management rules, OAR Chapter 340, Divisions 100 to 110.

The Commission adopted the hazardous waste rules on April 20, 1984. Since then the EPA has adopted a uniform hazardous waste manifest system. The primary purpose of these rule modifications is to adopt the uniform manifest into the state program as is required by EPA.

Several "housekeeping" modifications are also proposed to clarify the rules and to ensure their equivalence to the federal rules.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize a public hearing to take testimony on the proposed modifications of OAR Chapter 340, Divisions 100 to 110.

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

AGENDA ITEM G: Request for authorization to conduct a public hearing on proposed changes to the indirect source rule in the Medford Area (amendments to OAR 340-20-100 to 20-135).

This item concerns authorization to hold a public hearing on proposed permanent changes to the Indirect Source Rules in the Medford area. The Commission adopted temporary changes to the Indirect Source Rules on April 6, 1984, which will expire on October 3, 1984. The temporary changes need to be made permanent in the Medford area to maintain firm requirements for the City of Medford to develop a more aggressive core area parking and circulation plan. Also, permanent changes will help ensure that a parking project or combination of projects would not upset a revised carbon monoxide attainment plan, or otherwise interfere with the attainment and maintenance of the carbon monoxide health standard.

Director Hansen told the Commission he had received a request from the City of Medford asking that this matter be postponed. He said he explained to the City Manger that this was a necessary administrative process to authorize the holding of hearings. He added that given the time frame of the 180 day limit for the existing temporary rule and the scheduling of Commission meetings, this was the last date the Commission could authorize hearings in time for a hearing to be held and a permanent rule adopted before the temporary rule expired in October, 1984.

Chairman Petersen asked why the City asked for a postponement and if they offered any alternatives. Director Hansen replied that the City did not offer any alternatives and he suspected they did not want the Commission to put into place a permanent rule they found burdensome if the City found other strategies to solve their air quality problem.

Director Hansen said he assured the City Manager that if the City came up with a plan that clearly met the requirements for attainment, and if that plan was verifiable, that the Commission and the Department would be happy to consider any modifications to the permanent rule that would be appropriate. The City Manager said they understood, but still asked that a consideration of the proposed rule be put off.

Director's Recommendation

Based upon the summation, the Director recommends that the Commission authorize a public hearing to consider public testimony on adopting permanent revisions to OAR 340-20-100 to 20-135 for indirect sources in the Medford area which are currently in effect as Temporary Rules which will expire on October 3, 1984.

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

AGENDA ITEM H: Proposed adoption of pollution control tax credit rules, OAR Chapter 340, Division 16, as a revision to the State Implementation Plan.

This item proposes adoption of the pollution control tax credit rules. Adoption of the rules would implement statutory authority given the EQC to adopt rules providing guidance for calculation of the percent allocable to 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, it is recommended that the Commission adopt the proposed Pollution Control Tax Credit Rules, Chapter 340, Division 16, as amended and revise the State Implementation Plan.

Director Hansen also presented the following additional recommendation relating to minor amendments to the rule in front of the Commission.

It is further recommended that Oregon Administrative Rules for Pollution Control Tax Credits, Chapter 340, Division 16 be amended as follows:

- Page 16-10, line 3, Item (c) Rejection, delete the word "the".
- Page 16-11, line 5, Item (3) Appeal, replace the word "or" with "of".
- Page 16-16, line 2, Item (c), delete slash mark (/) between the words "resource recovery".
- Page 16-28, line 3, Item No. 4, move entire line to end of Item (a) so as to follow "... information within ...".

Tom Donaca, Associated Oregon Industries, testified that they supported the rules and commended the staff for their work in developing the rules. He requested that when the rules were adopted a summary of them be sent to all affected parties, such as previous applicants for tax credit, Certified Public Accountant and Public Accountant organizations, and the Oregon Economic Development Department.

Mr. Donaca said there may be a potential problem with 340-16-015(b) and (e) requiring filing 30 days in advance of construction. He said that for smaller applicants who may not be familiar with the law it may pose a problem. Mr. Donaca also suggested that subsection (e) be moved closer to subsection (b) for better understanding of the rule.

Michael J. Downs, Administrator of the Department's Management Services Division, responded that the section Mr. Donaca referred to on the 30-day filing requirement was written into the rule because presently there was no provision for adequate review prior to construction. The 30 days would allow the Department time to review a project and make recommendations. Mr. Downs said the Department would make every attempt to inform applicants of the requirement by such things as special notice and prominent display on the application.

Mr. Downs also agreed that subsection (e) of 340-16-015 should be moved closer to subsection (b). And, the Department was planning on notifying the parties suggested by Mr. Donaca.

Chairman Petersen expressed concern about the definition of special circumstances, OAR 340-16-010(10). He said that once special circumstances are a part of the rule then opportunities are created for special loopholes. However Chairman Petersen thought it was generally a good idea to define special circumstances if chances for loopholes are covered.

Chairman Petersen proposed the following amendments to the special circumstances definition, OAR 340-16-010(10):

... cases where applicant has relied on incorrect information provided by Department personnel as demonstrated by letters, records of conversations or [similar evidence] other written evidence, or similar circumstances adequately documented ...

Commissioner Denecke commented that every once in a while there is an applicant for tax credit who did not apply for preliminary certification, and it did not seem to make a difference if they were a large or small company. He cited an instance where PGE had not applied on a large project for the Trojan nuclear plant, even though they had applied for other projects connected with the plant. Mr. Downs replied that in the case of PGE, they apparently at one time did not intend to apply for tax credit for the Trojan plant, but now were and some projects just may have been missed.

It was MOVED by Commissioner Denecke that the Pollution Control Tax Credit Rules with the amendment proposed by Chairman Petersen to OAR 340-16-010(10), and subsection (e) of OAR 340-16-015 be moved to between subsections (a) and (b) of OAR 340-16-015, and the further amendments proposed by the Director be adopted. The motion was seconded by Commissioner Bishop and passed unanimously.

AGENDA ITEM I: Proposed adoption of amendments to the General Groundwater Quality Protection Policy, OAR 340-41-029, to incorporate additional policies for control program implementation.

This agenda item proposes to amend the existing state groundwater protection policy. The proposed amendments would add a problem statement policies section, delete certain existing policy statements, and make several minor language and rule numbering changes.

Director's Recommendation

Based on the summation, it is recommended that the Commission amend the existing General Groundwater Protection Policy to include problem abatement policies and to make several housekeeping changes which include deleting two existing policies

Kathy Williams, Coastal Citizens for Alternatives to Pesticides, supported the Director's Recommendation and encouraged increased funding to monitor groundwater used for drinking.

Chairman Petersen replied that the Department was committed to frequent monitoring within its resources.

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

AGENDA ITEM J: Proposed adoption of a rule exempting certain classes of disposal sites from the Solid Waste Permit requirements, OAR 340-61-020(2).

On the advice of legal counsel, the Department is proposing a rule which will formally exempt certain classes of disposal sites from the solid waste permit requirements. The purpose of this action is to formalize existing, informal policy.

At its April 6, 1984 meeting the Commission granted the Department authority to conduct a public hearing on this matter. On May 17, 1984, a hearing was held and verbal and written testimony was received and evaluated. The Department now seeks adoption of this proposed rule.

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt the proposed rule, OAR 340-61-020(2).

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

AGENDA ITEM K: Request by Crook County for variance from rules prohibiting open burning of industrial wood waste, OAR 340-61-040(2).

Crook County has requested a variance to allow for burning of industrial wood waste at the Crook County Landfill (Prineville). The staff report explains the County's request and outlines the Department's reasons for recommending denial of the request.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the Commission deny Crook County a variance from rules prohibiting open burning of industrial wood waste, OAR 340-61-040(2).

Greg Hendrix, Crook County Counsel, testified in favor of granting the variance. He said that air quality was not a significant issue at this site and that reuse and recycling was already occurring in the area. Mr. Hendrix said that due to the rocky soil and irrigated farmland in the area there was no place to site another landfill. Mr. Hendrix presented pictures and a map of the landfill site to the Commission. He said they would be willing to double the disposal rates if necessary.

Chairman Petersen asked what time period the county would like the variance for. Mr. Hendrix replied they would like a permanent variance but would accept whatever the Commission offered. If the Commission wanted to grant a variance with a yearly review, that would be alright also, he said.

Director Hansen said the Department did feel the County's request had merit, but the Department does not want to see open burning of wastes throughout the state. He said that the Department did not find overwhelming evidence that a variance should be granted to Crook County.

Chairman Petersen felt that the only reason to grant a variance was if there were no alternative sites available. As he understood it, the Department did not know at this time if other suitable sites existed. However under RCRA there may not be a choice in that industrial woodwaste would no longer be able to be burned after 1986, and the County should be aware they needed to be looking for alternatives.

It was MOVED by Commissioner Brill that a variance be granted for one year, with the exception of any burning of vinyl or pentachlorophenol or any other chemicals that might be added to the wood. The motion was seconded by Commissioner Denecke and passed unanimously.

Commissioner Denecke said it was his understanding of the motion that the treated wood wastes would be separated from the pile before the untreated wood was burned.

AGENDA ITEM L: Informational Report: EQC and DEQ Landfill Siting (SB 925--1979 Legislature).

The Department has examined the "supersiting" process established by SB 925 from the 1979 Legislature to evaluate the process and associated problems. It appears that the process is lengthy and as a result of the way the statute is written, ensure that any challenges to siting apply equally the actions taken by local governments as well as contemplated actions by the EQC.

As this report was informational in nature, no action of the Commission was necessary and the Commission had no comment.

AGENDA ITEM M: Significant Willamette Valley Region activities in Lincoln County.

John Borden, Willamette Valley Region Manager presented a summary of significant environmental activities in Lincoln County. The Commission thanked Mr. Borden for his report.

SPECIAL ITEM: Proposal for EQC to declare a threat to drinking water in a specifically defined area in mid-Multnomah County pursuant to the provisions of ORS 454.275 et. seq.

On June 27, 1984, the governing bodies of Multnomah County Central County Service District No. 3, the City of Gresham, and the City of Portland, filed with the Environmental Quality Commission resolutions which, for each jurisdiction:

1. Adopt a sewerage facilities plan for providing sewer service to the areas presently served by cesspools within their ultimate sewer service boundary (as designated in the METRO master sewerage plan) and submit the plan to the EQC as directed by the EQC in OAR 340-71-335(2)(b): and
2. Adopt pursuant to ORS 454.285, preliminary findings of a threat to drinking water, adopt boundaries of the affected area, and submit these to the Environmental Quality Commission for review and investigation, and to hold a public hearing to determine whether a threat to drinking water exists in the affected area.

ORS 454.295 requires the Commission, after receipt of the resolution(s), to review and investigate the conditions in the affected area. If substantial evidence reveals the existence of a threat to drinking water, the Commission is required to hold a public hearing within or near the affected area. The hearing is to be held not less than 50 days after the Commission completes its review and investigation. The purpose of the hearing is to determine whether a threat to drinking water exists in the affected area, whether the conditions could be eliminated or alleviated by the sewage treatment works proposed in the submitted plans, and whether the proposed treatment works are the most economical method to alleviate the conditions.

Director's Recommendation

Based on the summation, it is recommended that the Commission evaluate the information presented in this report and review and investigate the conditions in the affected area as defined in the report entitled Threat to Drinking Water Findings.

It is further recommended that the Commission schedule a special meeting by conference call at the earliest practicable date to receive additional information from the Department, conclude its review and investigation, if substantial evidence reveals a threat to drinking water in the affected area, and schedule a hearing as required by ORS 454.295.

The Commission agreed to review the staff report and meet by special conference call at 9:00 a.m. on Tuesday, July 10, 1984 to take action.

SPECIAL ITEM: Request for Commission to institute proceedings pursuant to Oregon Revised Statutes (ORS) 459.276(2) and ORS 468.100 against Hal C. Blanchard of Florence, Oregon to enforce compliance with to restrain violations of ORS Chapter 459, 468 and the Commission's rules.

The Commission was presented with a memorandum from Gary Messer, of the Department's Willamette Valley Region, summarizing his observations and findings during a June 6, 1984 inspection of an illegal solid waste disposal site along with documents from Lane County staff summarizing the history of this problem.

The property owner and operator of the site, Mr. Hal C. Blanchard, has refused to stop the disposal of additional solid waste at the site and to clean up the illegally deposited materials. The dumping site is in a ravine through which a creek flows to Woahink Lake, a source of domestic water supplies.

he Department is issuing a Notice of Violation and Intent to Assess Civil Penalty to encourage Mr. Blanchard's cooperation in ceasing any further dumping and by removing the solid waste from the ravine. That action alone may not be sufficient to encourage compliance. Therefore, the Department requests that the Commission institute proceedings to restrain Mr. Blanchard from dumping additional solid waste into the ravine and requiring him to remove the existing solid waste.

It was MOVED by Commissioner Bishop, seconded by Commissioner Denecke and passed unanimously that the Department be authorized to seek injunctive relief in this matter if necessary.

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

The Commission then had lunch with various local officials. Gordon MacPherson, Lincoln City Council member, announced the formation of a consortium which will move forward to establish a new solid waste disposal site at Agate Beach. Planning grant monies expended by the county could appear to have to be paid back to the state under this new arrangement. County officials requested DEQ to explore ways of crediting those funds against the project to avoid paying them back.

Respectfully submitted,



Carol A. Spletstaszer
EQC Assistant

CAS:d

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE SPECIAL MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

July 10, 1984

On Tuesday, July 10, 1984, the Oregon Environmental Quality Commission met by conference telephone call. Connected by telephone were Commission Chairman James Petersen in Bend, Commissioner Mary Bishop in Portland, Commissioner Arno Denecke in Salem, and Commissioner Wallace Brill in Medford. Involved by telephone on behalf of the Department were its Director, Fred Hansen, and several members of the Department staff.

The purpose of this meeting was to consider the Director's recommendation to authorize a hearing on the issue of a potential threat to drinking water in East Multnomah County and a proposal to sewer the area to solve the pollution problem.

On June 27, 1984, the governing bodies of Multnomah County, the City of Gresham, and the City of Portland filed with the Environmental Quality Commission resolutions which, for each jurisdiction:

1. Adopted a sewerage facilities plan for providing sewer service to the areas currently served by cesspools within their ultimate sewer service boundary (as designated in the METRO master sewerage plan) and submitted the plan to the EQC as directed by the EQC in OAR 340-71-335(2)(b); and
2. Adopted pursuant to ORS 454.295 preliminary findings of a threat to drinking water, adopted boundaries of the affected area, and submitted those to the Environmental Quality Commission for review and investigation, and to hold a public hearing to determine whether a threat to drinking water exists in the affected area.

A report entitled Threat to Drinking Water Findings was referenced and incorporated in each resolution.

The information presented to the Commission indicates that within the described boundaries:

1. More than 50% of the affected area consists of rapidly draining soils;

2. The groundwater underlying the affected area is used for drinking water;
3. More than 50% of the sewage in the area is discharged to cesspools, seepage pits, or septic tanks; and
4. Nitrate/nitrogen levels clearly exceed 50% of the Federal Drinking Water Standard of 10 milligrams per liter (mg/l). While nitrate/nitrogen levels appear to have increased over a ten year period in some wells, there is insufficient data to establish a statistically reliable trend.

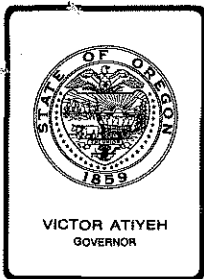
It was MOVED by Commissioner Bishop, seconded by Commissioner Brill and passed unanimously that based on the facts and information revealed in its review and investigation, the Environmental Quality Commission finds that substantial evidence reveals the existence of a threat to drinking water as defined in ORS 454.295, and that such evidence is sufficient for the Commission to set the time for a hearing on the resolutions. The Commission further authorizes the Director to arrange for a hearing location in or near the affected area, and give notice of the hearing as prescribed by law.

In other business, Commissioner Denecke asked that the Department report to the Commission at their next meeting on the status of NuWay Oil in Northwest Portland in regard to hazardous waste.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Carol A. Splettstaszer
EQC Assistant



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. B, August 10, 1984, EQC Meeting
May and June 1984 Program Activity Reports

Discussion

Attached are the May and June 1984 Program Activity Reports.

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

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

The purposes of these reports are:

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

Recommendation

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

Fred Hansen

KNPayne:d
MD26
229-6484
Attachment

A

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Reports

May and June, 1984

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions
(Reporting Unit)

May 1984
(Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	FY	Month	FY	Month	FY	
<u>Air</u>							
Direct Sources	11	153	3	136	0	0	34
Small Gasoline Storage Tanks Vapor Controls	-	-	-	-	-	-	-
Total	11	153	3	136	0	0	34
<u>Water</u>							
Municipal	16	149	18	148	0	3	17
Industrial	2	44	6	50	0	1	7
Total	18	193	24	198	0	4	24
<u>Solid Waste</u>							
Gen. Refuse	-	22	-	19	-	1	5
Demolition	-	4	-	3	-	-	1
Industrial	4	12	2	9	-	-	6
Sludge	2	4	1	5	-	-	1
Total	6	42	3	36	-	1	13
<u>Hazardous Wastes</u>							
	2	8	2	10	-	-	-
<u>GRAND TOTAL</u>	37	396	32	380	0	5	71

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

COUNTY	NUMBER	SOURCE	PROCESS DESCRIPTION	DATE OF ACTION	ACTION
	973	CUSTOM REMFG INC	CYCLONE	04/13/84	APPROVED
	980	GEORGIA PACIFIC CORP	SCREENING FACILITY	05/03/84	APPROVED
	982	D & E WOOD PROD INC	BLOWER AND CYCLONE	05/14/84	APPROVED

TOTAL NUMBER QUICK LOOK REPORT LINES 3

70.

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

COUNTY	SOURCE	PERMIT NUMBER	APPL. RECEIVED	APPL. DATE	STATUS	DATE ACHIEVED	TYPE	PSEL
	GOOD SAMARITAN HOSPITAL	02	2094	01/10/84	PERMIT ISSUED	04/25/84	RNW	
CLACKAMAS	BROD & MC CLUNG-PACE CO	03	2680	09/28/83	PERMIT ISSUED	04/25/84	NEW	
LINN	CORVALLIS FEED & SEED	22	0363	01/24/84	PERMIT ISSUED	04/25/84	EXT	
UNION	ROGERS ASPHALT PAVING CO	31	0001	10/24/83	PERMIT ISSUED	04/25/84	RNW	
	INTERNATIONAL PAPER	10	0036	04/17/84	PERMIT ISSUED	04/30/84	MOD	
COOS	GEORGIA PACIFIC CORP	06	0012	08/08/83	PERMIT ISSUED	05/07/84	RNW	
JACKSON	MEDFORD CORP/SEL-PLY DIV	15	0110	05/25/83	PERMIT ISSUED	05/07/84	RNW	
JOSEPHINE	TIM-PLY CO.	17	0029	04/08/82	PERMIT ISSUED	05/07/84	RNW	
LINN	WILLAMETTE SEED & GRAIN	22	0480	01/12/84	PERMIT ISSUED	05/07/84	RNW	
MULTNOMAH	BLITZ-WEINHARD COMPANY	26	2014	06/24/83	PERMIT ISSUED	05/07/84	MOD	
	RIVERVIEW ABBEY CREMATOR	26	2545	03/26/84	PERMIT ISSUED	05/07/84	RNW	
MULTNOMAH	MEYERS DRUM CO. (NEW)	26	3035	10/27/81	PERMIT ISSUED	05/07/84	EXT	
MULTNOMAH	CASCADE CORP.	26	3038	06/02/81	PERMIT ISSUED	05/07/84	NEW	
	ROGERS CONSTRUCTION CO	34	2543	10/17/83	PERMIT ISSUED	05/07/84	RNW	
	PORTLAND COM COL-ROCK CRK	34	2639	03/05/84	PERMIT ISSUED	05/07/84	RNW	
WASHINGTON	PORTLAND CHAIN MFG CO	34	2666	02/14/84	PERMIT ISSUED	05/07/84	EXT	
PORT.SOURCE	PORTLAND ROAD & DRIVEWAY	37	0288	10/04/83	PERMIT ISSUED	05/07/84	RNW	
BENTON	VENELL FARMS INC	02	1003	09/28/83	PERMIT ISSUED	05/10/84	RNW	
CLACKAMAS	NORTHWEST SAND & GRAVEL	03	0173	10/14/83	PERMIT ISSUED	05/10/84	RNW	
LINCOLN	ROAD & DRIVEWAY CO	21	0001	11/02/83	PERMIT ISSUED	05/10/84	RNW	
	OCEAN LAKE PAVING CO	21	0002	11/03/83	PERMIT ISSUED	05/10/84	RNW	
MARION	SILVERTON FOREST PRDCTS	24	6252	02/14/84	PERMIT ISSUED	05/10/84	RNW	
	PORTLAND AIR NATL GUARD	26	2989	04/17/84	PERMIT ISSUED	05/10/84	RNW	
PORT.SOURCE	WWD CORPORATION	37	0039	04/10/84	PERMIT ISSUED	05/10/84	RNW	
	ROCK CREEK SAND & GRAVEL	03	1938	11/01/83	PERMIT ISSUED	05/17/84	RNW	
HOOD RIVER	CHAMPION INTERNATIONAL	14	0002	01/16/84	PERMIT ISSUED	05/17/84	RNW	
	NORTHWOOD INC	15	0044	01/19/84	PERMIT ISSUED	05/17/84	RNW	
MARION	CHAMPION INTERNATIONAL	24	5667	11/04/83	PERMIT ISSUED	05/17/84	RNW	
UNION	BORDEN INC	31	0028	02/02/84	PERMIT ISSUED	05/17/84	RNW	
YAMHILL	NEWBERG READY MIX CO	36	6121	09/09/83	PERMIT ISSUED	05/17/84	RNW	
YAMHILL	CHEHALEM VALLEY MILLS INC	36	6209	10/26/83	PERMIT ISSUED	05/17/84	RNW	

TOTAL NUMBER QUICK LOOK REPORT LINES 31

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division May, 1984
(Reporting Unit) (Month and Year)

PERMIT ACTIONS COMPLETED

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

Indirect Sources

Multnomah	Pacific Northwest Bell/ Beta West Distribution Center, 231 Spaces File No. 8403	05/24/84	Final Permit Issued
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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

May 1984
(Month and Year)

PLAN ACTIONS COMPLETED - 24

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

MUNICIPAL WASTE SOURCES - 18

Multnomah	Multnomah County Central Service District Robinbrook Subdivision	5/14/84	P.A.
Josephine	Applegate Christian Fellowship Septic tank/dose sand filter	5/15/84	P.A.
Yamhill	Sheridan Schedule "E" West Main Collection System and Northside Rehabilitation	5/18/84	P.A.
Lane	Veneta West Broadway Industrial Park	5/18/84	P.A.
Clackamas	Lake Oswego The Green Subdivision	5/18/84	P.A.
Tillamook	NTCSA Lateral P-5-2 for Frank Lebond	5/18/84	P.A.
Clackamas	Milwaukie Dana Subdivision	5/18/84	P.A.
Lincoln	Yachats Rothermich's Addition	5/18/84	P.A.
Jackson	Emigrant Lake (Jackson Co. Parks) Water Slide Connections	5/18/84	P.A.

MAR.3 (5/79) WL3434

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division	May 1984
(Reporting Unit)	(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

Josephine	Harbeck-Fruitdale Service District Harold martin Property	5/18/84	P.A.	
Douglas	Green Sanitary District Industry Drive	5/18/84	P.A.	
Coos	Coos Bay Shorepines Mobile Home Park, Phase II	5/21/84	P.A.	
Deschutes	Bend Medical Center Sewer	5/21/84	P.A.	
Columbia	St. Helens South Trunk Sewer Replacement	5/21/84	P.A.	
Clackamas	Canby Extension Sanderson Property N. Birth Street	5/24/84	P.A.	
Clackamas	Youngblood Property Recirculating Sand Filter	5/25/84	Comments to County	
Douglas	Frank/Nancy Edel Echo Resort Dose Tank/Sand Filter	6/4/84	Comments to Coos County Branch	
Lane	Cottage Grove Articulated Four-Wheel Loader	6/4/84	P.A.	

P.A. = Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality Division</u>	<u>May, 1984</u>
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED 24

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

INDUSTRIAL WASTE SOURCES (6)

Tillamook	Sam Vermilyea	5-2-84	Approved
	Animal Waste Control System Tillamook		
Tillamook	Clarence Boquist	5-2-84	Approved
	Animal Waste Control System Tillamook		
Tillamook	Carl Bosch	5-2-84	Approved
	Animal Waste Control System Tillamook		
Tillamook	Hank Bosch	5-2-84	Approved
	Animal Waste Control System Tillamook		
Tillamook	Lyle Bledsoe	5-2-84	Approved
	Animal Waste Control System Tillamook		
Lincoln	Georgia Pacific Corp.	5-14-84	Approved
	Reuse of Treated Effluent as Paper Machine Vacuum Pump Seal Water, Toledo		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

May 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	0 / 0	5 / 10	1 / 1	5 / 11	3 / 3		
Existing	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0		
Renewals	3 / 1	47 / 17	3 / 0	39 / 14	36 / 11	(Dropped 2 NPDES)	
Modifications	0 / 0	1 / 2	2 / 0	2 / 1	2 / 1		
Total	3 / 1	53 / 29	6 / 1	46 / 26	41 / 15	238/138	241/141
<u>Industrial</u>							
New	0 / 1	7 / 5	0 / 0	3 / 6	4 / 4		
Existing	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0		
Renewals	1 / 0	28 / 17	2 / 0	27 / 21	31 / 10		
Modifications	0 / 0	5 / 0	0 / 0	2 / 0	2 / 0		
Total	1 / 1	40 / 22	2 / 0	32 / 27	37 / 14	189/164	193/168
<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 / 0	0 / 0		
Total	0 / 0	0 / 0	0 / 0	0 / 4	0 / 0	2 / 12	2 / 12
<u>GRAND TOTALS</u>	4 / 2	93 / 51	8 / 1	78 / 57	78 / 29	429/314	436/321

* NPDES Permits
** State Permits

4 General Permits Granted (1 NPDES Renewal Application Transferred to General Permit)
1 WPCF Industrial Renewal Application Withdrawn
Dropped 2 Municipal NPDES Application Renewals - included in New Permit for RUSA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

May 1984
(Month and Year)

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL AND INDUSTRIAL SOURCES

NPDES (6)

Yamhill	Cascade Steel Rolling Mills, Inc., McMinnville	5/9/84	Permit Renewed
Lane	Simpson Extruded Plastics Company, Eugene	5/9/84	Permit Renewed
Tillamook	Neskowin Regional Sanitary Authority, STP	5/9/84	Permit Issued
Lincoln	City of Newport STP	5/9/84	Permit Renewed
Baker	City of Baker STP	5/16/84	Permit Renewed
Multnomah	City of Troutdale STP	5/22/84	Permit Renewed

MUNICIPAL AND INDUSTRIAL SOURCES

WPCF (1)

Jackson	Applegate Christian Fellowship, STP Jacksonville	5/9/84	Permit Issued
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MUNICIPAL AND INDUSTRIAL SOURCES MODIFICATIONS

(2)

Curry	Wedderburn S.D. STP	5/9/84	Addendum #1
Lane	MWMC - Metro STP	5/18/84	Sch. C. Modified by Letter

MAR.6 (5/79)

WL3412

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality Division</u>	<u>May 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 GENERAL PERMITS (4)

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

Columbia	Crown Zellerbach Columbia City Sawmill	5/7/84	Transferred to General Permit
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Portable Suction Dredge, Permit 0700-J, File 32600 (3)

Various	Karl Tadsen Oregon Waters	5/22/84	General Permit Granted
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Various	Belinda Edwards Oregon Waters	5/22/84	General Permit Granted
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Various	Raymond G. Altom Oregon Waters	5/24/84	General Permit Granted
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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

May 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	3	15	-	6	4		
Existing	-	-	-	-	-		
Renewals	3	24	-	3	23		
Modifications	2	9	3	8	1		
Total	8	48	3	17	28	170	170
<u>Demolition</u>							
New	-	2	-	2	-		
Existing	-	-	-	-	-		
Renewals	-	5	1	2	2		
Modifications	1	2	1	2	-		
Total	1	9	2	6	2	15	15
<u>Industrial</u>							
New	1	5	-	3	5		
Existing	-	-	-	-	-		
Renewals	2	12	-	3	16		
Modifications	-	2	1	2	2		
Total	3	19	1	8	23	97	97
<u>Sludge Disposal</u>							
New	1	1	-	-	1		
Existing	-	-	-	-	-		
Renewals	-	7	-	4	3		
Modifications	-	-	-	2	-		
Total	1	8	-	6	4	15	15
<u>Hazardous Waste</u>							
New	-	1	-	2	5		
Authorizations	131	1155	131	1155	-		
Renewals	-	-	-	-	1		
Modifications	-	-	-	-	-		
Total	131	1156	131	1157	6	14	19
<u>GRAND TOTALS</u>							
	144	1240	137	1194	63	311	316

SC1571.B
MAR.5S (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit)	May 1984 (Month and Year)
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PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Hood River	Hanel Lumber, Neal Creek Existing landfill	5/9/84	Permit amended	*
Klamath	Chiloquin Landfill Existing facility	5/9/84	Permit amended	*
Tillamook	Tillamook Landfill Existing facility	5/16/84	Permit amended	*
Lane	Delta Sand & Gravel Existing landfill	5/21/84	Permit renewed	*
Multnomah	Killingsworth Landfill Existing facility	5/21/84	Permit amended	*
Klamath	Chiloquin Transfer Station Existing facility	5/30/84	Permit revoked	*

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

May 1984
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-SECURITY SYSTEMS, INC., GILLIAM CO.

WASTE DESCRIPTION

* * Date *	* * Type *	* * Source *	* * <u>Quantity</u> *		* * *
			Present	Future	

TOTAL DISPOSAL REQUESTS GRANTED - 131

OREGON - 47

5/1	PCB capacitors	Steel mill	0	4 units	
5/1	PCB transformers	Dept. of Energy	0	350 gal.	
5/1	PCB-contaminated solids	" "	0	5 cu.yd.	
5/1	PCB capacitors	" "	0	220 gal.	
5/1	PCB transformers	" "	0	450 gal.	
5/1	PCB-contaminated solids	" "	0	5 cu.yd.	
5/1	PCB capacitors	" "	0	150 gal.	
5/1	Pentachlorophenol	Wood treatment	0	40 drums	
5/1	Pesticide - isopropyl ester of 2,4-D	Chemical supplier	2.5 cu.yd.	0	
5/1	Aluminum parts cleaning solvent consisting of cresol, orthodichlorobenzene, toluene & water	Transit agency	0	500 gal.	
5/1	Fume line sludge containing corrosive ferric chloride	Chemical co.	1 cu.yd.	0	
5/1	Cooling tower sludge with chrome	Oil co.	65 gal.	0	

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	5/1	Out-dated diphenyl- methane diisocyanate	Chemical co.	192 gal.	0	
	5/1	Tetrachlorophenol- contaminated gloves & filters	Wood preserving	400 lb.	1600 lb.	
	5/1	Out-dated petroleum- based oil spray	Plant nursery	11 drums	0	
	5/1	Empty penta containers	Wood treatment	112 cu.ft.	0	
	5/2	Tetrachlorophenate/ pentachlorophenate- contaminated sawdust, dirt, etc.	" "	300 gal.	1200 gal.	
	5/2	Bronate/Buctril herbi- cide-contaminated rags, pads & paper	Herbicide mfg.	0	9 drums	
	5/2	2,4-D/MCPA/Bromoxynil- contaminated dirt, rags, wood, etc.	" "	0	20 drums	
	5/2	Ink-contaminated rinse water	Paper-covered wire mfg.	0	16 drums	
	5/2	PCB transformers	University	0	500 gal.	
	5/2	PCB-contaminated transformer oil	" "	0	500 gal.	
	5/2	PCB-contaminated rags, soil, etc.	" "	0	1 drum	
	5/2	PCB capacitors	Foundry	0	10 drums	
	5/9	Sulfur-contaminated dirt, articles, etc.	Chemical co.	0	20 drums	
	5/9	Asbestos insulation	" "	0	72 cu.ft.	
	5/9	Empty pesticide containers	" "	0	1200 cu.ft.	
	5/9	Surpass pesticide- contaminated rags, paper, dirt, etc.	" "	0	50 drums	

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity * Future *	* *
	5/10	PCB-contaminated rags & concrete	University	0	500 gal.	
	5/10	Spent Ni-Cd pocket calculator batteries	Electronic co.	0	100 cu.ft.	
	5/10	PCB capacitors	Lumber mill	16 drums	0	
	5/10	PCB transformers	" "	55 gal.	0	
	5/16	Empty paint drums	Drum(s) aban- doned on property	4 drums	0	
	5/16	Paint sludge	" "	1 drum	0	
	5/16	Paint-contaminated dirt & rocks	Spill cleanup	10 cu.yd.	0	
	5/21	Caustic solution with glycol ether	Steel fab.	0	19 drums	
	5/21	Ferric chloride/ hydrochloric acid soln.	Electronic co.	0	500 gal.	
	5/22	PCB-contaminated materials	Electric util.	0	100,000 lb.	
	5/22	Powder herbicide containing isopropyl ester of 2,4-D	Chemical supplier	11 drums	0	
	5/22	Filters contaminated with trichloroethylene degreasing solvent	Chain saw mfg.	0	650 gal.	
	5/22	Nickel sulfate/boric acid solution	Electronic co.	0	500 gal.	
	5/22	Unwanted 1-naphthol	" "	250 kg.	0	
	5/24	Sulfuric acid etchant	Electronic co.	0	1500 gal.	
	5/24	Ammonium persulfate solution	" "	0	500 gal.	
	5/24	Nitric acid solution	" "	0	5000 gal.	
	5/24	Lab samples of chloro- form, various pesticides, contaminated articles, etc.	Chemical co.	0	10 drums	

* #	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* #
5/24		Penta & alkyd resin paint samples in lab packs	Commercial lab	15 drums	0	
5/24		Phenolic resin sludge	Resin mfg.	500 gal.	0	
5/31		Chromic acid solution	Electroplating	0	1650 gal.	
5/31		Chrome/lead sludge	" "	0	68 cu.yd.	
5/31		Zinc-chrome sludge	" "	0	6528 cu.yd.	
5/31		Ferric chloride sludge with lead	Metals shop	0	408 cu.yd.	
5/31		Dried ink sludge	Site cleanup	600 cu.ft.	0	
WASHINGTON - 55						
5/1		Absorbents, rags, gloves & debris contaminated with oil and/or hydraulic fluid	Spill cleanup	0	3800 cu.ft.	
5/1		Contaminated phenol	Chemical co.	0	5-10 drums	
5/1		Filter bags contaminated with Pb & Cd	Steel mill	5 cu.yd.	0	
5/1		Paint stripping solvent aromatic petroleum/methylene chloride & toluene	Electronic co.	825 gal.	0	
5/1		Washwater with heavy metals	Chemical co.	15 drums	60 drums	
5/1		Methylene dioxybenzene tar	" "	0	1000 gal.	
5/1		Ignitable solvent	Railroad co.	1 drum	0	
5/1		Halogenated solvent	" "	1 drum	0	
5/1		Spent ethyl ether with ferrous sulfate	Chemical co.	275 gal.	1100 gal.	
5/1		Dewatered plating sludge	Electroplating	0	30 drums	

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	5/1	Hazorb pads soaked with heat transfer fluid	Chemical co.	10 drums	0	
	5/2	Lacquer thinner sludge	Wood finishing	300 gal.	3600 gal.	
	5/2	Latex paint	Paint co.	0	2650 gal.	
	5/2	Ignitable ink sludge	Milk carton plant	0	125 drums	
	5/9	Thiodiphenol tar	Chemical co.	0	300 drums	
	5/10	Chlorinated solvent still bottoms	Solvent recycling	0	40 drums	
	5/10	PCB-contaminated EPAC filter	Steel co.	1 drum	0	
	5/10	Unwanted herbicide containing 2,4-D & 2,4,5-T	Chemical co.	1 drum	0	
	5/10	Empty pesticide drum & contaminated debris	" "	1 drum	0	
	5/16	Ignitable ink sludge	Printing	110 gal.	1320 gal.	
	5/16	Sludge & lead salts, MDI diisocyanate & aromatic hydrocarbons	Foundry	3 drums	10 drums	
	5/22	Out-dated zinc cyanide chemical	Dept. of Defense	0	5 drums	
	5/22	Lead-contaminated filters	Chemical co.	0	25 drums	
	5/22	Mg chloride salt	Titanium reduc.	0	1000 tons	
	5/22	Hg-contaminated lab solutions	Chemical lab	0	110 gal.	
	5/22	Heavy metals sludge	Electroplating	36 drums	144 drums	
	5/22	Scrubber sludge	Al smelting	50,000 tons	0	
	5/22	Sulfuric acid	Steel galvanizing	0	14,000 gal.	

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	5/22	Lab quantities of mineral acids	University	5 drums	20 drums	
	5/22	Potassium cyanide, lead oxide & other poisonous solid lab reagents	" "	10 drums	40 drums	
	5/22	Aniline, 2,4-D, carbon tetrachloride & other toxic organic solvents in lab packs	" "	10 drums	40 drums	
	5/22	Sodium hydroxide, ammonium hydroxide & other corrosive chemicals	" "	5 drums	20 drums	
	5/22	Ethyl acetate, diethyl ether, benzene & other ignitable lab solvents	" "	10 drums	40 drums	
	5/22	Sodium nitrate, calcium hypochlorite and other oxidizing agents	" "	3 drums	12 drums	
	5/22	Sulfuric/chromic acid with mercury	" "	2 drums	5 drums	
	5/22	Out-dated cyanide product	Dept. of Defense	0	5 drums	
	5/23	PCB-contaminated transformer oil	Truck mfg.	300 gal.	0	
	5/23	Empty bags of red lead paint pigment	Paint mfg.	500 lb.	2000 lb.	
	5/23	Empty Dodine pesticide paper bags	Chemical co.	0	30 drums	
	5/23	Empty Captan pesticide paper bags	" "	0	30 drums	
	5/23	Tin/nickel plating solution	Electroplating	0	260 gal.	
	5/23	Nickel chloride/hydrochloric acid solution	" "	0	120 gal.	
	5/23	Nickel sulfamate/boric acid/nickel chloride soln.	" "	0	1375 gal.	

SC1571.E
MAR.15 (1/82)

* * *	* * *		* * *		* * *	<u>Quantity</u>		* * *
* Date *	Type	Source	Present	Future				
5/23	Nickel sulfate/sodium hypophosphite solution	Electroplating	0	400 gal.				
5/23	Caustic oily sludge	Auto shop	0	1375 gal.				
5/23	HCl with Cd, Cr & Pb	" "	0	165 gal.				
5/23	Various lab chemicals	Chemical lab	0	4 drums				
5/24	Out-dated fire retardant product containing chlorinated paraffin	Railroad co.	907 gal. (in drums)	0				
5/24	Chromate conversion solution	Electronic co.	0	200 gal.				
5/24	Spent xylol paint thinner	Metal fabrication	0	150 gal.				
5/24	Buffing compound of silica with ethylene glycol	Waste recycling	1900 gal.	19,000 gal.				
5/31	Solvent-contaminated rags, absorbents, etc.	Spill cleanup	0	400 drums				
5/31	PCB capacitors	Oil refinery	0	10 drums				
5/31	Paint sludge	" "	0	25 drums				
5/31	Lead-contaminated articles	" "	0	10 drums				
OTHERS - 29								
5/1	Spent vanadium pentoxide catalyst	Chemical co. (HI)	0	4 tons				
5/1	Solidified styrene polymer	" "	24 drums	0				
5/1	PCB liquids	Mining co. (MT)	18,000 gal.	0				
5/1	PCB-contaminated liquids	" "	15,000 gal.	0				
5/1	Petroleum tank bottoms	Oil co. (HI)	28 drums	0				
5/1	Machine cleaning solvent containing paraffins, olefins, naphthenes & aromatics	Paper co. (MT)	0	1 drum				

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	5/1	Various organic lab solvents	University (HI)	0	200 gal.	
	5/1	Various halogenated lab solvents	" "	0	200 gal.	
	5/1	Pentachlorophenol-contaminated soil, wood chips, sticks, etc.	Wood preserving (ID)	15 drums	15 drums	
	5/1	Pentachlorophenol-contaminated soil, wood chips, sticks, etc.	Wood preserving (MT)	50 drums	50 drums	
	5/2	Various pesticide samples	Ag. research (Alberta)	0	25 drums	
	5/2	Petroleum tank bottoms	Oil co. (HI)	0	160 drums	
	5/2	Gasoline/oil tank bottoms	" "	0	100 drums	
	5/2	Lab chemicals in lab packs	Electronic co. (ID)	0	600 gal.	
	5/10	Lab chemicals in lab packs	Research lab (ID)	0	15 drums	
	5/22	Wash rack composite containing sodium metasilicate, oil, grease, water and heavy metals	Shipyard (HI)	0	40 drums	
	5/22	Asbestos insulation	Oil co. (MT)	0	10,000 cu.ft.	
	5/22	Paint sludge	Electronic co. (ID)	0	500 gal.	
	5/22	Demolition wood debris contaminated with electroplating solution	Electroplating (MT)	2400 cu.ft.	0	
	5/23	PCB transformers	Mining co. (MT)	18,000 gal.	0	
	5/23	PCB-contaminated transformers	" "	15,000 gal.	0	
	5/24	Ignitable organic solvents	University (HI)	0	200 drums	

* Date *	Type	Source	Quantity	
* * *	* * *	* * *	Present	Future
5/24	Spent lacquer thinner	Can plant (HI)	4 drums	16 drums
5/24	Lab chemicals in lab packs	University (UT)	0	75,000 lb.
5/24	Paint stripping residue with methylene chloride	Research (ID)	300 gal.	0
5/24	Oil-coated gravel	Spill cleanup (ID)	59.4 cu.ft.	0
5/24	Ink sludge with lead	Paper co. (HI)	7 drums	28 drums
5/24	Oil contaminated with soldering flux	Can plant (HI)	4 drums	16 drums
5/24	Monoethanolamine reclaimer bottoms	Chemical co. (HI)	0	3500 gal.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit)	May, 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	4	87	6	86	107	109
Airports			1	14		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

May, 1984

(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

County	Name of Source and Location	Date	Action
Clackamas	Rock Creek Sand & Gravel Clackamas	05-84	In Compliance
Multnomah	Woodstock Thriftway Portland	05-84	In Compliance
Lincoln	C. Battles Construction Waldport	05-84	In Compliance
Yamhill	Southern Pacific Transportation McMinnville	05-84	In Compliance
Deschutes	Willamette Industries Railroad Siding Bend	05-84	Referred to Federal Railroad Administration
Sherman	Jerald Christiansen Rebuild and Excavating Grass Valley	05-84	In Compliance
Douglas	Fisher Ranch Airport	05-84	Boundary Approved

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1984

CIVIL PENALTIES ASSESSED DURING MONTH OF MAY, 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>
Rock Creek Sand & Gravel Co. Clackamas County	WQ-NWR-84-31 Oil spill.	4-26-84	\$1,000	Paid 5-14-84.
Roy R. Nelson Coos County	SS-SWR-84-27 Constructed an on- site sewage disposal system without being licensed.	5-3-84	\$500	Awaiting response to notice.
Transco Industries, Inc. Portland, Oregon	HW-NWR-84-45 (civil penalty) HW-NWR-84-46 (compliance order) Storage of hazardous waste without a license.	5-14-84	\$2,500	Hearing request and answer filed 6-4-84.
Roy Vandervelde Yamhill County	WQ-WVR-84-01 Discharged manure and silage waste water into public waters.	5-23-84	\$2,500	Hearing request and answer filed 6-12-84.
Jim Hantke Portland, Oregon	AQOB-NWR-84-21 Open burning land clearing debris.	5-23-84	\$50	Paid 6-6-84
International Paper Co. Gardiner, Oregon	WQ-SWR-84-29 Exceeded effluent limitations of NPDES waste discharge permit.	5-24-84	\$7,450	Hearing request and answer filed 6-12-84.

GB3565

MAY 1984
DEQ/EQC Contested Case Log

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT</u>
Preliminary Issues	14	18
Discovery	0	2
Settlement Action	5	1
Hearing to be scheduled	7	6
Hearing scheduled	3	1
HO's Decision Due	1	1
Briefing	0	2
Inactive	2	2
 SUBTOTAL of cases before hearings officer.	 <u>32</u>	 <u>33</u>
 HO's Decision Out/Option for EQC Appeal	 1	 0
Appealed to EQC	1	1
EQC Appeal Complete/Option for Court Review	0	0
Court Review Option Pending or Taken	0	0
Case Closed	2	4
 TOTAL Cases	 <u>36</u>	 <u>38</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

Hrngrs 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

May 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	EOC approved stipulated order reducing penalty to \$3,500. Case Closed.
SPERLING, Wendell dba/Sperling Farms	11/25/81	11/25/81	03/17/83	Dept	23-AQ-FB-81-15 FB Civil Penalty of \$3,000	Department's exceptions and brief on appeal due July 13, 1984.
OLINGER, Bill Inc.	09/10/82	09/13/82	10/20-21/83 11/2-4/83 11/14-15/83 5/24/84	Prtys	33-WQ-NWR-82-73 WQ Civil Penalty of \$1,500	Record being completed after 5/24/84 continuation of hearing.
GIANELLA, Vermont	12/17/82	12/28/82	09/20/83	Prtys	41-AQ-FB-82-08 FB Civil Penalty of \$1,000	No appeal to EQC. Case Closed.
SCHLEGEL, George Sr.	12/30/82	01/03/83		Prtys	43-AQ-FB-82-05 FB Civil Penalty of \$400	EOC approved stipulated order reducing penalty to \$175. Case Closed.
FAXON, Jay dba/Faxon Farms	01/03/83	01/07/83		Prtys	44-AQ-FB-82-07 FB Civil Penalty of \$1,000	EOC approved stipulated order reducing penalty to \$400. Case Closed.
MARCA, Gerald	01/06/83	01/11/83	06/14/84	Hrqs	45-SS-SWR-82-101 SS Civil Penalty of \$500, 46-SS-SWR-82-114 Remedial Action Order.	Hearing conducted 6/14/84
HAYWORTH FARMS, INC., and HAYWORTH, John W.	01/14/83	02/28/83	04/04/84	Hrqs	50-AQ-FB-82-09 FB Civil Penalty of \$1,000	Transcript being prepared.
McINNIS ENT.	06/17/83	06/21/83		Hrqs	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	07/10/84	Prtys	53-AQOB-WVR-83-73 OB Civil Penalty of \$4000	Hearing scheduled.
CRAWFORD, Raymond, M.	09/15/83	09/16/83		Hrqs	54-AQOB-NWR-83-63 OB Civil Penalty of \$2000	Prtys to report on case status.
MID-OREGON CRUSHING	09/19/83	09/27/83		Hrqs	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		Hrqs/ Prtys	56-WQ-NWR-83-79 WQ Civil Penalty of \$14,500, and 59-SS-NWR-83-33290P-5 SS license revocation.	Scheduled hearing deferred to follow circuit court proceedings. Discovery continuing.
WARRENTON, City of	8/18/83	10/05/83		Prtys	57-SW-NWR-PMT-120 SW Permit Appeal	Prtys to report on settlement progress.
CLEARWATER IND., Inc.	10/11/83	10/17/83		Hrqs	58-SS-NWR-83-82 SS Civil Penalty of \$1000	To be scheduled.
WILLIS, David T., Jr.	01/05/84	01/18/84		Hrqs	01-AQOB-NWR-83-102 OB Civil Penalty of \$200	To be scheduled.
CLEARWATER IND., Inc.	01/13/84	01/18/84		Hrqs	02-SS-NWR-83-103 SS Civil Penalty of \$500	To be scheduled.
HARPER, Robert W.	03/13/84	03/21/84		Prtys	03-AQ-FB-83-23 FB Civil Penalty of \$1,000	Preliminary issues.

May 1984

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	Hrng Date	Resp Code	Case Type & No.	Case Status
KUENZL, Lee A.	03/17/84	03/28/84		Prtys	04-AQ-FB-83-01 FB Civil Penalty of \$500	Preliminary issues.
MALPASS, David C.	03/26/84	03/28/84		Prtys	05-AQ-FB-83-14 FB Civil Penalty of \$500	Preliminary issues.
LOE, Roger E.	03/27/84	03/28/84		Prtys	06-AQ-FB-83-15 FB Civil Penalty of \$750	Preliminary issues.
SIMMONS, Wayne	03/27/84	04/05/84		Prtys	07-AQ-FB-83-20 FB Civil Penalty of \$300	Preliminary issues.
COON, Mike	03/29/84	04/05/84		Prtys	08-AQ-FB-83-19 FB Civil Penalty of \$750	Preliminary issues.
BIELENBERG, David	03/28/84	04/05/84		Prtys	09-AQ-FB-83-04 FB Civil Penalty of \$300	Preliminary issues.
BRONSON, Robert W.	03/28/84	04/05/84		Prtys	10-AQ-FB-83-16 FB Civil Penalty of \$500	Preliminary issues.
NEWTON, Robert	03/30/84	04/05/84		Prtys	11-AQ-FB-83-13 FB Civil Penalty of \$500	Preliminary issues.
KAYNER, Kurt	04/03/84	04/05/84		Prtys	12-AQ-FB-83-12 FB Civil Penalty of \$500	Preliminary issues.
BUYSERIE, Gary	03/26/84	04/05/84		Prtys	13-AQ-FB-83-21 FB Civil Penalty of \$300	Preliminary issues.
BUYSERIE, Gary	03/26/84	04/05/84		Prtys	14-AQ-FB-83-22 FB Civil Penalty of \$750	Preliminary issues.
GORACKE, Jeffrey dba/Goracke Bros.	04/10/84	04/12/84		Prtys	15-AQ-FB-83-22 FB Civil Penalty of \$500	Review requested. Preliminary issues.
DOERFLER FARMS	04/30/84	05/08/84		Prtys	16-AQ-FB-83-11 FB Civil Penalty of \$500	Review requested. Preliminary issues.
<u>TRANSCO Industries, Inc.</u>	<u>06/05/84</u>	<u>06/12/84</u>		Prtys	<u>17-HW-NWR-84-45 HW Civil Penalty of \$2,500</u>	<u>Review requested. Preliminary issues.</u>
<u>TRANSCO Industries, Inc.</u>	<u>06/05/84</u>			Prtys	<u>18-HW-NWR-84-46 HW Compliance Order</u>	<u>Review requested. Preliminary issues.</u>
<u>INTERNATIONAL PAPER CO.</u>	<u>06/12/84</u>	<u>06/12/84</u>		Prtys	<u>19-WQ-SWR-84-29 WQ Civil Penalty of \$7,450</u>	<u>Review requested. Preliminary issues.</u>
<u>VANDERVELDE, Roy</u>	<u>06/12/84</u>	<u>06/12/84</u>		Prtys	<u>20-WQ-WVR-84-01 WQ Civil Penalty of \$2,500</u>	<u>Review requested. Preliminary issues.</u>
<u>CLINTON, Carl</u>	<u>07/03/84</u>		<u>07/09/84</u>		<u>Noise Variance Request</u>	<u>Hearing scheduled.</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions
(Reporting Unit)

June 1984
(Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	FY	Month	FY	Month	FY	
<u>Air</u>							
Direct Sources	9	162	8	144	0	0	38
Small Gasoline Storage Tanks Vapor Controls	-	-	-	-	-	-	-
Total	9	162	8	144	0	0	38
<u>Water</u>							
Municipal	15	164	23	171	0	3	8
Industrial	8	52	2	52	0	1	13
Total	23	216	25	223	0	4	21
<u>Solid Waste</u>							
Gen. Refuse	9	31	-	19	-	1	12
Demolition	1	5	1	4	-	-	1
Industrial	3	15	2	11	-	-	7
Sludge	1	5	1	6	-	-	1
Total	14	56	4	40	-	1	21
<u>Hazardous Wastes</u>							
	1	9	1	11	-	-	-
<u>GRAND TOTAL</u>	47	443	38	418	0	5	80

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

COUNTY	NUMBER	SOURCE	PROCESS DESCRIPTION	DATE OF ACTION	ACTION
	987	COLUMBIA STEEL CASTINGS	BAG FILTER DUST COLLECTOR	05/12/84	APPROVED
	972	CHAMPION BUILDING PRODUCT	GAS INCINERATION SYSTEM	05/25/84	APPROVED
	973	CUSTOM REMFG INC	CYCLONE	04/13/84	APPROVED
	930	GEORGIA PACIFIC CORP	SCREENING FACILITY	05/03/84	APPROVED
	982	D & E WOOD PROD INC	BLOWER AND CYCLONE	05/14/84	APPROVED
	987	INTERNATIONAL PAPER	OPACITY MONITOR	06/05/84	APPROVED
	988		VENTURI SCRUBBER	06/05/84	APPROVED
	991	BOISE CASCADE CORP	CYCLONE REPLACEMENT	05/23/84	APPROVED
	922	WESTERN KRAFT CORP	CONVEYANCE SYSTEM	06/08/84	APPROVED
	993	HEDPLY	FULLER POLL CTRL SYSTEM	06/06/84	APPROVED
	994		COE VENEER DRYER	06/06/84	APPROVED
TOTAL NUMBER QUICK LOOK REPORT LINES			11		

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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
LINN	COOSAND CORP	03	2691 07/12/83	PERMIT ISSUED	05/25/84	NEW
	ALBANY IND MACH, CO	22	0300 02/17/84	PERMIT ISSUED	05/25/84	EXT
	PACIFIC COATINGS INC	26	3115 00/00/00	PERMIT ISSUED	05/25/84	EXT
	CITY OF ENTERPRISE	32	0020 03/22/83	PERMIT ISSUED	05/25/84	NEW
	GROVE CRUSHING CO	37	0314 12/19/83	PERMIT ISSUED	05/25/84	EXT
LINN	BROOKINGS ENERGY FACILITY	09	0039 01/13/84	PERMIT ISSUED	05/31/84	RNW
	FARMWAY FEED & SEED	22	5146 04/05/84	PERMIT ISSUED	05/31/84	RNW
KLAMATH	COLUMBIA PLYWOOD CORP.	18	0014 04/16/82	PERMIT ISSUED	06/01/84	RNW
	ONTARIO ASPHALT & CONCRTE	23	0031 10/12/83	PERMIT ISSUED	06/01/84	RNW
MULTNOMAH	SERVICE OIL CO	24	4982 12/12/83	PERMIT ISSUED	06/01/84	EXT
	MOUNT HOOD COMUN COLLEGE	26	2903 03/13/84	PERMIT ISSUED	06/05/84	RNW
	WILDISH CORVALLIS S & G	02	2557 05/18/84	PERMIT ISSUED	06/11/84	MOD
	WILDISH CORVALLIS S & G	02	2558 05/18/84	PERMIT ISSUED	06/11/84	MOD
	NIEDERMAYER-MARTIN CO.	05	2579 12/19/80	PERMIT ISSUED	06/11/84	NEW
	LININGER B. SONS INC.	15	0054 05/03/84	PERMIT ISSUED	06/11/84	RNW
	BROWN BROS LOGGING	22	5009 03/19/84	PERMIT ISSUED	06/18/84	NEW
TOTAL NUMBER QUICK LOOK REPORT LINES				16		

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division	June, 1984
(Reporting Unit)	(Month and Year)

PERMIT ACTIONS COMPLETED

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

Indirect Sources

Marion	Keizer Village Shopping Center, 531 Spaces, File NO. 24-8404	06/12/84	Final Permit Issued
Marion	Albertson's & Payless 363 Spaces, File NO. 24-8405	06/12/84	Final Permit Issued
Multnomah	Benj. Franklin Financial Center, 324 Spaces, File No. 26-8406	06/27/84	Final Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality Division</u>	<u>June 1984</u>
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED 25

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

INDUSTRIAL WASTE SOURCES 2

Crook	American Forest Products Co. Waste Water Collection System and Evaporation Pond, Prineville	5/15/84	Approved
Coos	Charles W. Mahaffy, Jr. Manure Control System Coos Bay	6/12/84	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division	June 1984
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED 25

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

MUNICIPAL WASTE SOURCES 23

Wasco	The Dalles West 8th St. at Walnut St. Sewer Extension	5/21/84	P.A.	
Clackamas	West Linn Hidden Springs #8 Sewer Improvements	6/19/84	P.A.	
Tillamook	NTCSA Neah-Kah-Nie Cove Phase I Sewer Extension	6/19/84	P.A.	
Tillamook	NTCSA 10th Street Necarney City L.I.D.	6/19/84	P.A.	
Clackamas	Rolling Hills Community Church Septic System (Revision)	6/19/84	Comments to Engineer	
Lane	MWMC Landscaping & Irrigation Contract C-11	6/19/84	P.A.	
Lincoln	Siletz Fall Street Sewer Addition	6/19/84	P.A.	
Lincoln	Gleneden Beach Sanitary District Searidge Condominiums Sewers	6/19/84	P.A.	
Clackamas	West Linn Sunburst II, Phase VI Sanitary Sewer Improvement	6/19/84	P.A.	
Tillamook	NTCSA Lateral Sewer Extensions T-3-1 and T-5-1	6/19/84	P.A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division

(Reporting Unit)

June 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

Curry	Brookings Harris Beach P.U.D. Sanitary Sewers (Revised)	6/21/84	P.A.	
Jackson	Ashland Weller Subdivision Phase II Sewers	6/25/84	P.A.	
Jackson	Medford Alder Creek Phase #3 Sewers	6/26/84	P.A.	
Klamath	South Suburban S.D. 5th Addition to Cypress Villa Sewer Extension	6/26/84	P.A.	
Jackson	Applegate Christian Fellowship Septic System (Revisions)	6/26/84	P.A.	
Clackamas	Tri-City Service District Willamette Interceptor 1A Outfall Oregon City Interceptor & River Crossing	6/28/84	P.A.	
Lincoln	Yachats Hanley Subdivision Sanitary Sewer	6/20/84	P.A.	
Deschutes	Sunriver Utilities "River View" Sewer Extension	6/29/84	P.A.	
Marion	Stayton(Sublimity) Morning Crest Addition Sanitary Sewer Extensions No. 2 (Sunrise Place)	6/29/84	P.A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

June 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

Douglas	Roseburg Lateral "E", Rifle Range Rd. (Change Order No. 1) Sewer	6/29/84	P.A.	
Jackson	BCVSA (White City) Cascade Village Unit No. 10 Phase 2 and 3 Sewers	6/29/84	P.A.	
Clackamas	Lake Oswego River Run II Childs Road at Olsen Road Sanitary Sewer Improvements	6/29/84	P.A.	
Clackamas	Molalla Indian Oak No. 2 Sewer	6/29/84	P.A.	

P.A. = Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY
MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

June 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	1 / 1	6 / 11	0 / 0	5 / 11	4 / 4		
Existing	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0		
Renewals	4 / 1	51 / 18	5 / 2	44 / 16	35 / 10		
Modifications	0 / 0	1 / 2	0 / 0	2 / 1	2 / 1		
Total	5 / 2	58 / 31	5 / 2	51 / 28	41 / 15	238 / 138	242 / 142
<u>Industrial</u>							
New	0 / 2	7 / 7	1 / 0	4 / 6	3 / 6		
Existing	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0		
Renewals	2 / 0	30 / 17	2 / 0	29 / 21	28 / 10	Transferred 3 NPDES	
Modifications	0 / 1	5 / 1	1 / 1	3 / 1	1 / 0		
Total	2 / 3	42 / 25	4 / 1	36 / 28	32 / 16	185 / 163	188 / 169
<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 / 0	0 / 0		
Total	0 / 0	0 / 0	0 / 0	0 / 4	0 / 0	2 / 12	2 / 12
<u>GRAND TOTALS</u>	7 / 5	100 / 56	9 / 3	87 / 60	73 / 31	425 / 312	432 / 322

* NPDES Permits
** State Permits

2 Industrial Renewal Applications Transferred to General Permit.
1 Municipal Application changed from NPDES to WPCF.

Sources Under Permit Adjusted to Count Less 336 General Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	June 1984 (Month and Year)
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PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL AND INDUSTRIAL SOURCES

NPDES (8)

Gilliam	City of Condon STP	6/1/84	Permit Renewed
Clatsop	Fishhawk Lake Rec. Club, Inc., STP	6/1/84	Permit Renewed
Lincoln	City of Yachats STP	6/1/84	Permit Renewed
Lincoln	Georgia-Pacific Corp. Toledo Paper Div.	6/1/84	Permit Renewed
Multnomah	Wacker Siltronic Corp. Portland	6/6/84	Permit Renewed
Wasco	City of Maupin STP	6/7/84	Permit Renewed
Coos	Weyerhaeuser Company Graving Dock, North Bend	6/11/84	Permit Issued
Benton	City of Corvallis Airport, STP	6/25/84	Permit Renewed

MUNICIPAL AND INDUSTRIAL SOURCES

WPCF (2)

Lane	Fircove Sanitation Eugene, STP	6/1/84	Permit Renewed
Harney	City of Hines STP	6/11/84	Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

June 1984
(Month and Year)

PERMIT ACTIONS COMPLETED

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

Multnomah	Rhone-Poulenc Inc. Portland	6/4/84	Permit Modification
Klamath	Circle Five Ranch Inc. Bonanza	6/18/84	Letter Reducing Monitoring Requirements

MUNICIPAL AND INDUSTRIAL SOURCES GENERAL PERMITS (2)

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

Multnomah	Steinfelds Products Company, Portland	6/7/84	Transferred to General Permit
Multnomah	Malarkey Roofing Company Portland	6/7/84	Transferred to General Permit

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

June 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	16	-	6	5		
Existing	-	-	-	-	-		
Renewals	10	34	1	4	32		
Modifications	1	10	1	9	1		
Total	12	60	2	19	38	170	170
<u>Demolition</u>							
New	-	2	-	2	-		
Existing	-	-	-	-	-		
Renewals	1	6	-	2	3		
Modifications	-	2	-	2	-		
Total	1	10	-	6	3	15	15
<u>Industrial</u>							
New	2	7	1	4	6		
Existing	-	-	-	-	-		
Renewals	6	18	1	4	21		
Modifications	-	2	1	3	1		
Total	8	27	3	11	28	97	97
<u>Sludge Disposal</u>							
New	1	2	1	1	1		
Existing	-	-	-	-	-		
Renewals	1	8	-	4	4		
Modifications	-	-	-	2	-		
Total	2	10	1	7	5	15	15
<u>Hazardous Waste</u>							
New	-	1	-	2	5		
Authorizations	98	1253	98	1253	-		
Renewals	-	-	-	-	1		
Modifications	-	-	-	-	-		
Total	98	1254	98	1255	6	14	19
<u>GRAND TOTALS</u>	121	1361	104	1298	80	311	316

SC1636.B
MAR.5S (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Tillamook	ABC Hardwood New industrial waste landfill	5/31/84*	Letter authorization issued	
Lincoln	Agate Beach Landfill Existing facility	6/5/84	Permit renewed	
Linn	Frank Wilson New sludge disposal facility	6/5/84	Letter authorization issued	
Coos	Powers Landfill Existing facility	6/8/84	Permit amended	
Benton	Tremaine Landfill Existing facility	6/14/84	Permit amended	
Crook	Les Schwab Tires Existing facility	6/15/84	Permit renewed	

* Not included on May 1984 activity report

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

June 1984
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-SECURITY SYSTEMS, INC., GILLIAM CO.

WASTE DESCRIPTION

* * Date *	* Type *	* Source *	* Quantity *		* * *
			Present	Future	
TOTAL DISPOSAL REQUESTS GRANTED - 96					
OREGON -22					
6/11	Sand filter contaminated with 2,4-D, MCPA and bromoxynil	Herbicide mfg.	20 drums	0	
6/12	PCB capacitors	Electric util.	0	4 drums	
6/13	Flo-Rite detergent-industrial cleaning solution	Chemical co.	220 gal.	880 gal.	
6/15	PCB liquids	College	8 drums	0	
6/19	PCB transformers	" "	1000 cu.ft.	0	
6/27	Magnesium metal shavings with heavy metals	Electronic co.	0	52 drums	
6/28	Tetrachlorophenate tank bottoms	Anti-stain operations	0	11,000 gal.	
6/28	Tetrachlorophenate-contaminated dirt	Anti-stain operations	0	100 cu.yd.	
6/28	2,4,5-T rinse water	Lumber co.	280 gal.	0	
6/28	2,4,5-TP mixed with diesel oil	" "	590 gal.	0	
6/28	Transformer containing oils with less than 500 ppm PCBs	Paper co.	0	800 gal.	

* * *	* Date *	* Type *	* Source *	* Present *	* Quantity * Future *	* *
	6/28	PCB capacitors	Paper co.	0	4000 lb.	
	6/28	PCB transformers	" "	0	30 gal.	
	6/28	Mixed ignitable solvents	Electronic co.	0	300 gal.	
	6/28	PCB capacitors	Lumber co.	600 lb.	2400 lb.	
	6/28	Caustic casting sand	Foundry	10 cu.yd.	40 cu.yd.	
	6/28	Ignitable lab solvents	University	100 gal.	400 gal.	
	6/28	Caustic-grease solutn.	Public transit	4000 gal.	16,000 gal.	
	6/28	Acetaldehyde-contaminated sawdust and corn starch	Food processor	2500 lb.	40 drums	
	6/28	Mixed solvents: xylene, acetone, n-butyl acetate, alcohols, etc.	Electronic co.	0	5500 gal.	
	6/28	Chrome-contaminated sand, gravel, etc.	EPA Superfund project	30 drums	0	
	6/28	Ignitable paint sludge	Railroad co.	0	200 drums	
WASHINGTON - 51						
	6/8	Penta sludge	Wood treat. co.	0	140 drums	
	6/8	Empty penta drums	" "	0	250 cu.ft.	
	6/11	PCB-contaminated oil/grease	Electrical equipment mfg.	0	120 drums	
	6/11	PCB-contaminated articles	" "	0	1650 gal.	
	6/12	Chlorinated solvent-contaminated filters	Dry cleaning	0	120 drums	
	6/12	PCB capacitors	Paper co.	0	300 lb.	
	6/12	PCB transformers	" "	0	300 gal.	
	6/12	Zinc ammonium chloride solution with Cd	Foundry	2500 gal.	0	

* * Date *	* Type *	* Source *	* Quantity *		* Future *
			* Present	* Future	
6/12	Slop oil emulsion sludge with Pb & Cr+6	Oil refining	0	50,000 gal.	
6/12	PCB liquids	Foundry	0	13 drums	
6/12	Penta-contaminated bark mulch	Spill cleanup	550 gal.	0	
6/12	Firebox ash	Oil refining	0	100 drums	
6/12	Epoxy curing agent	Ski mfg.	165 gal.	660 gal.	
6/12	Methylene chloride	" "	0	330 gal.	
6/12	Spent carburetor cleaner methylene chloride	Engine repair shop	0	15 drums	
6/12	Ignitable paint sludge	County road dept.	7 drums	0	
6/12	Caustic cleaning solu- tion with lead chromate	" "	13 drums	0	
6/13	Mastic coating con- sisting of asbestos, asphalt and mineral spirits	Railroad co.	15 drums	0	
6/13	Ignitable paint sludge	Commercial painter	0	60 drums	
6/13	A.P.I. separator sludge	Oil recycling	0	100 drums	
6/13	Boiler fly ash	Paper co.	0	200 cu.ft.	
6/13	Ignitable paint sludge	Boat mfg.	0	10 drums	
6/13	Ignitable paint sludge	Paint mfg.	0	500 gal.	
6/13	Ignitable solid lab chemicals	University	2 drums	8 drums	
6/15	Phenol/formaldehyde resin-contaminated rinse water	Wood treatment company	0	10 drums	
6/15	Boiler blowdown	" "	0	50 drums	
6/20	PCB-contaminated mat'l.	Hospital	1 drum	0	
6/20	PCB capacitors	Lumber co.	0	10 units	

SC1636.E
MAR. 15 (1/82)

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Date	Type	Source	Present	Quantity	Future		
6/20	Industrial pipe cleaning solution	Cleaning service	100,000 gal.	400,000 gal.			
6/20	Gasoline tank bottoms	Oil co.	12,000 gal.	0			
6/26	Spent sand filter contaminated with heavy metals	Galvanizing line	0	1500 drums			
6/26	Gasoline-soaked paper filters	Oil co.	0	10 cu.yd.			
6/26	Kerosene-soaked paper filters	Oil co.	0	25 drums			
6/26	PCB-contaminated solids	Spill cleanup	0	75 drums			
6/26	PCB-contaminated soil, rags, clothing, etc.	Railroad co.	0	5 drums			
6/26	PCB capacitors	" "	0	15 drums			
6/26	PCB transformers	" "	0	20,000 lb.			
6/26	Electrical equipment containing oil with less than 500 ppm PCBs	" "	0	20,000 lb.			
6/28	Capacitors (non-PCBs)	Electric util.	0	24,000 lb.			
6/28	Arsenic-contaminated articles	Electronic co.	14.7 cu.yd.	58.8 cu.yd.			
6/28	Acid-soaked rags, plastic bags, etc.	" "	100 cu.yd.	400 cu.yd.			
6/28	DD soil fumigant-contaminated sand filters and coveralls	Pesticide supplier	0	10 drums			
6/28	DD soil fumigant, Telone II, Telone C-17 and Vapam-contaminated sump water	" "	0	550 gal.			
6/28	PCB capacitors	Dept. of Energy	5 drums	0			
6/28	Spent methylene chloride solvent with toluene and chlorinated hydrocarbons	Chemical co.	0	1000 gal.			

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Date	Type	Source	Present	Quantity	Future		
6/28	Empty containers of 1,1,1-trichloroethane	Aluminum co.	0	500 drums			
6/28	Ignitable paint sludge	Paint mfg.	5000 lb.	20,000 lb.			
6/28	Dewatered electroplating sludge	Electroplating	0	30 cu.yd.			
6/28	Degreasing solvent cresylic acid and methylene chloride	Auto engine shop	0	1375 gal.			
6/28	Anode paste scrapings	Aluminum co.	0	275 gal.			
6/28	Trichloroethylene still bottoms	Recycling	300 gal.	0			
OTHER STATES - 23							
6/12	Spent n-methyl-2-pyrrolidone solvent	Electronic co. (ID)	0	400 gal.			
6/12	Ignitable paint sludge	Electronic co. (ID)	200 gal.	2400 gal.			
6/12	2,4-D-contaminated water, floor debris, etc.	Chemical co. (MT)	2000 gal.	4000 gal.			
6/12	Outdated disposable enema kits and radiography medium	Medical facility (B.C.)	96 cu.ft.	0			
6/12	Glass furnace refractory with Cr ⁺⁶	Glass mfg. (B.C.)	100 cu.yd.	0			
6/13	Asbestos	State agency (AK)	0	10 drums			
6/13	Gravel/phosphates with cyanide	Electroplating (MT)	50 drums	0			
6/28	2,4-D/Dinoseb-contaminated rinse water	Pesticide application (MT)	2000 gal.	0			
6/28	2,4-D/Dinoseb-contaminated soil and gravel	Pesticide application (MT)	50 cu.yd.	0			
6/28	PCB capacitors	Utility co. (UT)	3 drums	0			

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Date	Type	Source	Present	Future			
6/28	Lapping oil with Al ₂ O ₃ and beryllium-copper alloy	Electronic co. (ID)	0	1000 gal.			
6/28	Outdated paint products	Oil co. (HI)	1 drum	0			
6/28	Discharged Ni & Cd batteries	Electronic co. (B.C.)	0	40 cu.yd.			
6/28	Miscellaneous mercury containing articles	Hospital (Alberta)	0	10 drums			
6/28	SAFT navigational batteries	Dept. of Transportation (AK)	0	900 units			
6/28	McGraw-Edison navigational batteries	" "	0	125 drums			
6/28	Flushed PCB transformers	City agency (AK)	370 cu.ft.	0			
6/28	PCB-contaminated rags, wood, gloves, clothes, etc.	" "	7 drums	0			
6/28	PCB-contaminated solids	" "	6 drums	0			
6/28	PCB oils	" "	7 drums	0			
6/28	PCB liquids	" "	8 drums	0			
6/28	PCB-contaminated oils	" "	2 drums	0			
6/28	Drained PCB transformers	" "	197.5 cu.ft.	0			

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit)	June, 1984 (Month and Year)
---	--------------------------------

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	<u>Mo</u>	<u>FY</u>	<u>Mo</u>	<u>FY</u>	<u>Mo</u>	<u>Last Mo</u>
Industrial/ Commercial	14	101	6	92	121	113
Airports			0	14	2	0

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

County	Name of Source and Location	Date	Action
Benton	Consumers Power, Inc., near Corvallis	06/84	In Compliance
Marion	Carnation Ice Cream, Salem	06/84	In Compliance
Marion	Deluxe Ice Cream, Salem	06/84	In Compliance
Marion	Sun Set Center, Salem	06/84	In Compliance
Yamhill	Cascade Steel Rolling Mills, McMinnville	06/84	In Compliance
Yamhill	McMinnville Rock Products, Amity	06/84	In Compliance

CIVIL PENALTY ASSESSMENTS
DEPARTMENT OF ENVIRONMENTAL QUALITY
1984

CIVIL PENALTIES ASSESSED DURING MONTH OF JUNE, 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>
Doug Howell Coos Bay, Oregon	AQOB-SWR-84-42 Open burned prohibited materials in violation of letter permit.	6/19/84	\$150	Awaiting response to notice.
L.E. Wallman Co. Lake Oswego, Oregon	AQOB-NWR-84-48 Open burned construction wastes.	6/19/84	\$250	Paid 6/26/84.
Beaverton Motorcycles, Inc. Washington County	NP-NWR-84-56 Advertised uncertified motorcycles (2 days)	6/19/84	\$50	Paid 6/29/84.

VAK:b
GB3612

June 1984
DEQ/EQC Contested Case Log

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT</u>
1 Preliminary Issues	18	18
2 Discovery	2	0
3 Settlement Action	1	2
4 Hearing to be scheduled	6	5
5 Hearing scheduled	1	3
6 HO's Decision Due	1	0
7 Briefing	2	2
8 Inactive	2	2
SUBTOTAL of cases before hearings officer.	<u>33</u>	<u>32</u>
9 HO's Decision Out/Option for EQC Appeal	0	2
10 Appealed to EQC	1	1
11 EQC Appeal Complete/Option for Court Review	0	0
12 Court Review Option Pending or Taken	0	0
13 Case Closed	4	0
TOTAL Cases	<u>38</u>	<u>35</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

Hrng Rfrl Date when Enforcement Section requests Hearing Section schedule a hearing

Hrngrs Hearings 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

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

WQ Water Quality Division

WVR Willamette Valley Region

CONTES.B

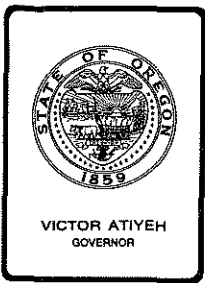
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrri	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.
SPERLING, Wendell dba/Sperling Farms	11/25/81	11/25/81	03/17/83	Dept	23-AQ-FB-81-15 FB Civil Penalty of \$3,000	Department's exceptions and brief on appeal due July 13, 1984.
OLINGER, Bill Inc.	09/10/82	09/13/82	10/20-21/83 11/2-4/83 11/14-15/83 5/24/84	Prtys	33-WQ-NWR-82-73 WQ Civil Penalty of \$1,500	<u>Closing arguments.</u>
MARCA, Gerald	01/06/83	01/11/83	06/14/84	Resp	45-SS-SWR-82-101 SS Civil Penalty of \$500, 46-SS-SWR-82-114 Remedial Action Order.	<u>Decision issued 6/22/84.</u> <u>Option for EQC review</u> <u>expires 7/23/84.</u>
HAYWORTH FARMS, INC., and HAYWORTH, John W.	01/14/83	02/28/83	04/04/84	Hrgs	50-AQ-FB-82-09 FB Civil Penalty of \$1,000	<u>Transcript being reviewed.</u>
McINNIS ENT.	06/17/83	06/21/83		Hrgns	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	07/10/84	Prtys	53-AQOB-WVR-83-73 OB Civil Penalty of \$4000	<u>Hearing postponed pending</u> <u>execution of stipulated</u> <u>order.</u>
CRAWFORD, Raymond, M.	09/15/83	09/16/83	<u>08/01/84</u>	<u>Prtys</u>	54-AQOB-NWR-83-63 OB Civil Penalty of \$2000	<u>Hearing scheduled.</u>
MID-OREGON CRUSHING	09/19/83	09/27/83	<u>09/13/84</u>	<u>Prtys</u>	55-AQ-CR-83-74 AQ Civil Penalty of \$4500	<u>Hearing scheduled.</u>
McINNIS ENTERPRISES, LTD., et al.	09/20/83 10/25/83	09/22/83 10/26/83		Hrgns/ Prtys	56-WQ-NWR-83-79 WQ Civil Penalty of \$14,500, and 59-SS-NWR-83-33290P-5 SS license revocation.	Scheduled hearing deferred to follow circuit court proceedings. Discovery continuing.
WARRENTON, City of	8/18/83	10/05/83		Prtys	57-SW-NWR-PMT-120 SW Permit Appeal	<u>Settlement action.</u>
CLEARWATER IND., Inc.	10/11/83	10/17/83		Hrgns	58-SS-NWR-83-82 SS Civil Penalty of \$1000	To be scheduled.
WILLIS, David T., Jr.	01/05/84	01/18/84	<u>08/28/84</u>	<u>Prtys</u>	01-AQOB-NWR-83-102 OB Civil Penalty of \$200	<u>Hearing scheduled.</u>
CLEARWATER IND., Inc.	01/13/84	01/18/84		Hrgns	02-SS-NWR-83-103 SS Civil Penalty of \$500	To be scheduled.
HARPER, Robert W.	03/13/84	03/21/84		Prtys	03-AQ-FB-83-23 FB Civil Penalty of \$1,000	Preliminary issues.
KUENZL, Lee A.	03/17/84	03/28/84		Prtys	04-AQ-FB-83-01 FB Civil Penalty of \$500	Preliminary issues.
MALPASS, David C.	03/26/84	03/28/84		Prtys	05-AQ-FB-83-14 FB Civil Penalty of \$500	Preliminary issues.
LOE, Roger E.	03/27/84	03/28/84		Prtys	06-AQ-FB-83-15 FB Civil Penalty of \$750	Preliminary issues.
SIMMONS, Wayne	03/27/84	04/05/84		Prtys	07-AQ-FB-83-20 FB Civil Penalty of \$300	Preliminary issues.

June 1984

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	Hrng Date	Resp Code	Case Type & No.	Case Status
COON, Mike	03/29/84	04/05/84		Prtys	08-AQ-FB-83-19 FB Civil Penalty of \$750	Preliminary issues.
BIELEBERG, David	03/28/84	04/05/84		Prtys	09-AQ-FB-83-04 FB Civil Penalty of \$300	Preliminary issues.
BRONSON, Robert W.	03/28/84	04/05/84		Prtys	10-AQ-FB-83-16 FB Civil Penalty of \$500	Preliminary issues.
NEWTON, Robert	03/30/84	04/05/84		Prtys	11-AQ-FB-83-13 FB Civil Penalty of \$500	Preliminary issues.
KAYNER, Kurt	04/03/84	04/05/84		Prtys	12-AQ-FB-83-12 FB Civil Penalty of \$500	Preliminary issues.
BUYSERIE, Gary	03/26/84	04/05/84		Prtys	13-AQ-FB-83-21 FB Civil Penalty of \$300	Preliminary issues.
BUYSERIE, Gary	03/26/84	04/05/84		Prtys	14-AQ-FB-83-22 FB Civil Penalty of \$750	Preliminary issues.
GORACKE, Jeffrey dba/Goracke Bros.	04/10/84	04/12/84		Prtys	15-AQ-FB-83-22 FB Civil Penalty of \$500	Preliminary issues.
DOERFLER FARMS	04/30/84	05/08/84		Prtys	16-AQ-FB-83-11 FB Civil Penalty of \$500	Preliminary issues.
TRANSCO Industries, Inc.	06/05/84	06/12/84		Prtys	17-HW-NWR-84-45 HW Civil Penalty of \$2,500	Preliminary issues.
TRANSCO Industries, Inc.	06/05/84			Prtys	18-HW-NWR-84-46 HW Compliance Order	Preliminary issues.
INTERNATIONAL PAPER CO.	06/12/84	06/12/84		Prtys	19-WQ-SWR-84-29 WQ Civil Penalty of \$7,450	Preliminary issues.
VANDERVELDE, Roy	06/12/84	06/12/84		Prtys	20-WQ-WVR-84-01 WQ Civil Penalty of \$2,500	Preliminary issues.
CLINTON, Carl	07/03/84		07/09/84		21-NC-NWR-84 Noise Variance Request	<u>Order denying variance request issued 7/13/84. Event scheduled for 7/15/84.</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, August 10, 1984, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendations

It is recommended the Commission take the following actions:

1. Approve tax credit applications for:

Facilities subject to old tax credit laws:

Appl.

<u>No.</u>	<u>Applicant</u>	<u>Facility</u>
T-1687	Harold L. Whitney	Manure control system
T-1688	Nicolai Company	Dust bin truck loadout device
T-1691	Weyerhaeuser Company	Waste water recycle system
T-1699	Omark Properties, Inc.	Dust control scrubber

2. Revoke Pollution Control Facility Certificates 868, 1635, and 1698 issued to Boise Cascade Corporation and reissue them to Wheeler Lumber (see review report).
3. Revoke Pollution Control Facility Certificate 795 issued to Frank Lariza and reissue it to Lariza Orchards, Inc. (see review report).

Fred Hansen

KNPayne
229-6484
7/18/84
Attachments

Agenda Item C
Page 2
August 10, 1984

Proposed July 1984 Totals:

Air Quality	\$ 54,579
Water Quality	282,433
Solid/Hazardous Waste	-0-
Noise	-0-
	<u>\$337,012</u>

1984 Calendar Year Totals:

Air Quality	\$1,863,786
Water Quality	1,374,627
Solid/Hazardous Waste	635,114
Noise	-0-
	<u>\$3,873,527</u>

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Harold L. Whitney
22365 Highway 22
Sheridan, Oregon 97378

The applicant owns and operates a dairy farm at Sheridan.

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

2. Description of Claimed Facility

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

- a. A 14,140 cubic feet covered dry storage area with a 4 foot high concrete wall on the downhill side.
- b. A 45,000 gallon earthen pond.
- c. A manure pump, and a solids chopper-agitator.

Request for Preliminary Certification for Tax Credit was made June 10, 1981, and approved June 17, 1981. Construction was initiated on the claimed facility August 1981, completed October 1981, and the facility was placed into operation October 1981.

Facility Cost: \$15,408.00

An accountant's certification was not provided. However, the U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service has records to verify a total cost of \$22,408. Since they funded \$7,000 of this project, the facility cost is \$15,408.

3. Evaluation of Application

Prior to installation of the claimed facility, manure from the dairy operation was entering a tributary of the South Yamhill River. The Department notified Harold Whitney of this situation by letter dated April 30, 1981. The new facilities store manure solids in a covered area to await annual spreading onto pasture land. The liquids are stored in an earthen pond where they are irrigated on land during dry conditions. The facility has been very successful in keeping manure out of public waters. There has been no return on investment from this installation.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$15,408 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1687.

LDP:t

WT46

(503) 229-5374

June 14, 1984

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Nicolai Company
Portland Division
500 N.E. Multnomah
Portland, OR 97232

The applicant owns and operates a stile and door manufacturing plant at 7812 N. Columbia Blvd., Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a wood dust bin truck loadout device.

Request for Preliminary Certification for Tax Credit was made on August 4, 1981 and approved on August 18, 1981.

Construction was initiated on the claimed facility on August 20, 1981, completed on October 2, 1981, and the facility was placed into operation on October 2, 1981.

Facility Cost: \$42,472.33 (Accountant's Certification was provided).

3. Evaluation of Application

Nicolai Company modified the truck loading operation from an existing wood dust bin. The bin was originally installed at a height to load rail cars. The wood dust was later loaded from the bin into trucks. The excess distance between the bin and the trucks allowed significant amounts of wood dust to be blown away.

An auger and chute has been installed to permit loading trucks to the side of the bin with minimal free fall of wood dust.

The Department documented the dusty condition that was caused by loading of trucks by the old system. The Company claims that the new facility has reduced dust emissions by 80%.

There is no economic benefit to the Company from installing and operating the facility. The primary purpose of the facility was for pollution control, therefore, 80% or more of the cost is allocable to pollution control tax credit.

The application was received on March 20, 1984 and the application was considered complete on March 28, 1984.

4. Summation

- a. The facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. The facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. The facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS 468.155(1) and (2).
- e. The portion of the facility cost that is properly allocable to pollution control is \$42,472.33.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$42,472.33 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1688.

D. NEFF:a
(503) 229-6480
July 9, 1984
AA4517

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Willamette Region - Paperboard Manufacturing
P.O. Box 275
Springfield, OR 97477

The applicant owns and operates a pulp and paper manufacturing facility at Springfield.

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

2. Description of Claimed Facility

The facility described in this application is a waste water recycle system consisting of:

- a. A 1000 gallon waste water storage tank,
- b. A 2000 gpm pump, and
- c. 1500 feet of 10-inch diameter stainless steel pipe and associated control valves.

Request for Preliminary Certification for Tax Credit was made April 25, 1980, and approved May 27, 1980. Construction was initiated on the claimed facility June 1980, completed November 1980, and the facility was placed into operation November 1980.

Facility Cost: \$267,025 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility allows for the reuse of about 400,000 gallons per day of primary treatment pulp and paper mill effluent. The water is returned to the mill's No. 2 paper machine where it is used as stock dilution water. The reuse of this water displaces an equivalent volume of fresh water which reduces the hydraulic loading on the mill's biological secondary waste water treatment system. The lowered flow increases the retention time in the treatment system which improves the treatment efficiency. There has been no return on investment from this claimed facility.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$267,025 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1691.

Larry D. Patterson:l

WL3440

(503) 229-5374

June 14, 1984

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Omark Properties, Inc.
Waste Treatment Dept., OSCD
4909 SE International Way
Milwaukie, OR 97222

The applicant owns and operates a plant to manufacture chains for chain saws.

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 scrubber used to control lime dust, sodium bisulfite dust and sulfur dioxide gas emissions.

Request for Preliminary Certification for Tax Credit was made on January 5, 1983, and approved on March 31, 1983.

Construction was initiated on the claimed facility on February 1, 1983, completed on July 1, 1983, and the facility was placed into operation on July 1, 1983.

The facility is subject to the provisions of the tax credit law in effect prior to amendment in 1983.

Facility Cost: \$12,107.00 (Accountant's Certification was provided).

3. Evaluation of Application

The emissions from three different processes performed inside the waste treatment building were excessive. The emissions were:

1. Dust from adding lime to a lime make-up tank,
2. Dust from adding sodium bisulfite salt to a sodium bisulfite make-up tank, and
3. Sulfur dioxide gas from a tank used to reduce the valence of chromium from six to three.

Hoods and ducts were installed to collect the emissions from all three processes and treat them through a scrubber. The claimed facility is the scrubber.

The control equipment is a Fabco Low Micron Separator Model 10 scrubber. It is about 4 1/2 feet long by 20 inches square and handles 1,000 cubic feet per minute of air flow. The hooding and ducting are not part of the claimed facility. The control system was inspected by the Department and operates satisfactorily.

The sole purpose of the scrubber is pollution control and there is no return on investment. Therefore, the percent of the cost allocable to pollution control is 80 percent or more.

The application was received on May 21, 1984, additional information was received on June 26, 1984, and the application was considered complete on June 26, 1984.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$12,107.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1699.

Lloyd Kostow:s
(503) 229-5186
July 23, 1984

State of Oregon
Department of Environmental Quality

REISSUANCE OF POLLUTION CONTROL FACILITY CERTIFICATE

1. Certificates Issued To:

Boise Cascade Corporation(2)	Boise Cascade Corporation(1)
Sweet Home Plant	P. O. Box 127
P. O. Box 50	Independence, Oregon 97351
Boise, Idaho 83728	

All three certificates were issued for air pollution control facilities.

2. Summation:

On December 16, 1977, the Environmental Quality Commission issued Pollution Control Facility Certificate 868 to Boise Cascade Corporation for a baghouse to control emissions from three cyclones at their plant in Sweet Home; on August 19, 1983, the Environmental Quality Commission issued Pollution Control Facility Certificate 1635 to Boise Cascade Corporation for an air emission scrubber on a veneer dryer at their Sweet Home plant; on October 7, 1983, the Environmental Quality Commission issued Pollution Control Facility Certificate 1698 to Boise Cascade Corporation for exhaust stack ducting, dampers and damper control at their Sweet Home plant.

By letter of July 6, 1984 (attached), Mr. Samuel C. Wheeler, now owner of the above mentioned plywood plant in Sweet Home, Oregon, requested that Certificates 868, 1635, and 1698 be revoked and reissued to Wheeler Lumber.

3. Director's Recommendation:

It is recommended that Pollution Control Facility Certificates 868, 1635, and 1698 be revoked and reissued to Wheeler Lumber; the certificates are to be valid only for the time remaining from the dates of the first issuance.

KNPayne
229-6484
7/17/84
Attachments

July 6, 1984

Ms. Maggie Conley
c/o Oregon Department of Environmental Quality
522 S.W. 5th Avenue
Portland, Oregon 97207

Dear Ms. Conley:

In early 1984 a corporation, of which I am the majority shareholder, known as Wheeler Lumber purchased a plywood plant in Sweet Homme, Oregon from Boise Cascade Corporation. Included among the assets acquired from Boise Cascade were certain pieces of pollution control equipment. We have been advised by Boise Cascade via letter dated July 3, 1984, a copy of which is enclosed for your reference, that unused tax credits are available on such equipment which total \$136,672.

We also understand that in order for such credits to be transferred to Wheeler Lumber that a request for transfer and recertification of such facilities must be made directly with the DEQ.

Accordingly please consider this letter and the attached copy of the letter from Boise Cascade which detail the particulars of such unused credits as our official request for transfer and recertification.

Should you require any additional information in order to process our request please notify us and we will respond as soon as possible.

Yours very truly,



Samuel C. Wheeler

Management Services Div.
Dept. of Environmental Quality

R E C E I V E D
JUL 11 1984



Boise Cascade Corporation

General Offices

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

July 3, 1984

Mr. Paul Buker
Moss Adams
1001 S. W. Fifth
Orbanco Building, Suite 1400
Portland, Oregon 97204

Re: Sweet Home Plywood -
Sale to Wheeler

Dear Mr. Buker:

When Boise Cascade Corporation sold their Sweet Home plant to Wheeler, there were three (3) pollution projects certified by the Oregon Department of Environmental Quality with unused benefits remaining. We had elected the income tax credit allowed under OR317.072 on all three projects and the facts are as follows:

- | | |
|--|---|
| 1. Cyclone Dust Control
Application #T-948
Certification #868
Issued 12/16/77
Certified Cost - \$25,998.45
Annual Tax Credit - \$1,299.92
Unused Credit 1/1/84 - \$3,899.76 | 2. G.P. Air Emmission Scrubber on Dryer
Application #T-1620
Certification #1635
Issued 8/19/83
Certified Cost - \$175,048.75
Annual Tax Credit - \$8,752.44
Unused Credit - \$78,771.96 |
| 3. Exhaust Stack Ducting - Veneer Dryer Gases
Application #T-1621
Certification #1698
Issued 10/7/83
Certified Cost - \$120,000
Annual Tax Credit - \$6,000
Unused Credit - \$54,000 | |

To be eligible for any of these credits you must make application with the Oregon Department of Environmental Quality.

Sincerely

Pete L. Wilson
Western Property Tax Administrator
PLW/ds

Management Services Div.
Dept. of Environmental Quality
RECEIVED
JUL 11 1984

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 868

Date of Issue 12/16/77

Application No. T-948

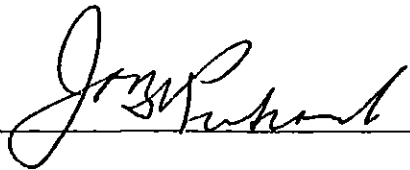
POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Boise Cascade Corporation P. O. Box 127 Independence, Oregon 97351	Location of Pollution Control Facility: Route 1 Sweet Home, Oregon
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: Carborundum Model #168-10 Posi-Pulse baghouse to control emissions from three cyclones	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Noise <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste	
Date Pollution Control Facility was completed: <u>6/71</u>	Placed into operation: <u>6/71</u>
Actual Cost of Pollution Control Facility: \$ <u>25,998.45</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 16th day of December, 1977

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 1635

Date of Issue 8/19/83

Application No. T-1620

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Boise Cascade Corporation Sweet Home Plant P. O. Box 50 Boise, Idaho	Location of Pollution Control Facility: Highway 20 Sweet Home Linn County
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: Georgia Pacific air emission scrubber on a Prentice veneer dryer.	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Noise <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste <input type="checkbox"/> Hazardous Waste <input type="checkbox"/> Used Oil	
Date Pollution Control Facility was completed: December 1981 Placed into operation: December 1981	
Actual Cost of Pollution Control Facility: \$ 175,048.75	
Percent of actual cost properly allocable to pollution control: 80 percent or more.	

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

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

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

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

Signed James E. Petersen

Title James E. Petersen, Chairman

Approved by the Environmental Quality Commission on

the 19th day of August, 19 83.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 1698

Date of Issue 10/7/83

Application No. T-1621

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Boise Cascade Corporation Sweet Home Mill P. O. Box 50 Boise, Idaho 83728	Location of Pollution Control Facility: Highway 20 Sweet Home Linn County
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: Exhaust stack ducting, dampers and damper control system for returning veneer dryer gases to furnace for incineration.	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Noise <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste <input type="checkbox"/> Hazardous Waste <input type="checkbox"/> Used Oil	
Date Pollution Control Facility was completed: May 5, 1978 Placed into operation: May 5, 1978	
Actual Cost of Pollution Control Facility: \$ 120,000.00	
Percent of actual cost properly allocable to pollution control: 80 percent or more	

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

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

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

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

Signed James E. Petersen

Title James E. Petersen, Chairman

Approved by the Environmental Quality Commission on
 the 7th day of October, 1983

State of Oregon
Department of Environmental Quality

REISSUANCE OF POLLUTION CONTROL FACILITY CERTIFICATE

1. Certificate Issued To:

Frank Lariza
Route 6, Box 93
Hood River, Oregon 97031

The certificate was issued for an air pollution control facility.

2. Summation:

On May 27, 1977, the Environmental Quality Commission issued Pollution Control Facility Certificate 795 to Frank Lariza for a Tropic Wind Machine at his orchard four miles south of Hood River on East Side Grade Road.

By letter of June 8, 1984 (attached), Mr. Ben G. Neumayer, acting on behalf of Mr. Lariza, requested that Certificate 795 be revoked and reissued to Lariza Orchards, Inc.

3. Director's Recommendation:

It is recommended that Pollution Control Facility Certificate 795 be revoked and reissued to Lariza Orchards, Inc.; the certificate to be valid only for the time remaining from the date of first issuance.

KNPayne
229-6484
7/17/84
Attachments

CLARK, BYERS, NEUMAYER & BRADFORD

CERTIFIED PUBLIC ACCOUNTANTS

J. Ronald Clark
John W. Byers
Ben G. Neumayer
Gary F. Bradford
Minor Brady

305 East Fifth Street
The Dalles, Oregon 97058

Telephone: (503) 296-2000

Leonard D. Bailey
Retired

June 8, 1984

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

Attention: Maggie Conley

Dear Ms. Conley:

In Re: Pollution Control Facility Certificate No. 795
Granted 5-27-77

The above named certificate was granted to Frank T. Lariza in 1977. Mr. Lariza transferred all his equipment to Lariza Orchards, Inc. on December 1, 1981, under I. R. S. Code Section 351 (non-taxable transfer). This taxpayer hereby requests the transfer of the pollution control facility certificate to Lariza Orchards, Inc. as of January 1, 1982. If a retroactive transfer is not possible, the taxpayer requests a transfer as of the current date.

The requested transferee is:

Lariza Orchards, Inc. - 93-0798189
1070 Eastside Road
Hood River, Oregon 97031

Your prompt attention to this matter is appreciated.

Very truly yours,

CLARK, BYERS, NEUMAYER AND BRADFORD

By



BEN G. NEUMAYER
Certified Public Accountant

Management Services Div.
Dept. of Environmental Quality

R E C E I V E D
JUN 11 1984

BGN:jh

cc: Lariza Orchards, Inc.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 795

Date of Issue 5/27/77

Application No. T-859

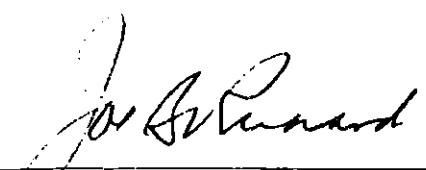
POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Frank Lariza Route 6, Box 93 Hood River, Oregon 97031	Location of Pollution Control Facility: 4 miles south of Hood River on East Side Grade Road
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: Tropic Breeze Wind Machine, Model GP 391, Serial Number 37390	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste	
Date Pollution Control Facility was completed: 12/19/76	Placed into operation: 12/19/76
Actual Cost of Pollution Control Facility: \$ 11,369.00	
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 and water or solid waste facility was erected, constructed or installed on or after January 1, 1967, or January 1, 1973 respectively, and on or before December 31, 1980, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air, water or solid waste pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapters 459, 468 and the regulations thereunder.

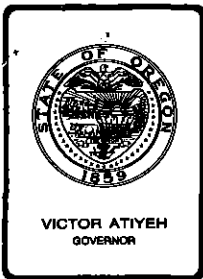
Therefore, this Pollution Control facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

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

Signed 

Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on
the 27th day of May, 1977



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, August 10, 1984, EQC Meeting

Request for Authorization to Conduct a Public Hearing on the Revision of Oregon Administrative Rule, Chapter 340, Division 12, Civil Penalties and Revisions to the State Clean Air Act Implementation Plan (SIP)

Background and Problem Statement

1. Proposed State Rule Revisions:

Oregon Revised Statute (ORS) 468.125(2) identifies certain categories of violations for which the Department does not need to issue a warning notice prior to assessing a civil penalty. The 1983 Legislature amended ORS 468.125(2) to add disposing of hazardous waste at an unauthorized site to those categories. The proposed rule changes would amend Oregon Administrative Rule (OAR) Section 340-12-040(3)(b)(B) to be consistent with the controlling statute.

The Department is in the process of reviewing all its rules pursuant to ORS 183.545 which requires agencies to review rules not less than every three years and consider economic effect on small business. During the review process, a number of housekeeping changes were apparent in OAR Chapter 340, Division 12, Civil Penalties.

Many of the schedules have not been changed since originally adopted in 1974, and need updating. For example, some violations are listed in the Solid Waste Schedule of Civil Penalties that are no longer supported by rules in the division regulating solid waste. These are proposed to be replaced by more frequently occurring rule violations such as operating a site without a permit and violating a condition of a solid waste permit.

Several frequently occurring violations are being specifically listed on the penalty schedules. These include: on the air quality schedule - violating a condition of a hardship permit or letter permit and unauthorized open burning; on the water pollution schedule - discharging waste water or operating a disposal system without a permit and failure to immediately clean up an oil spill.

Some of the penalty schedules for similar categories of violations are not consistent from program to program. The proposed revisions would make the minimum and maximum penalties for similar classes of violations more consistent. No minimum penalty would be less than \$25.

Finally, the maximum penalties provided by ORS 468.140 are not reflected in all categories of the current schedules. The maximum penalty allowed by statute should be incorporated into the schedules.

2. Proposed State Clean Air Act Implementation Plan (SIP) Revisions:

Certain proposed changes in the state civil penalty rules must be incorporated into the SIP in order to meet federal requirements. Since the civil penalty rules in the existing SIP contain some obsolete and non-applicable sections, this would be an appropriate time to bring the entire SIP rules relating to civil penalties up to date. The Department is, therefore, proposing the following SIP actions:

- Incorporate the following proposed rules as modified:
OAR 340-12-030, 340-12-040 and 340-12-050.
- Add the following existing rules: OAR 340-12-070 and 340-12-075.
- Delete the following obsolete or non-applicable rules:
OAR 340-12-005 through 340-12-025, and OAR 340-12-052 through 340-12-068.
- Retain the following existing rules: OAR 340-12-035 and 340-12-045.

Alternatives and Evaluation

1. Do not revise Division 12.

This alternative would keep the civil penalty rules as is with some violations listed that are not rule violations, some violations not listed that are common rule violations, inconsistencies between civil penalty schedules, and schedules providing less than the statutory maximum. Also, the Department would be required to give a warning notice to a person illegally disposing of hazardous waste rather than immediately penalizing as authorized by statute. This would be inconsistent with unauthorized sewage and solid waste disposal for which the current rule allows penalty without warning.

2. Revise Division 12 as proposed.

This alternative will result in more consistent schedules, a display of the more common rule violations, and will authorize the Department to assess a civil penalty without warning notice for anyone disposing of hazardous waste at an unauthorized site.

3. Do not revise the Oregon SIP.

The Department must have current and appropriate civil penalty rules in the SIP in order to meet federal requirements. Failure to incorporate proposed changes to the state civil penalty rules in the SIP or bring the existing rules in the SIP up to date with current state rules would put the state in technical violation of the Clean Air Act requirements and ultimately force EPA to take remedial or sanction action.

4. Revise the Oregon SIP as proposed.

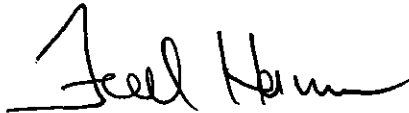
This alternative would make the federally enforceable SIP rules consistent with current state rules.

Summation

1. Many of the civil penalty schedules have not been revised since 1974 and are outdated.
2. The civil penalty schedules are not consistent among programs.
3. The civil penalty schedules do not give the Department the flexibility to assess the maximum penalty authorized by statute if warranted.
4. The civil penalty schedules do not display some of the more frequently occurring rule violations.
5. ORS 468.125(2) authorizes the Department to assess a civil penalty without warning notice for unauthorized disposal of hazardous waste while present agency rules do not.
6. The civil penalty rules in the federally-enforceable SIP must be revised to be consistent with current and proposed modifications to the state rules.

Director's Recommendation

Based upon the summation, it is recommended the Commission authorize a public hearing to take testimony on the proposed revisions to the civil penalty rules, OAR Chapter 340, Division 12, and proposed revisions to the SIP.



Fred Hansen

Attachments: Summary of Proposed Changes to Civil Penalty Schedule Amounts
Draft Statement of Need for Rulemaking
Draft Statement of Land Use Consistency
Draft Public Hearing Notice
Proposed Revision to OAR Chapter 340, Division 12

Van A. Kollias:b
229-6232
July 12, 1984
GB3500

SUMMARY OF PROPOSED CHANGES
TO CIVIL PENALTY SCHEDULE AMOUNTS

	<u>Current Schedule</u>		<u>Proposed Schedules</u>	
	<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
<u>Air Quality</u>				
Hardship Permit Violation	\$ 25	\$7,500	\$ 50	\$10,000
Letter Permit Violation	25	7,500	50	10,000
Operating Without a Permit	25	7,500	50	10,000
"Any Other Violation"	25	7,500	25	10,000
<u>Noise Control</u>				
Exceeding Noise Levels	25	500	50	500
"Any Other Violation"	10	300	25	500
<u>Water Pollution</u>				
Violating an Order	50	10,000	100	10,000
Failure to Immediately Cleanup an Oil Spill	25	7,500	500	10,000
Operating Without a Permit	25	7,500	50	10,000
"Any Other Violation"	25	7,500	25	10,000
Negligent Oil Spill	500	15,000	500	20,000
<u>On-Site Sewage Disposal</u>				
Violating an Order	25	500	100	500
<u>Solid Waste Management</u>				
Disposing of Solid Waste at an Unauthorized Site	25	300	50	500
Establishing a Site or Operating Without a Permit	25	300	50	500
Violating Conditions of a Permit or Variance	25	300	50	500
"Any Other Violation"	25	300	25	500

Agenda Item D, August 10, 1984, EQC Meeting

STATEMENT OF NEED FOR RULEMAKING

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

(1) Legal Authority:

Oregon Revised Statute (ORS) 468.125(2) identifies certain categories of violations for which the Department does not need to issue a warning notice prior to assessing a civil penalty. The 1983 Legislature amended ORS 468.125(2) to add disposing of hazardous waste at an unauthorized site to those categories.

ORS 468.130(1) gives the Commission authority to adopt, by rule, a schedule or schedules establishing the amount of civil penalty that may be imposed for a particular violation.

ORS 468.140 specifies civil penalties for specified violations.

(2) Need for Rule:

The need for the schedule of civil penalties is to give guidance in setting penalty levels for specific violations.

The proposed schedules are intended to achieve this end by making the minimum and maximum penalties consistent between programs for similar type of violations.

Revisions are needed in the State Clean Air Act Implementation Plan (SIP) to make these federally-enforceable rules consistent with existing and proposed state rules.

(3) Principal Documents Relied Upon:

Existing schedules of civil penalties for all programs.

(4) Fiscal & Economic Impact:

There may be fiscal and economic impact on individuals, public entities, small business, and large business that violate the Commission's rules. By increasing the amount of some of the minimum and maximum penalties, a person liable for a civil penalty could receive a larger penalty.

Van A. Kollias:b
229-6232
July 12, 1984
GB3500.A

ATTACHMENT II

Agenda Item D, August 10, 1984, EQC Meeting

LAND USE CONSISTENCY

This proposed rule does not affect land use as defined in the Department's coordination program approved by the Land Conservation and Development Commission

Van A. Kollias:b
229-6232
July 12, 1984
GB3500.A

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

PROPOSED REVISION OF CIVIL PENALTY RULES

NOTICE OF PUBLIC HEARING

Date Prepared: July 12, 1984
Hearing Date: September 17, 1984
Comments Due: September 17, 1984

**WHO IS
AFFECTED:**

People who may violate Oregon's air quality, noise pollution, water quality, solid waste, on-site sewage disposal and hazardous waste regulations.

**WHAT IS
PROPOSED:**

The DEQ is proposing to revise the civil penalty rules, OAR 340-12-005 through 12-075, and to revise the federally-enforceable Oregon State Implementation Plan (SIP) to be consistent with state rules.

**WHAT ARE THE
HIGHLIGHTS:**

1. Proposed State Rule Revisions:

- o The unauthorized disposal of hazardous waste is being added to the category of violations for which a civil penalty may be assessed without prior warning notice.
- o Some existing violation categories are being deleted from the solid waste schedule of civil penalties and more frequently occurring rule violations such as operating a site without a permit and violating a condition of a solid waste permit are being added.
- o Violating a condition of a hardship permit or letter permit and unauthorized open burning are being added to the Air Quality Schedule of Civil Penalties.
- o Discharging waste water or operating a disposal system without a permit and failing to immediately clean up an oil spill are violations being added to the Water Pollution Schedule of Civil Penalties.
- o Some of the penalty schedules for similar categories of violations are not consistent from program to program. The proposed rule change would make the minimum and maximum penalties for similar classes of violations more consistent.
- o No minimum penalty would be less than \$25. No maximum penalty would be less than the maximum allowed by statute.

-over-



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 1-800-452-7019, and ask for the Department of Environmental Quality.

1-800-452-4011



2. Proposed State Implementation Plan (SIP) Revisions:

- o The following rules with proposed modifications applicable to the Air Quality Program are being incorporated: OAR 340-12-030, 340-12-040 and 340-12-050.
- o The following rules which have been previously repealed and rules which are not applicable to the Air Quality Program are being deleted: OAR 340-12-005 through 340-12-025 and 340-12-052 through 340-12-068.
- o The following existing rules for procedures to assess a civil penalty and to mitigate/settle a civil penalty are being added: OAR 340-12-070 and 340-12-075.
- o The following existing rules are being retained: OAR 340-12-035 and 340-12-045.

**HOW TO
COMMENT:**

Copies of the complete proposed rule package may be obtained from the Regional Operations Division, Enforcement Section, in Portland (522 S.W. Fifth Avenue) or the regional office nearest you. For further information contact Van Kollias at 229-6232.

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

2:00 p.m.
Monday, September 17, 1984
DEQ Offices, Room 1400
522 S.W. Fifth Avenue, Portland, Oregon

Oral and written comments will be accepted at the public hearing. Written comments may be sent to the DEQ Enforcement Section, P.O. Box 1760, Portland, OR 97207, but must be received by no later than 5:00 p.m., September 17, 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 Commission's deliberation may come on November 2, 1984 as part of the agenda of the regularly scheduled Commission meeting. If adopted, the proposed SIP revisions will be submitted to the U.S. Environmental Protection Agency as a revision of the state Clean Air Act Implementation Plan (SIP).

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

Readers' Guidance

The Department is proposing the following actions with respect to the federally-enforceable State Clean Air Act Implementation Plan (SIP):

- Delete the following obsolete or non-applicable rules from the SIP: OAR 340-12-005 through 340-12-025 and OAR 340-12-052 through 340-12-068
- Incorporate the following rules with proposed modifications into the SIP: OAR 340-12-030, 340-12-040 and 340-12-050
- Retain the following existing rules in the SIP: OAR 340-12-035 and 340-12-045
- Add the following existing rules to the SIP: OAR 340-12-070 and 340-12-075.

GB3500.G

DIVISION 12
CIVIL PENALTIES

Introduction

340-12-005 [DEQ 33, f. 12-17-71, ef. 1-1-72;
Repealed by DEQ 78,
f. 9-6-74, ef. 9-25-74]

Notice Provisions

340-12-010 [DEQ 33, f. 12-17-71, ef. 1-1-72;
Repealed by DEQ 78,
f. 9-6-74, ef. 9-25-74]

Classification and Schedule for Violation of Air Quality

340-12-015 [DEQ 33, f. 2-17-71, ef. 1-1-72;
Repealed by DEQ 78,
f. 9-6-74, ef. 9-25-74]

Classification and Schedule for Violation of Water Quality

340-12-020 [DEQ 33, f. 12-17-71, ef. 1-1-72;
Repealed by DEQ 78
f. 9-6-74, ef. 9-25-74]

Classification and Schedule for Violation of Solid Waste

340-12-025 [DEQ 33, f. 12-17-71, ef. 1-1-72;
Repealed by DEQ 78,
f. 9-6-74, ef. 9-25-74]

Definitions

340-12-030 Unless otherwise required by context, as used in this

Division:

- (1) "Commission" means the Environmental Quality Commission.
- (2) "Director" means the Director of the Department or [his] the
Director's authorized deputies or officers.
- (3) "Department" means the Department of Environmental Quality.
- (4) "Order" means
 - (a) Any action satisfying the definition given in ORS Chapter 183; or
 - (b) Any other action so designated in ORS Chapter 454, 459, 467, or
468.
- (5) "Person" includes individuals, corporations, associations, firms,

partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the Federal Government and any agencies thereof.

(6) "Respondent" means the person against whom a civil penalty is assessed.

(7) "Violation" means a transgression of any statute, rule, standard, order, license, permit compliance schedule, or any part thereof and includes both acts and omissions.

Stat. Auth.["] ORS Ch. 468

Hist: DEQ 78, f. 9-6-74, ef. 9-25-74

Consolidation of Proceedings

340-12-035 Notwithstanding that each and every violation is a separate and distinct offense, and in cases of continuing violation, each day's continuance is a separate and distinct violation, proceedings for the assessment of multiple civil penalties for multiple violations may be consolidated into a single proceeding.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 78, f. 9-6-74, ef. 9-25-74

Notice of Violation

340-12-040 (1) Except as provided in subsection (3) of this section, prior to the assessment of any civil penalty the Department shall serve a Notice of Violation upon the respondent. Service shall be in accordance with rule 340-11-097.

(2) A Notice of Violation shall be in writing, specify the violation

and state that the Department will assess a civil penalty if the violation continues or occurs after five days following receipt of the notice.

(3)(a) A Notice of Violation shall not be required where the respondent has otherwise received actual notice of the violation not less than five days prior to the violation for which a penalty is assessed.

(b) No advance notice, written or actual shall be required where:

(A) The act or omission constituting the violation is intentional;

(B) The violation consists of disposing of solid waste, hazardous waste or sewage at an unauthorized disposal site;

(C) The violation consists of constructing a sewage disposal system without the department's permit;

(D) The water pollution, air pollution, or air contamination source would normally not be in existence for five days; or

(E) The water pollution, air pollution or air contamination source might leave or be removed from the jurisdiction of the department.

Stat. Auth.: ORS Ch. [183 &] 468

Hist: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 25-1979, f. & ef.

7-5-79

Mitigating and Aggravating Factors

340-12-045 (1) In establishing the amount of a civil penalty to be assessed, the Director may consider the following factors [and shall cite those he finds applicable]:

(a) Whether the respondent has committed any prior violation, regardless of whether or not any administrative, civil, or criminal proceeding was commenced therefore;

(b) The history of the respondent in taking all feasible steps or

procedures necessary or appropriate to correct any violation;

(c) The economic and financial conditions of the respondent;

(d) The gravity and magnitude of the violation;

(e) Whether the violation was repeated or continuous;

(f) Whether a cause of the violation was an unavoidable accident, or negligence, or an intentional act of the respondent;

(g) The opportunity and degree of difficulty to correct the violation;

(h) The respondent's cooperativeness and efforts to correct the violation for which the penalty is to be assessed;

(i) The cost to the Department of investigation and correction of the cited violation prior to the time the Department receives respondent's answer to the written notice of assessment of civil penalty; or

(j) Any other relevant factor.

(2) In imposing a penalty subsequent to a hearing, the Commission shall consider factors (a), (b), and (c), of section (1) of this rule, and each other factor cited by the Director. The Commission may consider any other relevant factor.

(3) Unless the issue is raised in respondent's answer to the written notice of assessment of civil penalty, the Commission may presume that the economic and financial conditions of respondent would allow imposition of the penalty assessed by the Director. At the hearing, the burden of proof and the burden of coming forward with evidence regarding the respondent's economic and financial condition shall be upon the respondent.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 78.f. 9-6-74, ef. 9-25-74

Air Quality Schedule of Civil Penalties

340-12-050 In addition to any liability, duty, or other penalty provided by law, the Director, or the director of a regional air quality control authority, may assess a civil penalty for any violation pertaining to air quality by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(1) Not less than one hundred dollars (\$100) nor more than ten thousand dollars (\$10,000) for violation of an order of the Commission, Department, or regional air quality control authority.

(2) Not less than fifty dollars (\$50) nor more than ten thousand dollars (\$10,000) for:

(a) [Any violation of] Violating any condition of any Air Contaminant Discharge Permit, Hardship Permit, Letter Permit, Indirect Source Permit, or variance; [or]

(b) Any violation which causes, contributes to, or threatens the emission of any air contaminant into the outdoor atmosphere[.];

(c) Operating any air contaminant source without first obtaining an Air Contaminant Discharge Permit; or

(d) Any unauthorized open burning.

(3) Not less than twenty-five dollars (\$25) nor more than [seven thousand five hundred dollars (\$7,500)] ten thousand dollars (\$10,000) for any other violation.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ. 5-1980 f. & ef. 1-28-80

Noise Control Schedule of Civil Penalties

340-12-052 In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to noise control by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(1) Not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for violation of an order of the Commission or Department.

(2) Not less than [twenty-five dollars (\$25)] fifty dollars (\$50) nor more than five hundred dollars (\$500) for any violation which causes, substantially contributes to, or will probably cause:

(a) The emission of noise in excess of levels established by the Commission for any category of noise emission source[.]; or

(b) Ambient noise at any type of noise sensitive real property to exceed the levels established therefor by the Commission.

(3) Not less than [ten dollars (\$10)] twenty-five dollars (\$25) nor more than [three hundred dollars (\$300)] five hundred dollars (\$500) for any other violation.

Stat. Auth.: ORS Ch. 467 & 468

Hist: DEQ 101, f. & ef. 10-1-75

Water Pollution Schedule of Civil Penalties

340-12-055 In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation relating to water pollution by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall

be determined consistent with the following schedule:

(1) Not less than [fifty dollars (\$50)] one hundred dollars (\$100) nor more than ten thousand (\$10,000) for[:] any violation of an order of the Commission or Department.

[(a) A violation of an order of the Commission or Department;]

[(b) A violation of a State Waste Discharge Permit or National Pollutant Discharge Elimination System (NPDES) permit;]

[(c) Any violation which causes, contributes to, or threatens the discharge of a waste into any waters of the state.]

[(2) Not less than twenty-five dollars (\$25) nor more than seven thousand five hundred dollars (\$7,500) for any other violation.]

(2) Not less than fifty dollars (\$50) nor more than ten thousand dollars (\$10,000) for:

(a) Violating any condition of any National Pollutant Discharge Elimination System (NPDES) Permit or Water Pollution Control Facilities (WPCF) Permit;

(b) Any violation which causes, contributes to, or threatens the discharge of a waste into any waters of the state or causes pollution of any waters of the state;

(c) Any discharge of wastewater or operation of a disposal system without first obtaining a National Pollutant Discharge Elimination System (NPDES) Permit or Water Pollution Control Facilities (WPCF) Permit.

(3) Not less than five hundred dollars (\$500) nor more than ten thousand dollars \$10,000 for failing to immediately clean up an oil spill.

(4) Not less than twenty-five dollars (\$25) nor more than ten thousand dollars (\$10,000) for any other violation.

[(3)] (5) (a) In addition to any penalty which may be assessed pursuant to sections (1) [and (2)] through (4) of this rule, [any person who

intentionally causes or permits the discharge of oil into the waters of the state shall incur a civil penalty of not less than one thousand dollars (\$1,000) nor more than twenty thousand dollars (\$20,000) for each violation.] the Director may assess a civil penalty of not less than one thousand (\$1,000) nor more than twenty (\$20,000) for each violation upon any person who intentionally causes or permits the discharge of oil into waters of the state.

(b) In addition to any penalty which may be assessed pursuant to sections (1) [and (2)] through (4) of this rule, [any person who negligently causes or permits the discharge of oil into the waters of the state shall incur a civil penalty of not less than five hundred dollars (\$500) nor more than fifteen thousand dollars (\$15,000) for each violation.] the Director may assess a civil penalty of not less than five hundred dollars (\$500) nor more than twenty thousand dollars (\$20,000) for each violation upon any person who negligently causes or permits the discharge of oil into the waters of the state.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 78, f. 9-6-74, ef. 9-25-74

On-Site Sewage Disposal Systems Schedule of Civil Penalties

340-12-060 In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to on-site sewage disposal systems by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

[(2)] (1) No less than one hundred dollars (\$100) nor more than five

hundred dollars (\$500) upon any person who[;]:

(a) Violates a final order of the Commission requiring remedial action;

(b) Violates an order of the Commission limiting or prohibiting installation of on-site sewage disposal systems in an area;

[(a)] (c) Performs, or advertises or represents [himself] one's self as being in the business of performing, sewage disposal services, without obtaining and maintaining a current license from the Department, except as provided by statute or rule;

[(b)] (d) Installs or causes to be installed a subsurface alternative or experimental sewage disposal system or any part thereof, without first obtaining a permit from the Agent;

[(c)] (e) Fails to obtain a permit from the Agent within three days after beginning emergency repairs on a subsurface, alternative or experimental sewage disposal system.

[(d)] (f) Disposes of septic tank, holding tank, chemical toilet, privy or other treatment facility sludges in a manner or location not authorized by the Department;

[(e)] (g) Connects or reconnects the sewage plumbing from any dwelling or commercial facility to an existing system without first obtaining an Authorization Notice from the Agent;

[(f)] (h) Installs or causes to be installed a nonwater-carried waste disposal facility without first obtaining written approval from the Agent therefor;

[(g)] (i) Operates or uses an on-site sewage disposal system which is failing by discharging sewage or septic tank effluent onto the ground surface or into surface public waters;

[(h)] (j) As a licensed sewage disposal service worker, performs any

sewage disposal service work in violation of the rules of the Department.

[(1)] (2) Not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) upon any person who:

[(a)] (a) Violates a final order of the Commission requiring remedial action;]

[(b)] (b) Violates an order of the Commission limiting or prohibiting installation of on-site sewage disposal systems in an area;]

[(c)] (a) Installs or causes to be installed an on-site sewage disposal system, or any part thereof, which fails to meet the requirements for satisfactory completion within thirty (30) days after written notification or posting of a Correction Notice at the site;

[(d)] (b) Operates or uses a nonwater-carried waste disposal facility without first obtaining a letter of authorization from the Agent therefore;

[(e)] (c) Operates or uses a newly constructed, altered or repaired on-site sewage disposal system, or part thereof, without first obtaining a Certificate of Satisfactory Completion from the Agent, except as provided by statute or rule;

[(f)] (d) Fails to connect all plumbing fixtures from which sewage is or may be discharged to a Department approved system;

[(g)] (e) Commits any other violation pertaining to on-site sewage disposal systems;

Stat. Auth.: ORS Ch. 468

Hist: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 4-1981, f. & ef. 2-6-81

Solid Waste Management Schedule of Civil Penalties

340-12-065 In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any

violation pertaining to solid waste management by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(1) Not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for violation of an order of the Commission or Department.

(2) Not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for [any violation which causes, contributes to, or threatens]:

[(a) A hazard to the public health or safety;]

(a) Disposing of solid waste at an unauthorized site;

[(b) Damage to a natural resource, including aesthetic damage and radioactive irradiation;]

(b) Establishing, operating or maintaining a solid waste disposal site without first obtaining a Solid Waste Disposal Permit;

[(c) Air contamination;]

(c) Violating any condition of any Solid Waste Disposal Permit or variance;

[(d) Vector production;]

[(e) A common law public nuisance.]

(3) Not less than twenty-five dollars (\$25) nor more than [three hundred dollars (\$300)] five hundred dollars (\$500) for any other violation.

Stat. Auth.: ORS Ch. 459

Hist: DEQ 78, F 9-6-74, ef. 9-25-74; DEQ 1-1982, f. & ef. 1-28-82

Hazardous Waste Management Schedule of Civil Penalties

340-12-068 In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to hazardous waste management by service of a written Notice of Assessment of Civil Penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(1) Not less than two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000) upon any person who:

(a) Establishes, constructs or operates a geographical site in which or upon which hazardous wastes are disposed without first obtaining a license from the Commission.

(b) Disposes of a hazardous waste at any location other than at a hazardous waste disposal site.

(c) Fails to immediately collect, remove or treat a hazardous waste or substance as required by ORS 459.685[.] and OAR Chapter 340

Division 108.

(2) Not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) upon any person who:

(a) Establishes, constructs or operates a geographical site or facility upon which, or in which, hazardous wastes are stored or treated without first obtaining a license from the Department.

(b) Violates a Special Condition or Environmental Monitoring Condition of a hazardous waste management facility license.

(c) Dilutes a hazardous waste for the purpose of declassifying it.

(d) Ships hazardous waste with a transporter that is not in compliance with OAR Chapter 860, Division 36[,], and Division 46 or OAR Chapter 340, Division 103 or to a hazardous waste management facility that is not in compliance with OAR Chapter 340, Divisions [63] 100 thru 106.

(e) Ships hazardous waste without a manifest.

(f) Ships hazardous waste without containerizing and marking or labeling such waste in compliance with OAR Chapter 340, Division [63] 102.

(g) Fails to immediately report to the Oregon Accident Response System (Oregon Emergency Management Division) all accidents or other emergencies which result in the discharge or disposal of hazardous waste.

(3) Not less than one hundred dollars (\$100) nor more than ten thousand dollars (\$10,000) upon any person who:

(a) Violates an order of the Commission or Department.

(b) Violates any other condition of a license or written authorization or violates any other rule or statute.

Stat. Auth.: ORS Ch. 459

Hist: DEQ 1-1982, f. & ef. 1-28-82

Written Notice of Assessment of Civil Penalty; When Penalty Payable

340-12-070 (1) A civil penalty shall be due and payable when the respondent is served a written notice of assessment of civil penalty signed by the Director. Service shall be in accordance with rule 340-11-097.

(2) The written notice of assessment of civil penalty shall be in the form prescribed by rule 340-11-100 for a notice of opportunity for a hearing in a contested case, and shall state the amount of the penalty or penalties assessed.

(3) The rules prescribing procedure in contested case proceedings contained in Division 11 shall apply thereafter.

Stat. Auth.: ORS Ch. 468

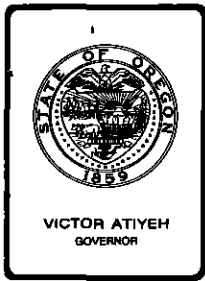
Hist: DEQ 78, f. 9-6-74, ef. 9-25-74

Compromise or Settlement of Civil Penalty by Director

340-12-075 At any time subsequent to service of the written notice of assessment of civil penalty, the Director is authorized to seek to compromise or settle any unpaid civil penalty which [he] the Director deems appropriate. Any compromise or settlement executed by the Director shall not be final until approved by the Commission.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 78, f. 9-6-74, ef. 9-25-74



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E, August 10, 1984, EQC Meeting

Request for Authorization to Hold a Public Hearing on Designation of a Carbon Monoxide Nonattainment Area in Grants Pass as a Revision to the State Implementation Plan.

BACKGROUND

The federal Clean Air Act requires States to develop and submit plans demonstrating how areas which do not meet ambient air quality standards (nonattainment areas) will meet the standards.

Special studies first identified a potential carbon monoxide (CO) air quality problem in Grants Pass in 1981. Subsequent special studies during 1982-84 have confirmed that:

- 1) CO violations occur in a portion of Grants Pass;
- 2) CO violations will likely continue for at least the next few years; and
- 3) The nonattainment area is a relatively small area of downtown Grants Pass.

A carbon monoxide control plan must be developed for the Grants Pass area. The first steps in this process are the formal recognition of the nonattainment area and the identification of the nonattainment area boundaries.

ORS 468.305 authorizes the Commission to prepare and develop a comprehensive plan for the control of air pollution. Attachment 1 contains the Statements of Need, Fiscal and Economic Impact, and Land Use Consistency.

EVALUATION AND ALTERNATIVES

Ambient Air Quality Monitoring

The Department began monitoring CO in Grants Pass in 1979. The initial monitoring, done at a site near 6th and M Streets, indicated that maximum

CO concentrations were close to but not above the ambient air quality standard of 10 milligrams per cubic meter (mg/m^3), 8-hour average, at the monitoring site. (Compliance with federal and state CO standards is based on the second highest day in order to allow for an occasional unusual weather or emissions occurrence.) Subsequent monitoring near 6th and G Streets indicated that maximum CO concentrations were above the standard as outlined below:

<u>Year</u>	<u>Number of Days Above Standard</u>	<u>Second Highest Day (mg/m^3)</u>
1981	25	13.2
1982	38	14.9
1983	13	12.9

The Department conducted two special studies during 1982-84 in order to locate the optimum monitoring site and define the problem area. A special study during the winter of 1982-83 determined that the 6th and G site reasonably characterized the maximum CO concentration area. A subsequent study during the 1983-84 winter identified the boundaries of the problem area. The problem area is enclosed by B Street (to the approximate north), 8th Street (to the east), the Rogue River (to the south), and 5th Street (to the west).

Attachment 2 includes a map of the proposed nonattainment area. The Grants Pass CO problem area appears to be closely associated with high traffic volumes on the Redwood Highway corridor through downtown (6th and 7th Streets couplet).

The Grants Pass CO problem appears to be less severe than the Medford problem. For example, Grants Pass exceeded the CO standard on 13 days in 1983, while Medford exceeded the standard on 34 days. In 1983, the second highest CO day in Grants Pass was 29% above the standard, while the second highest day in Medford was 45% above the standard. The proposed Grants Pass nonattainment area is about 0.2 square miles and the Medford problem area is about 1.5 square miles.

Alternatives

The federal Clean Air Act (CAA) outlines two procedures for initiating the development of control strategies for newly identified problem areas:

- 1) A State may designate a new nonattainment area and submit the re-designation to EPA for promulgation in the Federal Register (CAA Section 107(d)(5)); or
- 2) EPA may notify a State that its State Implementation Plan (SIP) is inadequate since it does not address the newly identified problem area (CAA Section 110(a)(2)(H)).

In either procedure, the State is given twelve months to submit a control strategy for the newly identified problem area and a maximum of five years

to implement the strategy and attain standards. The time frames begin with EPA final action in the Federal Register in response to a State redesignation submittal (the first procedure above) or EPA letter notification to a State of SIP inadequacy (the second procedure). The Department believes that the first procedure outlined above, designation of the Grants Pass CO nonattainment area by the Commission, is the preferable procedure for initiating the development of the Grants Pass CO control strategy.

Schedule for Control Strategy

The Department has scheduled a meeting in Grants Pass on July 26, 1984 to update City of Grants Pass and Josephine County officials on the CO situation. (This staff report was prepared prior to the July 26, 1984 Grants Pass meeting, but the Department will present the results at the August 10, 1984 EQC meeting.) If the Commission concurs with proceeding to designate the Grants Pass CO nonattainment area, then the Department would anticipate the following schedule for completing the Grants Pass CO control strategy.

<u>Date</u>	<u>Action</u>
SEP 84	Public hearing on designation of Grants Pass CO nonattainment area.
NOV 84	Designation of nonattainment area by EQC.
DEC 84	Selection of lead agency by Governor.
MAY 85	Expected designation of nonattainment area by Environmental Protection Agency (EPA) in the Federal Register.
DEC 85	Control plan completed by lead agency.
MAY 86	Plan due to EPA (12 months after EPA designation).
1986-on	Implement strategy to attain CO standard.

A preliminary analysis indicates that local transportation improvements and continuation of the Federal Motor Vehicle Emission Control Program (replacement of older vehicles with newer, less polluting vehicles) may be adequate to meet the CO standard in Grants Pass. Key factors in the final analysis will be the forecasted traffic growth rate, the construction schedule for a third bridge over the Rogue River, and the implementation schedule for traffic signal improvements.

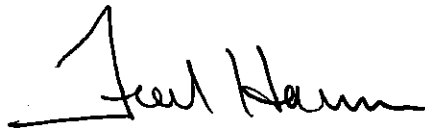
SUMMATION

1. Carbon monoxide (CO) concentrations in Grants Pass have exceeded, and are expected to continue to exceed for at least the next few years, the state and federal ambient air quality standards.

2. A CO control strategy must be developed by the State as required by the federal Clean Air Act. The first steps in this process are the formal recognition of the Grants Pass CO nonattainment area and the identification of the boundaries of the problem area.
3. Grants Pass CO concentrations exceeded the ambient CO standard (based on the second highest day) by 29% in 1983. The problem area is about 0.2 square miles.
4. The severity of the CO problem, in terms of the magnitude and frequency of CO exceedances, is less in Grants Pass than in Medford. The size of the CO problem area in Grants Pass is substantially smaller than in Medford.
5. The Department will be working with the City of Grants Pass and Josephine County to develop the CO control strategy. Local planned transportation improvements and the federal new car emission control program may be adequate to attain the CO standard.

RECOMMENDATION

Based on the Summation, the Director recommends that the EQC authorize a public hearing on the designation of the Grants Pass Carbon Monoxide Nonattainment Area as a revision to the State Implementation Plan.



Fred Hansen

- Attachments:
1. Public Hearing Notice, Statements of Need for Rulemaking, Fiscal and Economic Impact, and Land Use Consistency.
 2. Proposed Grants Pass Carbon Monoxide Nonattainment Area as a Revision to the State Implementation Plan.

MERLYN L. HOUGH:a
AA4532
229-6446
July 13, 1984

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

**Proposed Designation of a Carbon Monoxide Nonattainment Area in Grants Pass
NOTICE OF PUBLIC HEARING**

Date Prepared: 7/16/84
Hearing Date: 9/18/84
Comments Due: 9/20/84

WHO IS AFFECTED: Residents, businesses, and government agencies in the City of Grants Pass and Josephine County.

WHAT IS PROPOSED: The Department of Environmental Quality is proposing to amend OAR 340-20-047, the Oregon Clean Air Act State Implementation Plan, by designating a Grants Pass Carbon Monoxide Nonattainment Area. A hearing on this matter will be held in Grants Pass on September 18, 1984.

WHAT ARE THE HIGHLIGHTS: Carbon monoxide (CO) concentrations in downtown Grants Pass exceed, and are expected to continue to exceed for at least the next few years, state and federal ambient air quality standards. The federal Clean Air Act requires states to submit plans for nonattainment areas demonstrating how they will attain ambient air quality standards. The first steps in this process are the formal recognition of the nonattainment area and the identification of the nonattainment area boundaries.

This proposal would designate a carbon monoxide (CO) nonattainment area in Grants Pass based on measured violations of the ambient air quality standard for CO. Proposed boundaries are:

- B Street on the north;
- 8th Street on the east;
- The Rogue River on the south; and
- 5th Street on the west.

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 Merilyn L. Hough at 229-6446 (or toll-free at 1-800-452-4011).

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

7:00 p.m. on September 18, 1984
Grants Pass City Council Chambers
101 NW A Street
Grants Pass, Oregon

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 September 20, 1984.

FOR FURTHER INFORMATION:

Contact the person or division identified in the public notice by calling 229-5696 in the Portland area. To avoid long distance charges from other parts of the state, call 1-800-452-7513, and ask for the Department of Environmental Quality. 1-800-452-4011.



P.O. Box 1760
Portland, OR 97207

8/10/82



RULEMAKING STATEMENTS

for
Proposed Designation of a Carbon Monoxide Nonattainment Area in Grants Pass

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

STATEMENT OF NEED:

Legal Authority

This proposal amends OAR 340-20-047. It is proposed under authority of ORS 468.305.

Need for the Rule

Carbon monoxide (CO) concentrations in downtown Grants Pass exceed, and are expected to continue to exceed for at least the next few years, state and federal ambient air quality standards. The federal Clean Air Act requires states to submit plans for nonattainment areas demonstrating how they will attain ambient air quality standards. The first steps in this process are the formal recognition of the nonattainment area and the identification of the nonattainment area boundaries.

Principal Documents Relied Upon

Clean Air Act as Amended (P.L. 97-95) August 1977.
DEQ Air Quality Annual Reports.

FISCAL AND ECONOMIC IMPACT STATEMENT:

New major sources of CO locating in or near the proposed CO nonattainment area would be required to meet more restrictive new source review criteria than would be required in most other areas of Oregon. The more restrictive criteria could result in increased air quality analysis and air pollution control equipment costs for new industries or small businesses (if major sources of CO) in the Grants Pass area.

This proposal would initiate a planning process that will require planning resources of the City of Grants Pass, Josephine County, Oregon Department of Transportation and Oregon Department of Environmental Quality. The eventual carbon monoxide control plan resulting from this planning process will require rulemaking to revise the State Implementation Plan. The control plan rulemaking may have other impacts on the public, small businesses or industries and will be covered by a later public hearing.

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 apparent conflict brought to our attention by local, state, or federal authorities.

AS278

Section 4.11

GRANTS PASS NONATTAINMENT AREA
STATE IMPLEMENTATION PLAN FOR CARBON MONOXIDE

DRAFT

July 1984

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

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* Only Section 4.11.1 is included at this time. Other sections will be included at a later date.

4.11.0 GRANTS PASS NONATTAINMENT AREA
STATE IMPLEMENTATION PLAN FOR CARBON MONOXIDE

4.11.1 AMBIENT AIR QUALITY

4.11.1.1 Geographic Description

The Grants Pass Carbon Monoxide Nonattainment Area is located within the City of Grants Pass in Josephine County, Oregon. The City of Grants Pass is located at an elevation of 948 feet above sea level in a mountainous valley formed by the Rogue River. Figure 4.11-1 is a map of Grants Pass and vicinity. The City of Grants Pass has a population of 15,040 and Josephine County has a population of about 59,000. The principal industries are logging, wood products manufacturing, agriculture and tourism.

4.11.1.2 Ambient Monitoring Data

The Department began monitoring carbon monoxide (CO) in Grants Pass in 1979. The initial monitoring, done at a site near 6th and M Streets, indicated that maximum CO concentrations were close to but not above the ambient air quality standard of 10 milligrams per cubic meter (mg/3), 8-hour average, at the monitoring site. Subsequent monitoring near 6th and G streets indicated the maximum CO concentrations were above the standard as outlined below:

<u>Year</u>	<u>Number of Days Above Standard</u>	<u>Second Highest Day (mg/m³)</u>
1981	25	13.2
1982	38	14.9
1983	13	12.9

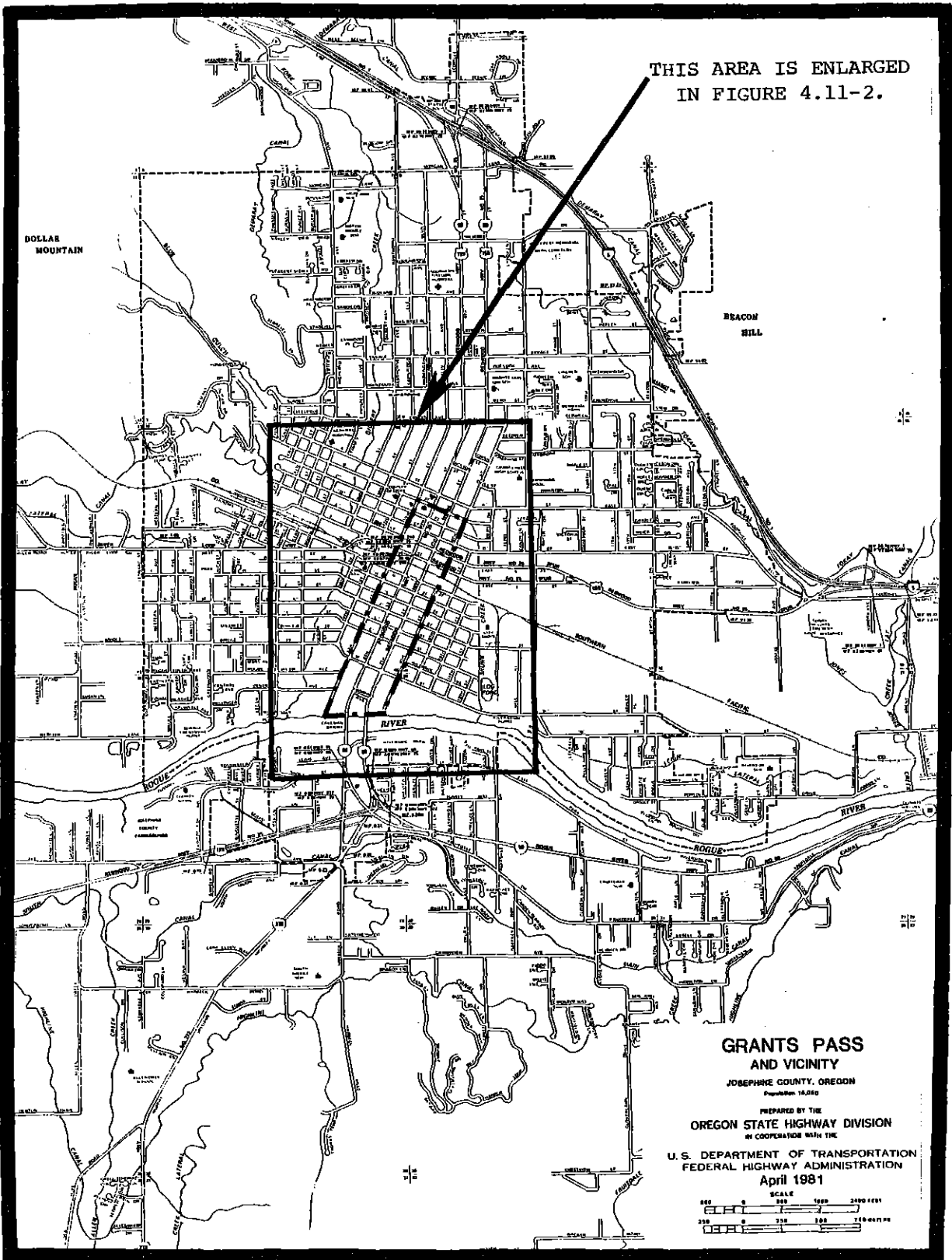


FIGURE 4.11-1: GRANTS PASS AND VICINITY.

4.11.1.3 Nonattainment Area Boundaries

The Department conducted two special studies during 1982-84 in order to locate the optimum monitoring site and define the problem area. A special study during the winter of 1982-83 determined that the 6th and G site reasonably characterized the maximum CO concentration area. A subsequent study during the 1983-84 winter identified the boundaries of the problem area. The problem area is enclosed by B Street (to the approximate north), 8th Street (to the east), the Rogue River (to the south), and 5th Street (to the west).

Figure 4.11-2 is a map of the proposed nonattainment area. The Grants Pass CO problem area appears to be closely associated with high traffic volumes on the Redwood Highway corridor through downtown (6th and 7th Streets couplet).

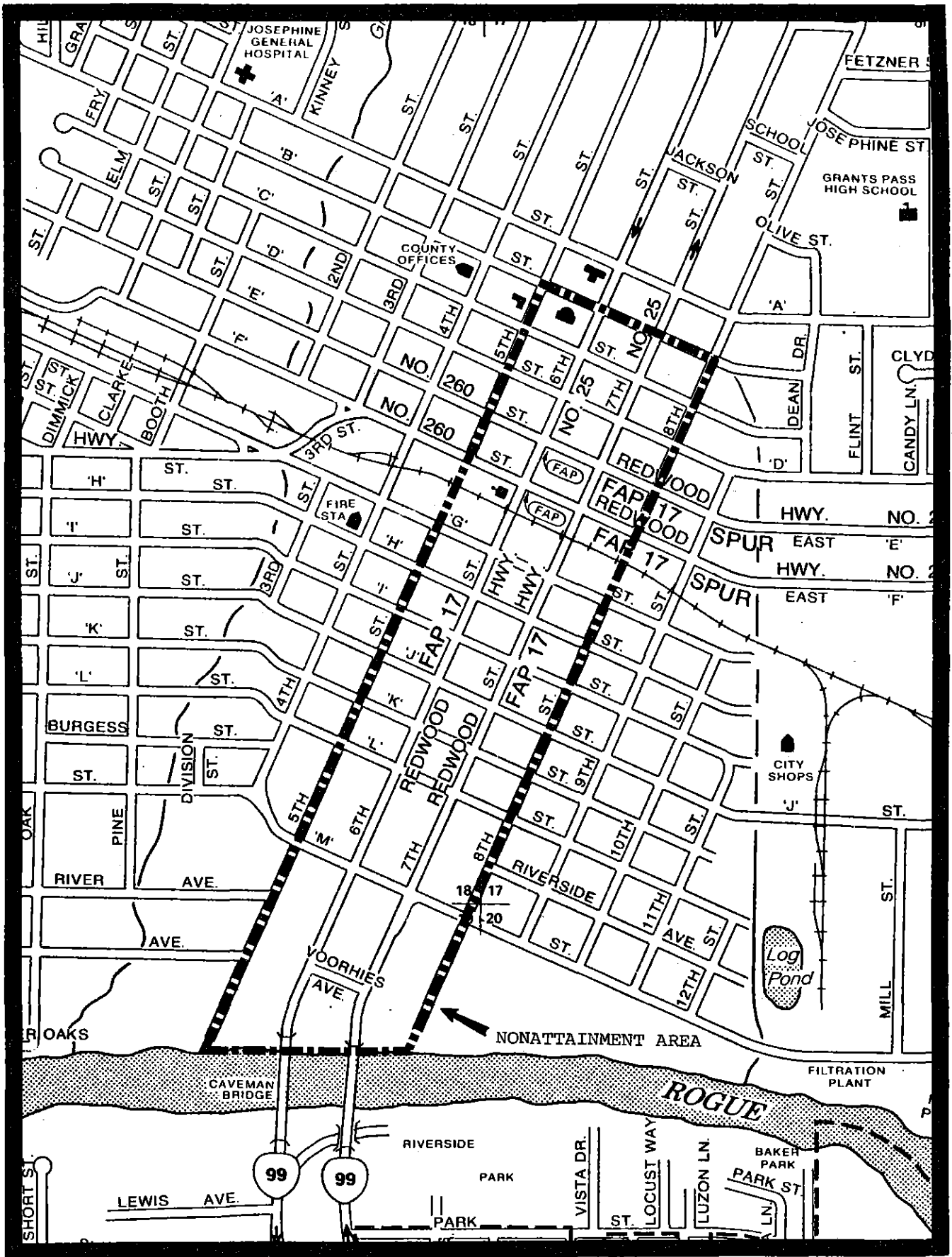
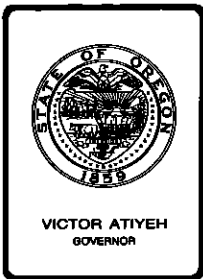


FIGURE 4.11-2: GRANTS PASS CARBON MONOXIDE (CO) NONATTAINMENT AREA.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Amendment to Item No. E, August 10, 1984, EQC Meeting

Request for Authorization to Hold a Public Hearing on Designation of a Carbon Monoxide Nonattainment Area in Grants Pass as a Revision to the State Implementation Plan.

Purpose of Amendment

The Department met with City of Grants Pass and Josephine County officials since the publication of the original staff report. This amendment summarizes the results of that meeting.

Evaluation

Representatives of the Department, City of Grants Pass, and Josephine County met on July 26, 1984 to discuss:

1. The general carbon monoxide (CO) situation in Grants Pass as outlined in the staff report to the Commission;
2. The designation process for the CO nonattainment area;
3. The selection process for the lead agency; and
4. The possible funding sources for lead agency planning activities.

The group recognized the traffic congestion and carbon monoxide problems in downtown Grants Pass. Past studies recommended improvements in the traffic signal system and construction of a third bridge over the Rogue River to reduce traffic congestion.

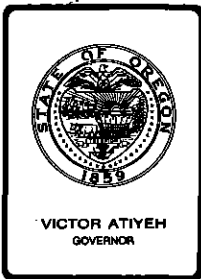
There was a preliminary consensus by those present that the City of Grants Pass would be the most appropriate lead agency. Unfortunately, the City of Grants Pass had to recently reduce its planning staff due to the failure of a levy election. The Department agreed to investigate possible Section 105 funds from EPA for lead agency planning activities.

Director's Recommendation

This amendment is provided for additional information only and does not change the recommendation of the subject staff report.

Fred Hansen

MERLYN HOUGH:a
229-6446
August 3, 1984
AA4575



Environmental Quality Commission

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MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. F August 10, 1984, EQC Meeting

Proposed Adoption of Rules Amending Standards of Performance for New Stationary Sources OAR 340-25-510 to -690 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 Stationary Source Performance Standards (NSPS) beginning in 1971. To acquire delegation to administer these standards, the Commission adopted OAR 340-25-505 to 705 in September 1975, and amended them in 1981, 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 necessitate the EQC considering rule adoptions. The proposed new rules (see Attachment 1) cover the following source categories:

<u>40 CFR Subpart</u>	<u>Title</u>	<u>Federal Register Date</u>
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

Authority for the Commission to act is given in Oregon Revised Statutes 468.020 and 468.295(3) where the Commission is authorized to establish

emission standards for sources of air contaminants. A "Rulemaking Statement" is Attachment 2 of this memorandum.

Alternatives and Evaluation

1. The Commission could take NO ACTION.

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

2. The Commission could adopt the attached amendments to Oregon Administrative Rules (OAR).

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 Commission authorized a public hearing for these rule additions at the May 18, 1984 meeting. Legal public notice requirements were met by publication of the hearing notice in the June 1, 1984 Secretary of State's Bulletin. Hearing notices were sent to the Department's mailing lists also.

There has been no testimony on these proposed rule changes; no one attended the July 2, 1984 public hearing, even though materials were mailed to 11 interested and affected persons.

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

PROPOSED RULE 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.

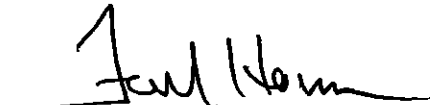
Bulk Gasoline Terminals, Subpart XX, was added by 48 FR 37578, August 18, 1983. This new standard for VOC is proposed to be added as OAR 340-25-690. It sets limits for VOC from loading gasoline delivery trucks at bulk gasoline terminals.

Summation

1. EPA adopted the first New Stationary Source Performance Standards (NSPS) in 1971. More have been added since then, one as recent as 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
5. On May 18, 1984, the Commission authorized a hearing and legal notice was given in the Secretary of State's Bulletin.
6. No testimony has been received before, during, or after the July 2, 1984 public hearing on these proposed additions to the rules.

Director's Recommendation

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


Fred Hansen

- Attachments: 1. Proposed Rules 340-25-510 to 340-25-690
2. Rulemaking Statement

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July 23, 1984
AA3430

**Standards of Performance for
New Stationary Sources**

Statement of Purpose

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

Definitions

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

(2) "Federal Regulation" means **Title 40, Code of Federal Regulations, Part 60**, as promulgated prior to [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, or modification, commenced after August 24, 1982, and if they are not located 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 (VOC) 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.

AA4346.DS

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

2. 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.

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 incur less cost and processing time if these rules are administered by only one agency.

LAND USE CONSISTENCY STATEMENT:

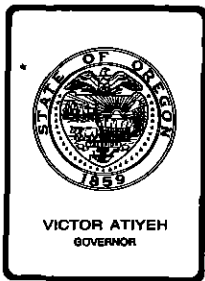
The proposed rule appears to affect land use and appears to be consistent with the Statewide Planning Goals.

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.

AA4348

11



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. G, August 10, 1984, EQC Meeting

Proposed Adoption of Rules for Land Application and Disposal
of Sewage Treatment Plant Sludge and Sludge Derived Products
Including Septage (OAR 340, Division 50)

Background and Problem Statement

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

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

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

Pursuant to ORS 468.778, agricultural, horticultural, and silvicultural application of sludge must now be regulated by the Department. The proposed rules establish the regulatory procedures and policies.

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

1. Heavy Metals. Heavy metal ions are found in community sewage. They come from plumbing fixtures, school and commercial laboratories, and industrial processes connected to the sewer. If concentrations are high enough they can be toxic to biological processes and inhibit plant growth. Some can be taken up by certain plants and subsequently ingested by animals.
2. Pathogens. Some bacteria and viruses survive the digestion process. Direct contact with sludge could produce health problems. Therefore, the types of crops where sludge is applied should be restricted.
3. Odor. If sludge has not been well stabilized through the digestion process, odors can result from surface application. Residential housing located adjacent to or near application sites may be adversely impacted.
4. Groundwater. Repeated applications of sludge or application rates greatly in excess of plant nutrient need can result in elevated levels of nitrate in the shallow groundwater. The Mission Bottom area north of Salem is an example where both sludge and commercial fertilizer were added in sufficient quantity to adversely impact groundwater.
5. Runoff. Liquid sludge applied unevenly on steep terrain will run off the land and may cause serious water pollution, nuisance conditions, and public health problems.
6. Leachate. Liquid or semi-liquid sludge deposited in a landfill can contribute to leachate problems where control measures are inadequate.

Alternatives and Evaluation

Alternatives to land application for beneficial use are incineration, ocean disposal, landfill disposal, and land application at greater than agronomic rates. Incineration is expensive and equipment intensive. There is only one sludge incinerator in the state. Ocean disposal has never been a practice in Oregon. The Department has never received an application for ocean disposal and EPA has never received an application for an ocean disposal site. Ocean disposal is not desirable and is being phased out nationwide. Land application at greater than agronomic rates and landfilling may be used from time to time, by necessity, but the Department believes a valuable resource is being wasted. Agricultural, horticultural or silvicultural use is preferable.

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

There has also been public concern over the lack of public involvement in the sludge application decisions. The rules require that each municipality provide a sludge management program at the time a permit is issued or renewed. The management program, which would be subject to public review, would include the method of sludge disposal, the general areas of disposal, the types of crops or activities to receive the sludge, and how the application of sludge would be adequately monitored. Additional public participation would be required in sensitive or controversial areas.

On February 24, 1984, the Commission authorized the Department to hold hearings to take testimony on the Proposed Rules. Notice of the hearings was mailed on March 14, 1984. The notice was sent to all those people, agencies, and organizations of the Department's rule making mailing list as well as all municipalities which generate sludge. The notice was also published in the March 15, 1984, issue of the Secretary of State's Bulletin. On April 17, 18, and 19, 1984, public hearings were conducted in Salem, Bend and Roseburg, regarding the Proposed Rules. The complete text of the hearings officer's report is Attachment 5. Detailed responses to all comments received are provided in Attachment 6.

A brief summary of the comments received is as follows:

In all, fifteen letters were received and twelve persons made oral comments. All of the oral respondents spoke in favor of the proposed rules. Several suggestions were made concerning expanded or clarified definitions. One new definition for Incinerated Sludge Ash was added. Some questions were raised regarding the extent of responsibility in the transport, application or use by the general public of sludge or sludge derived products. In general this responsibility rests with the generator of the sludge who will either be licensed or operating with a permit. Two agencies were concerned that the opportunity for providing public comment on certain sensitive sites could ultimately lead to public hearings on all sites. An opportunity for review of all sites as part of the sludge management plan will exist with each permit renewal.

In response to the monitoring and reporting schedule, a minor adjustment in the frequency of analysis was made to address small communities where sludge characteristics would not be expected to change often. Expanded uses of both air dried sludge and sludge compost were added in the guideline section. Other processes such as super chlorination that have been shown to further reduce pathogens in sludge were also acknowledged. Appropriate ground slope, fluctuating water tables, soil pH and need for liming were commented on as well as the need for monitoring wells.

Only one comment was received in opposition to the proposed rules. This community felt that due to their rural setting, the rules were unnecessary and would add to the workload and financial burden of this community. A number of adjustments such as the potential reduced frequency of analyses for those communities will ease this burden.

In evaluating the potential workload of reviewing all sludge management plans, the Department concluded that early scheduling of some would facilitate the flow of work, with all plans due within one (1) year. This change has been made in Section 340-50-030.

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

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

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

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

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

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

The submission of a sludge management plan for review and approval in accordance with a schedule approved by the Department but not later than one year of enactment of the rules.

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

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

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

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

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

The guideline section addresses:

Suggested cropping needs with respect to nitrogen and other elements.

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

Criteria for determining the stability of digested sludge.

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

Need for soil analysis and monitoring.

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

Summation

1. The 1983 Legislature directed the Department to adopt rules for the agricultural, horticultural, and silvicultural use of sewage sludge (ORS 468.778).
2. On February 24, 1984, the Commission authorized the Department to hold hearings on the draft rules.
3. Notice of the hearings was mailed on March 14, 1984. The notice was sent to all those people, agencies, and organizations of the Department's rule making mailing list as well as all municipalities which generate sludge. The notice was also published in the March 15, 1984, issue of the Secretary of State's Bulletin.
4. Hearings were held to receive public testimony in Salem on April 17, 1984; in Bend on April 18, 1984; and in Roseburg on April 19, 1984.
5. A total of fifteen letters of comment were received and twelve persons gave oral testimony at the hearings.
6. All of those who testified orally supported, in concept, the rule package. Most of them made suggestions for rule clarification and improvement.
7. All comments have been evaluated and incorporated in the rules where applicable.
8. The rules are now ready for adoption.

Recommendation

Based upon the Summation, it is recommended that the Commission adopt the Rules for Land Application and Disposal of Sewage Treatment Plant Sludge and Sludge Derived Products Including Septage.


Fred Hansen

Attachments: (7)

1. Statement of Need
2. Fiscal and Economic Impact Statements
3. Public Notice
4. Hearing Officer's Report
5. Response to Comments
6. Revised Draft of Rules
7. List of Respondents

E. R. Lynd:lt
(503) 229-5371
WL3521
July 25, 1984

Agenda Item , August 10, 1984, EQC Meeting

STATEMENT OF NEED FOR RULEMAKING

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

(1) Legal Authority

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

(2) Need for the Rule

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

(3) Principal Documents Relied Upon in This Rulemaking

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

E.R. Lynd:t
WT126
229-5371
July 17, 1984

Agenda Item , August 10, 1984, EQC Meeting

FISCAL AND ECONOMIC IMPACT STATEMENT

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

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

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

E.R. Lynd:t
WT127
229-5371
July 17, 1984

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Rules for Using Sewage Sludge for Agricultural Purposes

Notice Issued: March 15, 1984
 Hearing Date: April 17, 18, 19, 1984
 Record Closed: April 19, 1984

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

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

HOW TO COMMENT: Public Hearings

Salem - April 17, 1984, 1 p.m. - 875 Union St., N.E., State Employment Bldg. First Floor Auditorium

Bend - April 18, 1984, 1 p.m. - 2150 N.E. Studio Road, DEQ Office

Roseburg - April 19, 1984, 1 p.m. - Room 308, Courthouse

Written comments should be sent to the Department of Environmental Quality, Water Quality Division, P. O. Box 1760, Portland, OR 97207. The comment period will end April 19, 1984.

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

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

FISCAL AND ECONOMIC IMPACT STATEMENT

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(Over Please)

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



P.O. Box 1760
 Portland, OR 97207
 8/10/82

FOR FURTHER INFORMATION:

Contact the person or division identified in the public notice by calling 229-5696 in the Portland area. To avoid long distance charges from other parts of the state, call 1-800-452-4011, and ask for the Department of Environmental Quality.

1-800-452-4011



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

LAND USE CONSISTENCY

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

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

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

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

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

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

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

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

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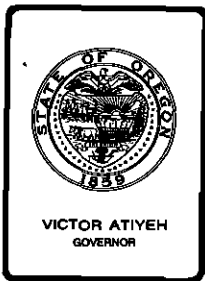
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E.R. Lynd:g
TG3178
229-5371
February 2, 1984



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: E. R. Lynd, Hearing Officer

Subject: Public Hearing Report on Proposed Rules for Land Application and Disposal of Sewage Treatment Plant Sludge and Sludge Derived Products Including Septage.

On April 17, 18, and 19, 1984, public hearings were conducted in Salem, Bend, and Roseburg regarding the above subject. Written comments were also received through the end of the comment period, April 19, 1984.

In all, 15 letters were received and 12 persons made oral comments. Some of the persons making oral comments also provided the same by letter. A complete list of the respondents is provided as Attachment 7. The letters received and requests to speak are on file with the Department, along with tapes of the hearings. Following is a summary of the comments received, both oral and written.

RULE SECTION

Purpose 340-50-005. There was one written request that sewerage waste water be excluded from these rules along with industrial sludge and agricultural wastes.

Definitions 340-50-010. There was one request for an improved definition of dried sludge, another for an expanded definition of beneficial use, and two requests for a broader definition of composting. The Unified Sewerage Agency, which operates the only sludge incinerator in the state, requested a definition of incinerator sludge or ash.

Permits 340-50-015. There were no comments regarding the permit requirement.

Responsibility 340-50-020. Three cities commented regarding their responsibility or liability of providing dried sludge for general use by the public. One city asked about the extent or duration of responsibility for land that has received sludge.

Limitations & Restricted Uses 340-50-025. There were no comments regarding the section on limitations and restricted uses.

Site Selection and Approval 340-50-030. Some concern was expressed by two agencies regarding the proposed public hearing process in review of certain sensitive sites. The main concern seemed to be with the possibility of this process being extended to all site reviews which would be impossible to implement.

Monitoring and Reporting 340-50-035. One representative from a private testing lab reported on the availability of laboratory facilities that can provide the needed analytical data. Two cities commented on the frequency of sludge analyses, particularly for small communities where there is no

industrial processes that would add substantially to the heavy metal content of the sludge. It was their thought that after establishing a data profile, the monitoring could be reduced to periodic checks for comparison with the established data. One agency suggested adding EPA Laboratory Methods as additional approved methods.

GUIDELINE SECTION

Purpose 340-50-060. There were no comments regarding the purpose.

Use Limitations 340-50-065. One city that applies only air dried sludge felt the 30 day waiting period between application and stock grazing on pasture was inappropriate for dried sludge. Another agency requested provision for processes such as long term storage in Facultative Sludge Lagoons to be equivalent to composting and heat drying for reduction of pathogens.

Criteria For Site Selection and Approval 340-50-070. There were two comments regarding background soil pH and liming requirements. Both felt these should be included as part of the site selection process. One agency requested clarification on the groundwater level determination, particularly seasonal fluctuations. Two cities commented on the recommended ground slope for liquid sludge application, one thought it should be more than 12 percent for cover crops and the other thought it should be less than 12 percent in all cases. One city requested reduced buffer limits for dried sludge.

Monitoring and Reporting 340-50-075. One city suggested establishing criteria for determining if test wells are necessary.

Application of Municipal Sludge and Septage 340-50-080. There was one suggestion that phosphorous be added to the list of nutrients to be tested for since it contributes to plant growth. Also, the presence of lead was thought to be important. In addition to the earlier reference on compost, one city has suggested making the use of compost unrestricted for food chain crops which are not grown for direct human consumption, when the edible part of the plant does not come in direct contact with the compost, and if the metal content is below the recommended levels. Several suggestions were made to Re-title Tables 1 and 2.

All of the above commentators, both written and oral indicated that they were in favor of the proposed rules.

One city from Eastern Oregon opposed the proposed rules on the basis that:

1. The city is located in a rural farming area with no industries on the sewer system.
2. A maximum of 1,000 gallons of sludge per week is applied to farm land.
3. There is almost unlimited acreage nearby with little possibility of soil or water contamination.
4. The rules would add to the financial burden of the Community.

This concludes the comments received from the Notice on Rules for Using Sewage Sludge for Agricultural Purposes issued on March 15, 1984.

RESPONSE TO COMMENTS

RULE SECTIONPurpose 340-50-005

Since the proposed rules are in response to ORS 468.778, which does not address sewerage waste water, it will be excluded along with industrial sludge and agricultural wastes.

Definitions 340-50-010

The "Beneficial use site" definition has been expanded to assure long-term site productivity. The "Composting" definition has been clarified. Dried sludge has been re-defined to include those air dried sludges with a dry solids content in excess of 50 percent. A definition of incinerator sludge ash has been added.

Responsibility 340-50-020

Comments received regarding the city's responsibility for public use of dried sludge is addressed in Section 340-50-025(2Z) and 340-50-065(2)(3)(4)(5). The long-term responsibility for agricultural sites will be met by strictly adhering to the loading limits, monitoring program and all other aspects of these rules and guidelines.

Limitations and Restricted Uses 340-50-025

The use of incinerator ash on farmland has been added to this section.

Site Selection and Approval 340-50-030

ORS 468.778 requires the opportunity for public comment and public hearing. Section (5) addresses that requirement but limits the process to only those proposed sites that may be sensitive with respect to residential housing, runoff potential or threat to groundwater. It would not be the intent of the Department to extend this process to other sites unless there was an identified public concern.

Monitoring and Reporting 340-50-035

The frequency of sludge analysis, particularly for small communities with no industrial impact, may be reduced on a case-by-case basis. A word change to give the Department this discretion has been made. The approved EPA laboratory methods reference has also been added.

GUIDELINE SECTION

Use Limitations 340-50-065

Under paragraph (4) the grazing restriction after application of air dried sludge to pasture or forage has been reduced to 7 days due to the extreme dry solids content of this material. Provision was added for other processes equivalent in pathogen reduction to composting and heat drying for use on ornamental plants etc. without restricting public access.

Criteria for Site Selection & Approval 340-50-070

Comments regarding background soil pH and liming requirements are addressed in paragraph (5). For sludge application at agronomic rates where "accumulator" crops are proposed, it is necessary to calculate the Cation Exchange Capacity of the soil. Soil pH is part of this calculation so it would be necessary to determine. Likewise, the application of lime would raise the pH and also becomes part of this process.

Paragraph (2) addresses the recommended depth to both permanent and temporary groundwater. Since the water table is known to fluctuate seasonally, the Department felt that this should be a guideline, primarily established to provide guidance in selecting sites seasonally to minimize potential adverse impact on groundwater. This process of site utilization becomes part of the sludge management plan required in 340-50-030.

Paragraph (3) provides for application of liquid sludge on slopes exceeding 12 percent with appropriate management to eliminate runoff. Existing cover, proper application rates and methods would be some examples. The Department feels that restricting ground slopes to less than 12 percent in all cases would severely limit available acreage and with good management practices adverse impacts will be avoided.

The comment regarding reduced buffer for dried sludge application is addressed in paragraph (6). It is presumed that application would either be made by truck or spreader so that discretion can be used from 0 to 50 feet. Dust arising from a spreader could be a factor that would dictate the need for some buffer adjacent to sensitive areas.

Monitoring and Reporting 340-50-075

Guidance was selected rather than criteria for determining the need for test wells. Paragraphs (1)(2) and (3) are meant to provide this guidance. One of the more important elements is the application rate. When applied at or below agronomic rates, there should be no residual Nitrogen and the heavy metals accumulation, in most cases, will yield a site life in excess of 100 years.

Application of Municipal Sludge & Septage 340-50-080

In response to the comment regarding the need for phosphorus and lead analysis, paragraph (2) of 340-50-035 lists all the sludge analyses to be performed on a representative sample. Nitrogen, Phosphorus, and Potassium are required as well as Lead. Lead (Pb) is also listed in Tables 1 and 2 as requiring control.

The comment regarding an expanded use of compost has been addressed in paragraph (8). This process has been designated by EPA as one that further reduces pathogens.

General

In response to a number of suggestions, the titles of Tables 1 and 2 have been restated to more accurately reflect the meaning.

Finally, for the city opposing the proposed rules as being burdensome and not applicable to an Eastern Oregon Community, the Department feels that the city's existing program will probably comply with the Rules with the addition of sludge analysis and submission of the Management Plan. Provision has been made for minimizing the analyses for these communities. Private testing labs have provided an analytical test package that includes all tests required for \$150. Depending on the community and available sites, this could be a one-time cost. The intent of ORS 468.778 is to provide an environmentally acceptable method of utilizing a product that would otherwise be wasted. The proposed rules are meant to do this.

ERL:1

WL3523

July 19, 1984

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 50

DIVISION 50

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

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

DEFINITIONS

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

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

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

(3) "Beneficial Use Site" means any approved site for application of a regulated amount of sludge or septage used for crop or livestock production, sand dune stabilization, or soil improvement. Application rates and site management practices shall assure continued agricultural, horticultural or silvicultural production and shall not lead to a temporary or long-term reduction in site productivity.

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

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

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

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

- (8) "Department" means the Oregon Department of Environmental Quality.
- (9) "Dewatered Sludge" means sludge with a solids concentration between six (6) and twenty (20) percent.
- (10) "Digested Sludge" means sludge resulting from a controlled process which significantly reduces volatile solids and pathogens.
- (11) "Disposal Site" means a Department approved site used for disposal of sludge or septage in excess of agronomic application rates. Beneficial Use Sites do not constitute disposal sites for purposes of this definition.
- (12) "Domestic Waste Water" - See Sewage
- (13) "Dried Sludge" means sludge with a solids concentration of greater than twenty (20) percent accomplished by mechanical means or air drying that will result in a dry solids content in excess of fifty (50) percent.
- (14) "Heat Drying" means a process of applying heat as a means of removing excess water from sludge as well as destroying pathogens.
- (15) "Heat Treated" means a process of subjecting sludge to high pressure and/or temperature such that all organisms are destroyed.
- (16) "Incinerator Sludge Ash" means sludge ash from a system where over ninety-eight (98) percent of the water is evaporated and the organic material is reduced to less than five (5) percent by combustion at temperatures in excess of 1300°F.
- (17) "Liquid Sludge" means sludge with a solids concentration of less than ten (10) percent.
- (18) "Non-digested Sludge" means sludge that has accumulated in a digester not operating efficiently or a septic tank process whose function is confinement and/or separation of liquids and solids.
- (19) "NPDES Permit" means a waste discharge permit issued in accordance with requirements and procedures of the National Pollutant Discharge Elimination System authorized by the Federal Clean Water Act and of OAR 340 - Division 45.
- (20) "Person" means the United States and agencies thereof, and state, any individual, public or private corporation, political subdivision, governmental agency, municipality, co-partnership, association, firm, trust, estate or any other legal entity whatever.
- (21) "Raw Sewage Sludge" means non-decomposed or non-oxidized sewage sludge.
- (22) "Septage" means the pumpings from septic tanks, cesspools, holding tanks, chemical toilets and other sewage sludges not derived at sewage treatment plants.

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

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

(25) "Sludge" - See Sewage Sludge

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

(27) "Waste Treatment" - See Treatment

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

Permits

340-50-015 Any person engaged in sewage treatment or collection processes where sludge is produced and subsequently disposed of, must have in their possession either a valid NPDES or WPCF permit obtained pursuant to ORS 468.740 or a solid waste disposal permit obtained for a specific site as provided by ORS 459.205 or a valid sewage disposal service license issued pursuant to ORS 454.695. Permit issuance or renewal will require evaluation of the sludge management plan which must identify all sites used for sludge application or disposal.

Responsibility

340-50-020 It is the responsibility of the permittee and/or licensee to insure the proper handling, disposal, and application of all sludge generated or pumped. Transportation of the sludge to the disposal or application site shall be made in such a manner as to prevent leaking or spilling the sludge onto highways, streets, roads, waterways, or other land surfaces not approved for sludge application.

Limitations & Restricted Uses

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

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

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

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

(5) Sludge ash applied to farmland shall not exceed the loading rates for heavy metals established for sludge in Table 2.

Site Selection and Approval

340-50-030 (1) Prior approval must be obtained in writing from the Department for the application of sludge or septage on beneficial use sites or disposal sites.

(2) All persons engaged in sludge disposal or application activity shall submit a sludge management plan to the Department for review and approval. Unless notified of an earlier schedule established by the Department, all plans shall be submitted within one (1) year of enactment of these rules.

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

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

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

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

(7) Requests for approval of sludge disposal sites shall be accompanied by a statement of land use compatibility from the responsible planning jurisdiction.

Monitoring and Reporting

340-50-035 (1) The permittee shall provide sludge analysis and maintain a log of sludge applied to approved sites. The agricultural application site log shall become part of the site authorization and must be available for Department review during the life of the application site. Site logs shall be maintained as part of the permittee's permanent records.

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

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

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

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

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

** EPA-EP toxicity test procedure as described in Federal Register,
Vol.45, No. 98, 33127, May 19, 1980

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

Purpose

340-50-060 The following guidelines are meant to provide assistance in the development of environmentally acceptable sludge and septage use and/or disposal programs. They convey many of the criteria considered by the Department to be important in the use, site selection and application or disposal of sewage treatment plant sludge, sludge derived products and septage.

Use Limitations

340-50-065 (1) Controlled access to municipal sludge application sites for 12 months following a surface application is required. Access control is assumed on rural private land.

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

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

(4) Grazing animals should not be allowed on pasture or forage where digested sludge has been applied until thirty (30) days after application. Grazing restrictions may be extended to six (6) months where non-digested sludges are applied. Grazing restrictions may be reduced to seven (7) days after application of air dried sludge.

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

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

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

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

Criteria For Site Selection and Approval

340-50-070 (1) Sites should be on a stable geologic formation not subject to flooding or excessive runoff from adjacent land. If periodic flooding cannot be avoided, the period of application should be restricted and soil incorporation is recommended.

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

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

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

(5) Where heavy metal "accumulator" crops are grown, the soil should have a pH of 6.5 to 8.2. If the pH is below 6.5 at sites where sludge is applied above agronomic rates on an annual basis, or where sludges contain unusually high concentrations of heavy metals, the soil should be limed to raise and maintain the pH 6.5 or above. Saline and/or alkali soils should be avoided.

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

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

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

Monitoring and Reporting

340-50-075 (1) Where sludge is applied at or below agronomic rates (based on crop N requirements), no monitoring other than the sludge analyses and cumulative application of sludge to a site will be required. If sludge contains high concentrations of heavy metals (Table 1) or other toxic elements, or if crop N requirements are exceeded on an annual basis, additional monitoring and special management practices may be required.

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

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

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

Application of Municipal Sludge and Septage

340-50-080 (1) The application of sludge on agricultural land should be managed to utilize the fertilizer value to the maximum extent possible. The recommended rate of sludge application is based on the nitrogen requirement of the crop grown and will vary depending on the nitrogen content of the sludge. Calculations to determine the amount of heavy metals being applied to land in sludge are also necessary to insure long term conformance with loading limits (Table 2).

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

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

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

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

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

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

(8) Crops grown for direct consumption (fresh market) have the potential of contamination by low numbers of intestinal worm eggs and pathogenic organisms. Root crops and leafy vegetables which are grown in direct contact with sludge amended soil require an 18 month waiting period between sludge application and planting to insure sanitation. When concern exists regarding possible indirect contamination of fresh marketed crops such as green beans, pole crops, sweet corn, fruit and nuts, the same waiting period restriction applies. Management practices such as soil incorporation or injection in advance of planting or fruit set may reduce the hazard of contamination.

There is no restriction on planting time for crops not grown for direct human consumption. There is also no restriction on the use of compost for food chain crops which are not grown for direct human consumption and when the portion of the plant to be eaten does not come in direct contact with the

compost if the metal content of the compost is below the concentration. Shown in Table 1.

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

Table 1
(340-50-075)

Acceptable levels of Metal Content of Sludge
for General Application to Agricultural Land

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

Table 2
(340-50-080)

Maximum Heavy Metal Loading Recommended for Sludge Applications
to Privately Owned Farmland

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

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

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

ERL:1
WL2832
Revised 7/25/84

List of Respondents

WRITTEN

1. Unified Sewerage Agency of Washington County
Hillsboro, OR
2. City of Medford
Medford, OR
3. Metropolitan Wastewater Management Commission
Springfield, OR
4. City of Portland
Portland, OR
5. City of Sutherlin
Sutherlin, OR
6. City of Lebanon
Lebanon, OR
7. Clackamas Co. Development Services Division
Oregon City, OR
8. Clackamas County, Utilities Division
Oregon City, OR
9. Operations Management International, Inc.
Kingwood, TX (City of Lebanon)
10. Wash. Co. Soil and Water Conservation District
Hillsboro, OR
11. Lane Council of Governments
Eugene, OR
12. Waste Water Management, Inc.
Troutdale, OR
13. Waste Water Management, Inc.
Troutdale, OR
14. CES Ltd.
Albany, OR
15. City of Enterprise
Enterprise, OR

ORAL

1. Dan Leonard, Unified Sewerage Agency
Concerned about groundwater and incinerator ash.
2. Woodie Muirhead, City of Medford
Wants better definition and expanded uses for dried sludge.
3. Alan Peroutka, Metro Wastewater Mgt. Comm.
Concerned about public participation in site approval process.
Wants long term sludge storage to be equal with other processes
to further reduce pathogens.
4. Terry Rahe, CES Ltd.
Wants better definition of beneficial use to provide short and
long term site protection.
5. John Burnett, Chinook Laboratories
Can provide analytical testing service for cities. Will do
complete list of sludge tests for \$150 each occurrence.
6. Holly Mason, City of Woodburn
Favors use of sludge on agricultural land.
7. Glen McClung, City of Woodburn
In favor of rules.
8. Jimmie Thomas, City of Klamath Falls
Concerned about city's responsibility for dried sludge "give-
away" program.
9. Steve Cooper, Chinook Laboratories
Offers service to cities or farmers. Will do sludge analysis
and calculate application rates.
10. Kenneth Staten, City of Bend
Ask for clarification of land use compatability. Would like
breakdown on all heavy metal application rates for various crops.
11. Richard Nelson, City of Myrtle Creek
Concerned about length of time cities should keep records. Wants
more information on sludge stability determination.
12. Labrie Ritchie, Roseburg, OR
Local farmer wants all the sludge he can get.



STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

Memorandum

To: Environmental Quality Commission Date: 7/27/84

From: Carol Splettstaszer *Carol*

Subject: Attachment - Agenda Item G

Attached for your information are copies of the written testimony received on the proposed rules for land application and disposal of sewage treatment plant sludge and sludge derived products including septage.

/cs
Attachments



Unified Sewerage Agency of Washington County

150 N. First Avenue
Hillsboro, Oregon 97123
503 648-8621

April 17, 1984

Ed Lynd
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Dear Mr. Lynd:

SUBJECT: Comments Regarding "Rules For Using Sewage Sludge For
Agricultural Purposes"

The Agency wishes to submit the following comments on the proposed sludge rules. With the exception of a couple of areas, I believe the Agency is complying with the proposed rules.

4 1. One of our main concerns is Part 340-050-070 (2), Ground Water Level. This section needs to verify how the permanent ground-water level is to be determined; i.e., DEQ, the Water Resource Board, by another agency. Additionally, the temporary ground-water level needs to be addressed on how it will be determined, and needs to be in the rules and not left up to the judgment of your field representatives. *Guideline*

We believe that the groundwater rule may restrict our land application during winter months (October - May). Therefore, we need to study alternatives for disposal.

2. The subject rules do not address sewage sludge incinerators or the application of ash from incinerators to landfill or for agricultural purposes. Therefore, due to possible misinterpretation of these rules in an attempt to apply them to incinerators and sewage sludge ash, we feel they should clearly state they're excluded or expand the rules to include them. The Agency supports the exclusion of incinerators in these rules. *OK*

If however the incinerated sewage sludge ash is to be included in these rules, we offer the following comments and/or changes:

a. Add under Definitions 340-50-010 (25) "Sewage Sludge Incinerator" means a system where over 98% of the water is evaporated from any type of sewage sludge and the organic material is reduced to less than 5% by combustion at temperatures in excess of 1300°F.

- OK*
- b. Add under Monitoring and Reporting 340-050-035 (2) All tests shall be performed using either standard methods* or EPA laboratory methods.** Except as otherwise required by the Department, minimum frequency of sludge analyses shall be:

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

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

**EPA-EP Toxicity Test Procedure as described in Federal Register, Vol. 45, No. 98, 33127, May 19, 1980

- c. It is recommended that DEQ utilize the test results of the EPA-EP Toxicity Test Procedure as described in the Federal Register, Vol. 45, No. 98, 33127, May 19, 1980, to evaluate to toxicity of wastewater ash and sludges.
- d. Add under Monitoring and Reporting 340-050-075 (1) If sludge contains high concentrations of leachate heavy materials (Table 1), etc.
- e. Add under Table I and II the above metal test shall be in accordance to EPA-EP Toxicity Test Procedure as described in the Federal Register Vol. 45, No. 98, 33127, May 19, 1980.

- OK*
3. The subject rules briefly address composting. This area needs more attention. For the Agency to produce a reliable analysis on a composting alternate, in the future we would like to see the rules better defined.

We also feel the following items need more clarification:

- only in GL section*
1. Some of the limitations use the word "should." Is this intended as mandatory or merely preferable?
 2. What is "Rural?" Is farm land inside city limits or adjacent to city limits, Rural?
 3. Tables 1 & 2 - are these tables intended as an either/or requirement, or must both criteria be met? -
 4. Is the metal requirement based on EPA-EP Toxicity Test Procedure, as defined in the Federal Register, Vol. 45, No. 98, 33127, May 19, 1980?

Ed Lynd, DEQ
Page 3
April 17, 1984

5. Will there be a compliance "grace period" after the adoption of the Rules and Guidelines? *AL*

In summary I would again like to stress our concerns about ground-water levels, test methods, incineration, and composting. We feel it is paramount that these be given attention, and look forward to your response.

Please call if you have any questions.

Sincerely,


Gary F. Krahmer
General Manager

GFK:jb



PUBLIC WORKS DEPARTMENT
Water Quality Control Plant
1100 Kirtland Road
Central Point, OR 97502

CITY OF MEDFORD
MEDFORD, OREGON 97501

TELEPHONE: 826-7943

April 17, 1984

Edgar Lynd
Department of Environmental Quality
Water Quality Division
P.O. Box 1760
Portland, OR 97207

RECEIVED

Water Quality Division
Dept. of Environmental Quality

Re: Comments on Sludge Rules and Guidelines

Ed:

I would like to preface my comments by saying I understand the difficulty of trying to establish rules and guidelines for sludge use that take into account the specifics of each wastewater treatment plant in the State of Oregon. Comment is necessary however, because we at Medford feel our situation is unique with regard to sludge processing and stabilization.

The Medford Water Quality Control Plant generates approximately 1,500 dry tons of sludge annually from primary and secondary treatment processes. The sludges are digested anaerobically and aerobically, respectively. Following digestion the sludge is transferred to storage lagoons where it is held during the wet months. Further stabilization in the lagoons results in an overall volatile solids reduction of about 65%. In May or June the stored sludge is pumped to drying beds and subjected to solar evaporation and extreme variations in temperature from 60 degrees F to 120 degrees F. After six to eight weeks the sludge is dried (90-95% solids) and ready for agricultural reuse. Complete land application of the dried sludge takes from two to four weeks.

The above synopsis of sludge processing at Medford will hopefully help you understand our concern about certain aspects of the proposed rules and guidelines. Though the proposals do not differ substantially from the existing guidelines, the situation changes when they become regulations attached to the WQCP NPDES permit.

Medford is genuinely concerned about possible negative impacts of sludge application to cropland. So much in fact that initial experimental applications eventually developed into a City-owned agricultural site costing over \$100,000. When sludge application began on private cropland we had six years of experience behind us. In addition we perform more analyses on soils and tissue from these sites than probably would ever be required. The existing guidelines have been followed almost to the letter despite the fact that many aspects of them seem totally unwarranted when considering the situation at Medford.

Outlined below are specific comments concerning the proposed regulations and guidelines. The comments are arranged in order of appearance in the document.

A. Definitions (340-50-010)

(11) Dried Sludge

The definition is too broad. Medford sludge is greater than 90% solids yet it is characterized, by definition, with mechanically dewatered sludge cakes between 20-30%. This characterization is the basis for many of Medford's concerns about the regulations and guidelines.

B. Monitoring and Reporting (340-50-035)

(2) Nitrate Nitrogen (NO_3)
Ammonia Nitrogen (NH_3)

Due to the extreme dryness of Medford sludge these values are an insignificant portion of the total nitrogen (less than 1/2 of 1%). Nitrate and ammonia are lost during the drying process due to volatilization and denitrification.

(2) Frequency
> 10 MGD Quarterly

When dried sludge is applied only once annually only an annual analysis should be required. The statement "Except as otherwise required by the Department, minimum frequency..." implies more frequent analysis. Medford analyzes digester contents bi-monthly for metals. However, to report these values would mislead what is being applied to land. Long term lagooning may result in 1984 sludge being applied in 1986.

C. Guidelines (340-050-060)

Are the guidelines for the permittee or the DEQ field representative? As stated earlier Medford has followed past guidelines almost to the letter. Some of the guidelines were enforced by a previous Medford Region DEQ representative as regulations (due to his lack of experience with sludge application outside of Medford) without regard to the nature (i.e., dryness) of Medford's sludge.

D. Use Limitations (340-050-065)

(3) Crops For Direct Human Consumption

Waiting 18 months after applying sludge is inconsistent with the Department's goal to apply sludge at agronomic rates. The nitrogen in the soil during this period will not remain and possibly contribute to ground water contamination. It is recommended that a ground cover crop be applied and maintained during the waiting period.

(4) 30 Day Waiting Period For Cattle Grazing

This provision is inappropriate for the extremely dry sludge Medford applies to cropland. Short of some chemical or heat treatment, digestion followed by long term lagooning, solar evaporation and extreme temperature variations in the sludge drying beds is an effective means of pathogen reduction. Though Medford adheres to the waiting period we do not desire to be restricted to thirty days in every instance.

(5) Compost

Is site approval required for compost use in discreet ornamental applications (flower beds in parks, greenhouses, golf courses, and private home use)?

E. Criteria for Site Selection and Approval (340-050-070)

(5) Liming Requirement

How is liming requirement determined? Medford has determined lime needs using SMP Buffer Method of Oregon State University. Despite a low soil pH (5.5) after sludge application, the SMP method indicates no lime is required. Some reliable means of determining lime requirement should be proposed.

(6) Buffer Limits for Sludge Application

Due to the extreme dry nature of Medford sludge no buffer limit should be required whether the sludge is surface applied or soil incorporated. There is no odor or liquid drift.

F. Monitoring and Reporting

(3) Test Wells

Some criteria should be established for determining if wells are necessary. Past experience leads us to question the benefits or need in most cases in Medford.

G. Application of Municipal Sludge and Septage

(4) "Background soil pH" should be included in the definitions as soil pH prior to any sludge application.

H. Medford receives at least two requests per week for home use of sludge for flower beds and lawns. Is there some way of including a minimum quantity for giveaways without site approval (i.e., 5 cu. ft.)? Please consider once again the dryness of Medford's sludge.

Woodie

Woodie Muirhead
WQCP Supervisor

WMM:cb

Metropolitan Wastewater Management Commission

COMMISSION MEMBERS
Christine Larson—Springfield Councilperson
Gerald Rust—Lane County Commissioner
Pat Hocken—Eugene Lay Representative
Betty Smith—Eugene Councilperson
Steve Allen—Springfield Lay Representative
Mark Westling—Eugene Lay Representative
Gary Wright—Lane County Lay Representative

3

225 NORTH 5TH ST. — SPRINGFIELD CITY HALL — SPRINGFIELD, OREGON 97477 TELEPHONE (503) 747-4551

April 18, 1984

Department of Environmental Quality
Water Quality Division
522 S.W. 5th Avenue
Portland, OR 97204

RECEIVED
APR 26 1984

Attention: Mr. Ed Lynd

Water Quality Division
Dept. of Environmental Quality

SUBJECT: COMMENTS ON PROPOSED RULES FOR USING SEWAGE SLUDGE FOR AGRICULTURAL PURPOSES

The Metropolitan Wastewater Management Commission (MWMC) supports, in general, the Department of Environmental Quality's (DEQ) proposed regulations and guidelines for management of beneficial sludge use. This testimony is submitted to ask DEQ to: (1) minimize the use of the proposed public hearing process in sludge application site reviews; and (2) include lagoon storage of sludge as a sufficient treatment for use of the sludge without restriction of public access after application.

The MWMC has successfully operated an agricultural sludge use program in the Eugene/Springfield area for the past four years. During these years, all sludge produced at both the Eugene and Springfield treatment facilities has been disposed of through beneficial use. We are currently in the start-up phase of a 49 million gallon per day, \$54 million regional wastewater treatment facility for the Eugene/Springfield area. The MWMC has selected a sludge handling program for this regional plant which will continue to utilize sludge beneficially for the majority of sludge disposal through the design life of the plant.

The MWMC has historically taken the position that properly managed, sludge should be considered a resource which can be recycled beneficially rather than as a waste product to be thrown away. The MWMC has received encouragement in this position through its citizen advisory committees and other public participation inputs. Public response from the farming community has been favorable as based on a 1980 survey of Lane County farmers, and on the fact that we have had more demand for sludge than we have had sludge to apply. At present, more than 5,000 acres of land in Lane County have received DEQ

approval as land application sites. The EPA Construction Grants Program has also encouraged agricultural use of sludge through offering financial incentives for those programs which use the sludge recycling concept. MWMC has received additional funding support for its sludge program based on this federal incentive.

Despite MWMC's philosophy of beneficial use, the endorsement of local citizen advisory groups, the support of the Lane County farming community and encouragement of regulatory agencies, the concept of sludge use has received limited--but vocal--opposition from a small segment of the nonfarming community. These opponents of sludge use base their objections on imagined hazards which have not been borne out through long-term experience with sludge use throughout the country. We are concerned that excessive use of the public hearing opportunities provided in the proposed sludge use regulations may encourage opportunities for sludge use opponents to repeatedly verbalize their fears. We feel this may result in the withdrawal of sludge users from the beneficial use programs to avoid possible public confrontations and scrutiny of their private farm management practices.

MWMC believes very strongly that existing and proposed guidelines and regulations developed by DEQ are prudent and adequate to protect groundwater quality, surface water quality and land quality at sludge application sites. These regulations already address the sensitive issues of proximity of sites to residential housing, run-off potential, and threat to groundwater.

→
Rule We would like to see the DEQ take the position that a public hearing would not be required for a site application which meets all of the proposed regulations and guidelines regulating use of sludge. Public hearings would then only be optional for proposed applications which fall outside of the guideline limits or which are not covered by the guidelines and regulations. Discreet solicitation of public comments would then still be an available means of gathering meaningful additional information from surrounding neighbors.

→
GL. Turning to the second subject of our testimony, we suggest a change in guideline 340-050-065(5). This guideline allows the use of composted or heat-dried sludge without restriction of public access to the application area. It is assumed that these two methods of sludge treatment were singled out due to the recognition that these treatments provide for significant pathogen reduction and/or volatile solids reduction in the sludge. These sludge treatments are defined in the federal regulations controlling beneficial sludge use, Title 40 Part 257--Criteria for Classification of Solid Waste Disposal Facilities and Practices, as a "process to further reduce pathogens." Also defined in these federal regulations as processes to further reduce pathogens are heat treatment, thermophilic aerobic digestion, and other methods which would reduce pathogens and vector attraction of the sludge to an extent equivalent to the reduction achieved by any of the other methods. Studies have shown that long-term storage of sludge in facultative sludge lagoons provides significant pathogen reductions and volatile solids reductions which may be

equivalent to other processes to further reduce pathogens. We request that lagoon storage be included as an equivalent treatment under the DEQ guidelines.

MWMC is currently pursuing a permanent sludge management facility for its regional facilities which would include storage of sludge in facultative sludge lagoons for periods up to, or greater than, one year prior to air drying and land application. Two of the significant advantages of facultative sludge lagoon storage are a reduction in volatile solids in the sludge beyond that achieved by anaerobic digesters and significant pathogen reduction in the stored sludge. The sludge handling alternative selection study completed by Brown and Caldwell and entitled, "Sludge Management Program for the Metropolitan Wastewater Management Commission," December 1980, states that studies have shown that 12-month lagoon storage of sludge achieves pathogen reduction equivalent to other methods defined as "processes to further reduce pathogens." The report states that it has long been recognized that lagooning of digested sludge at ambient temperatures can destroy pathogenic bacteria. The report cited tests which were conducted in Sacramento, California during 1977 which compare bacterial survival in sludge between the raw sludge state and facultative sludge lagoon harvested sludge. Reductions during anaerobic digestion and facultative sludge lagoon storage were reported as follows: Fecal Coliforms--99.998 percent reduction, Fecal Streptococci--99.820 percent reduction, Total Aerobic Bacteria--98.469 percent reduction.

The EPA document entitled "Municipal Sludge Management: Environmental Factors," October 1977, recognizes that long-term storage of liquid digested sludge for at least 60 days, at 20° Centigrade or 120 days at 4° Centigrade will generally provide extra pathogen destruction required for critical uses.

The EPA technology transfer manual entitled "Process Design Manual for Sludge Treatment and Disposal," September 1979, also recognizes the benefit of pathogen reduction in sludge storage lagoons. This manual cites studies which, for example, have reported a 99.9 percent reduction in fecal coliform density after 30 days' storage, and major reductions in fecal coliform, total coliform, and salmonella bacteria after anaerobically-digested sludge was stored in anaerobic conditions for 24 weeks at 39° Fahrenheit (4° Centigrade). In similar tests, at 68° Fahrenheit (20° Centigrade) the same bacteria could not be measured after 24 weeks. Viruses were reduced by 67 percent at 39° Fahrenheit (4° Centigrade) and to below detectable limits at 68° Fahrenheit (20° Centigrade) in the same time period.

The Draft Environmental Impact Statement which was prepared by EPA to review MWMC's long-term sludge program also reported several studies which showed significant reductions of virus, bacteria and parasites in sludge lagoons. The report concluded that prolonged lagoon storage will significantly reduce the total number of pathogens present in sludge.

MWMC proposes that the DEQ staff review the available studies of lagoon storage as related to pathogen reduction and volatile solids reduction and include lagoon storage along with composting and heat drying as a sufficient treatment

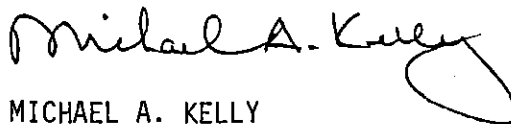
April 18, 1984

Page 4

for use of the sludge without restriction of public access after application. The guidelines should, at a minimum, be revised to acknowledge the fact that other treatments of sludge may produce the same level of pathogen reduction and volatile solids reduction as composting and heat drying and should, therefore, be subject to the same privilege in the guidelines. For your convenience, we have enclosed pertinent sections of the documents referenced above regarding lagoon-stored sludge.

In summary, the MWMC supports the proposed regulations, aside from the two points mentioned in these comments. We believe the regulations and guidelines will result in environmentally-sound sludge use. Thank you for the opportunity to comment.

Very truly yours,



MICHAEL A. KELLY
Executive Officer

MAK:AP:sh

Enclosures

cc: DC
BCS



SLUDGE MANAGEMENT PROGRAM

METROPOLITAN WASTEWATER MANAGEMENT COMMISSION

1980

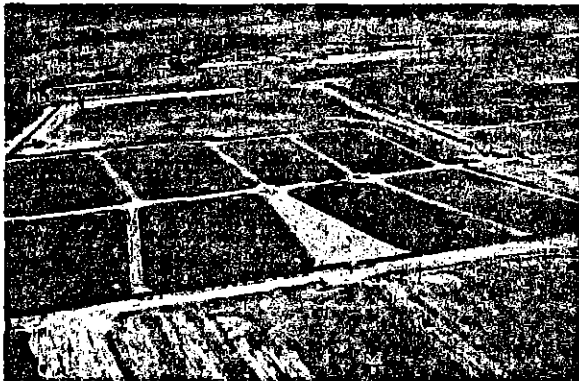


Figure 6-4. Facultative Sludge Lagoons at Sacramento, California

FSLs function essentially as secondary digesters. Over time there is a continual reduction in VS which, together with the solids concentration that occurs, significantly increases the storage capacity of the lagoons and reduces the amount of sludge for disposal. Based on quarterly samplings of the lagoons at Sacramento, California, as much as 45 to 50 percent VS reduction has occurred in the first few years of storage.⁴ With feed sludge concentrations averaging about 1.6 percent total solids (TS), sludge harvested from the bottom of the lagoons has an average TS content of 5 to 7 percent. Relatively clear supernatant, with BOD and suspended

solids approximately equal to the values found in untreated wastewater, is removed from the surface of the FSLs and returned to the treatment plant. The combined effect of VS reduction, solids settling and concentration, and removal of supernatant significantly reduces the sludge volume to be ultimately handled. Assuming a 40 percent VS reduction in the FSLs, feed solids of 3 percent and harvest solids of 5 percent, a volume reduction greater than 50 percent would result with the Eugene-Springfield sludge.

Another benefit of FSL storage is pathogen reduction. It has long been recognized that lagooning of digested sludge at ambient temperatures can destroy pathogenic bacteria. Federal sludge disposal policy has shown acceptance of this destruction capability by indicating that 60-day storage at 20 degrees C or 120-day storage at 4 degrees C will generally provide the degree of pathogen destruction required for critical uses.⁷ More recently, EPA sludge disposal regulations have categorized processes for pathogen reduction.⁸ Studies have shown that 12-month lagoon storage of sludge achieves pathogen reduction equivalent to other methods defined as "Processes to Further Reduce Pathogens." Tests were conducted in Sacramento, California, during 1977, to compare bacterial survival in sludge between the raw sludge state and FSLs-harvested sludge.⁹ Reductions during anaerobic digestion and FSL storage were reported as follows:

<u>Bacteria</u>	<u>Percent Reduction</u>
Fecal Coliforms	99.998
Fecal Streptococci	99.820
Total Aerobic	98.469

REFERENCES

CHAPTER 6

1. United States Environmental Protection Agency. Process Design Manual for Sludge Treatment and Disposal. Chapter 12. September 1979.
2. Counts, C.A. and Schuckrow, A.J. Design, Development, and Evaluation of a Lime Stabilization System to Prepare Municipal Sewage Sludge for Land Disposal. Report for EPA, Contract No. 68-03, 0203, Pacific Northwest Laboratories, Batelle Institute. 1974.
3. Paulsrud, B. and Eikum A.S., "Lime Stabilization of Sewage Sludges." Water Research, Volume 9, pages 297-305. 1975.
4. Scheidegger, Paul A., et al. "Dedicated Land Disposal of Lagooned Sludge." Presented at the First Annual Conference of Applied Research and Practice on Municipal and Industrial Waste. Madison, Wisconsin. September 13, 1978.
5. Uhte, Warren R. "Wastewater Solids Storage Basins - A Useful Buffer Between Solids Stabilization and Final Disposal." Presented at The 48th Annual Conference of the California Water Pollution Control Association. Lake Tahoe, California. April 14, 1976.
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**CONSTRUCTION GRANTS PROGRAM
REQUIREMENTS**

**MUNICIPAL SLUDGE MANAGEMENT
ENVIRONMENTAL FACTORS**



OCTOBER 1977

**U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF WATER PROGRAM OPERATIONS
MUNICIPAL CONSTRUCTION DIVISION
WASHINGTON, D.C. 20460**

MCD-28

2-2.2 Site Soils. Soils receiving sludge for agricultural purposes, should be tested for phosphorus, potassium, pH, and heavy metals. There should also be knowledge of the approximate soil cation exchange capacity. Soils data and surveys are available through the Soil Conservation Service. Soil testing also can be arranged through local county agricultural extension agents, State Agricultural Experiment Stations and private laboratories. The number and extent of these tests may be minimal for largely domestic sludges where the application rates are low (paragraphs 2-3.10 and 2-4), or where certain soil survey information already exists.

2-2.3 Groundwater. A review of existing information and/or an investigation of groundwater conditions should be made for sites where sludge is to be applied to the land at greater than crop fertilizer rates (paragraph 2-3.8). Attention should be paid to the sites' geology and soil physical properties to avoid areas underlain by highly porous, fractured or stratified formations. The extent of the evaluation should be based on the size of the project and the potential impact on groundwater. Maintaining the pH of the combined soil and sludge above 6.5 will help prevent solubilization and migration of most metal ions into the groundwater.

2-3. General Requirements for Land Application of Sludges

2-3.1 Stabilization. Under most circumstances sludge should be stabilized (by means of chemical, physical, thermal, or biological treatment processes that result in the significant reduction of odors, volatile organics and pathogenic organics) before land application to reduce public health hazards and to prevent nuisance odor conditions. The stabilization method most frequently used has been anaerobic digestion, but there are numerous other methods producing comparable results. Discussions

involving stabilized sludge in this document are based on a product equivalent to, or better than anaerobically digested sludge.

Experience shows that consistent and effective control of odors is a major factor in the public attitudes toward sludge transport, sludge storage and land application techniques. The odor conditions are closely related to anaerobic bacterial action on volatile organic matter in both the liquid and solid portions of the sludge. The degree of volatile matter reduction achieved by anaerobic digestion may vary greatly, depending on the basic digester design and the percentage of volatile solids in the raw sludge. Well designed and carefully operated high rate anaerobic digesters can digest sludge to control odors and reduce pathogen concentrations when the sludge is digested for at least 10 days at 95° F. Such high rate digestion requires close operational control for successful performance. Smaller plants usually use standard rate digestion. [Although digestion can reduce the number of influent fecal coliforms by 97 percent or more, the remaining levels of microorganisms may still have public health significance.]

Other methods to prepare sludge for land application may be used. Some examples are: composting of raw as well as digested sludge, aerobic digestion, chemical treatment (lime treatment, etc.), heat stabilization, or heat drying. In cases where stabilization is determined to be necessary, the grant applicant should show that the performance of the alternative used for preparing the sludge is equivalent to anaerobic digestion in reducing odor potential and volatile organics.

Chemical treatment of sludges may only provide temporary inhibition of odors. Incorporation of the sludge into the soil is recommended for those sludges which have odor potential (paragraph 2-3.7).

At some plants, stabilized sludge is spread on drying beds or temporarily stored in properly designed sludge lagoons. These methods decrease subsequent odor problems from sludge applied to land since additional stabilization occurs with time. Caution must be exercised, however, to ensure that there are no objectionable odors from the storage site.

2-3.2 Additional Pathogen Reduction. Under certain conditions (e.g., due to State regulatory requirements controlling public access or for projects involving hospital wastes), it may be necessary to achieve additional bacteria, parasite, and/or virus reduction or deactivation beyond that attained by stabilization. The following methods have been used:

- a. Pasteurization for 30 minutes at 70°C.
- b. High pH treatment, typically with lime, at a pH greater than 12 for 3 hours.
- c. Long term storage of liquid digested sludge for at least 60 days at 20°C or 120 days at 4°C.
- d. Complete composting at temperatures above 55°C as a result of oxidative bacterial action and curing in a stockpile for at least 30 days.
- e. Both gamma and high energy electron ionizing radiation under various application procedures including combination treatment with thermal conditioning and oxygenation.

2-3.3 Crops Suitable for Sludge Application. Crops vary in their reaction to sludge enriched soils. Most crops benefit from the nutrients, such as nitrogen and phosphorus, and organic matter present in the sludge. However, some crop species may be adversely affected by excess heavy metals or other contaminants. Additionally, the crop may take up and accumulate certain of these trace elements, and possibly inhibit

EPA 625/1-79-011

**PROCESS DESIGN MANUAL
FOR
SLUDGE TREATMENT AND DISPOSAL**

U.S. ENVIRONMENTAL PROTECTION AGENCY

**Municipal Environmental Research Laboratory
Office of Research and Development**

**Center for Environmental Research Information
Technology Transfer**

September 1979

7.3.2 Long Term Storage

Pathogen reduction has been recognized for years as a side benefit of sludge storage in lagoons. Hinesley and others have reported 99.9 percent reduction in fecal coliform density after 30-days storage (22). For an anaerobically digested sludge stored in anaerobic conditions for 24 weeks at 39°F (4°C), Stern and Farrell reported major reductions in fecal coliform, total coliform, and Salmonella bacteria (11). In similar tests at 68°F (20°C), the same bacteria could not be measured after 24 weeks. Viruses were reduced by 67 percent at 39°F (4°C) and to below detectable limits at 68°F (20°C) in the same time period. Recent work by Storm and others showed fecal coliform reductions of one to three orders of magnitude during long-term storage of an anaerobically digested mixture of primary and waste-activated sludge in facultative lagoons (23).

7.3.3 Chemical Disinfection

A number of chemicals used for wastewater sludge stabilization, including lime and chlorine, also reduce the number of pathogenic organisms in sludge.

7.3.3.1 Lime

Lime treatment of wastewater sludge is discussed in detail in Chapter 6. Plant-scale liming of wastewater sludge was evaluated at Lebanon, Ohio (24). Two chemical-primary sludges, one with alum and one with ferric chloride, were limed to pH 11.5 and placed on drying beds. After one month, Salmonella sp. and Pseudomonas aeruginosa were undetectable. Bench testing was also conducted on ferric chloride-treated wastewater raw sludges that were limed to pH 10.5, 11.5 and 12.5; these sludges were sampled after 0.5 hours and 24 hours and bacterial tests performed (24). Pathogenic bacteria reduction improved with time and was substantially better at pH values of 11.5 and 12.5. Qualitative checks for higher life forms such as Ascaris ova indicated that they survived 24 hours at a pH greater than 11.0. Virus studies on limed sludges have not been reported, but a pH in excess of 11.5 should inactivate known viruses (11).

7.3.3.2 Chlorine

Chlorine is a strong oxidizing chemical used for disinfecting drinking water and wastewater effluents. It is effective for bacteria and virus inactivation if applied in sufficient quantity to develop a free chlorine residual in the solution being treated. Chlorine is less effective in disinfecting solutions with a high suspended solids concentration. Cysts and ova of parasites are very resistant to chlorine. The use of chlorine for wastewater sludge treatment is presented in Chapter 6. Few

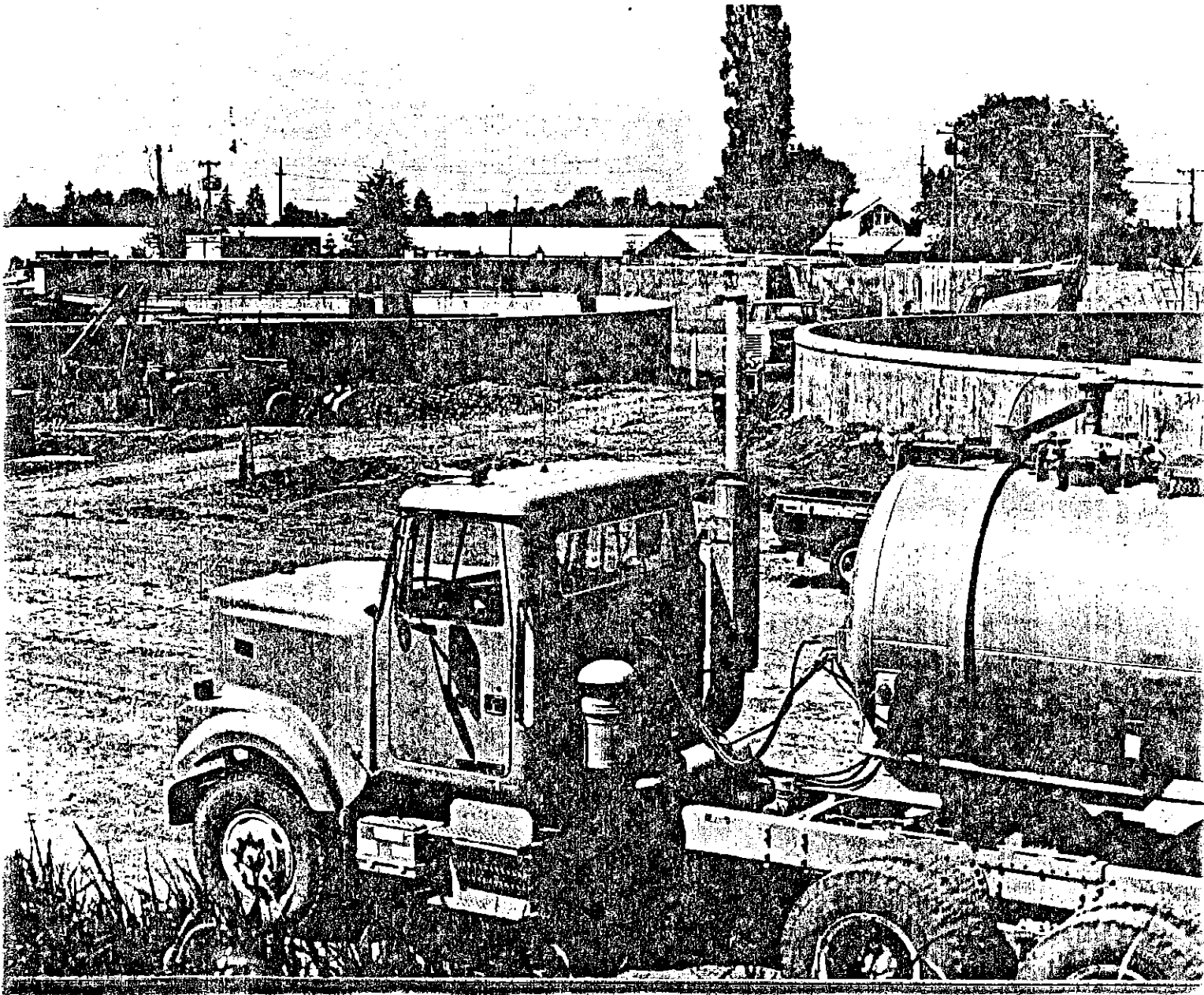
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Environmental Impact Statement Draft

Metropolitan Wastewater Management Commission Sludge Management Plan Eugene-Springfield, Oregon



This could, in turn, cause deterioration of water quality in the receiving streams and rivers. Deterioration of stream and river water quality could indirectly impact health through both recreational and commercial use of the waters, including fishing, swimming, and irrigation.

So far, suitable methods for disposing of liquid sludge in the Eugene/Springfield area during the wet winter months, other than those discussed as alternatives in this report, have not been identified. If the No Project Alternative were pursued, MWMC would have to address this problem some time in the future to ensure disposal of the sludge in a manner that would not contaminate drinking water supplies or otherwise adversely impact the health of the citizens of Eugene/Springfield and surrounding areas.

IMPACTS OF ALTERNATIVES

Alternative 1

Alternative 1 involves the construction of storage lagoons at one of three alternative off-site locations, pumping and storage of all sludge in the lagoons in the winter with air drying, and agricultural reuse of the sludge in the summer. The Short Mountain Landfill will serve as a back-up for disposal of air-dried sludge if agricultural land is not available. The use of the centrifuges at the treatment plant will be discontinued.

STORAGE LAGOONS.

The public health impacts of the storage lagoons include:

- o Additional reduction of microbial pathogens during lagoon storage.
- o Reduction or elimination of the need for sludge disposal during the winter.
- o Potential of drinking water contamination from leaky lagoon.
- o Potential for animal vector transmission of contamination.

Dotson (1973), in a review of the literature, reported that storage for long periods is one of the simplest methods of reducing pathogen levels in domestic sewage sludge. One study cited by Dotson (1973) reported a 99.9 percent reduction in fecal coliforms following a 30-day storage period. Gerba (1983) cited a number of studies reporting virus, bacteria, and parasite inactivation in sludge lagoons ranging from 50-100 percent. Brown and Caldwell (1980) also cited literature reporting 98-99.99 percent reduction of various bacteria in FSLs. It is safe to say that prolonged lagoon storage will significantly reduce the total number of pathogens present in the sludge. The

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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 20, 1984

ED LYND
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
PO BOX 1760
PORTLAND OR 97207

RE: Proposed Rules for Using Sewage Sludge

Dear Ed:

Enclosed are comments on DEQ's proposed rules for the use of sewage sludge for agricultural purposes. These comments support the City of Portland's decision to compost sewage sludge, our current construction of a \$12,000,000 sludge dewatering and composting facility, and the anticipated sale of compost for horticultural and other crop use. We believe the composting of sewage sludge creates a product that is substantially different than uncomposted sludge and, consequently, request the three following suggestions be given consideration to further clarify the difference between sludge and compost and the beneficial uses of compost.

1. In the proposed Administrative Rules, Division 50, we propose the following statement be added to the paragraph on "Purpose,"
Section 340-50-005: "Compost derived from sludge is not to be considered sludge in these rules except where expressly included."
2. In Section 340-50-010, "Definitions," we recommend the following be added to definition (22): "Sludge does not mean compost derived from sewage sludge."

We further suggest that a new definition be added to this same section for the word "compost." This definition could read similar to the definition of sludge compost as submitted by Dr. Francis Gowin of the University of Maryland: "'Compost' means a humus product which results from a blend of carbonaceous material and dewatered sewage sludge that has undergone aerobic decomposition with controlled high temperatures of the composting process."

Rule
Def.

RECEIVED

APR 24 1984

Engineering
Bill Gaffi
796-7181

System Management
Joe Niehuser
796-7128

Wastewater Treatment
Jack Irvin
285-0205

Water Quality
Dept. of Environ
vision
of Quality

Solid Waste
Delyn Kies
796-7010

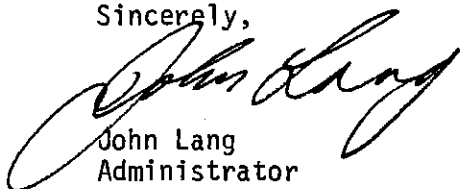
Ed Lynd
April 20, 1984
Page Two

- GL.
3. In the "Guidelines" portion of Division 50 we suggest in Section 340-050-080 on "Application of Municipal Sludge and Septage," the following language be added to paragraph (8): "There is no restriction on the use of compost for food chain crops which are not grown for direct human consumption and when the portion of the plant to be eaten does not come in direct contact with the compost if the metal content of the compost is below the concentrations shown in Table 1."

Even though it is not the City's intent to have the compost used on food chain crops until some future time when that use can be demonstrated to be safe beyond a reasonable doubt, we do desire as much opportunity to utilize compost for other items without unnecessary restrictions or limitations. Recognition should be made in the rules and regulations that the compost is safe for other uses and substantially different than uncomposted sludge.

Please be assured the City will comply with adopted DEQ rules and guidelines for the use of compost and sludge and continue to assist DEQ in developing safe, beneficial disposal and use of these materials. If there is any clarification or further comments desired, please call me at 796-7169.

Sincerely,



John Lang
Administrator

JML:lr

cc: Commissioner Lindberg
Steve Lokey, Taulman Company
Joe Niehuser
Jack Irvin

City of Sutherlin

POST OFFICE BOX 459 • SUTHERLIN, OREGON 97479
TELEPHONE (503) 459-2856

April 12, 1984

Mr. Edgar Lynd
Dept. of Environmental Quality
Water Quality Division
P.O. Box 1760
Portland, Ore. 97207

Dear Ed:

Just a few comments on the proposed rules on land application of sludge.

Rule

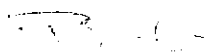
1. Monitoring and Reporting 340-50-035.
I feel that frequency of testing for plants of 0.5-2MGD could be changed from the annual as indicated if the initial report shows no deleterious metals. Many plants of this size do not have very large budgets.

GL

2. Criteria For Site Selection and Approval 340-50-070.
Under paragraph (3) it indicates that liquid sludge should not be applied on bare soils whith more than 12 percent slope but does not indicate the degree of slope for ground that has a cover crop on it. I feel that a 12 degree slope would really limit plants in our area. Also, the indication that sludge applications in Western Oregon should be restricted to the dry seasons would make a hardship as some of us do not have any other method of disposal and can not afford the fancy units that larger cities enjoy.

Other than the above it looks very good.

Very truly yours,



Robert Kimball, Supt.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
APR 12 1984
WATER QUALITY CONTROL



LEBANON CITY HALL

925 MAIN STREET, P.O. BOX 247
LEBANON, OREGON 97355

(503) 258-3185

ADMINISTRATION

FINANCE

COMMUNITY DEVELOPMENT

April 3, 1984

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APR 4 1984

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

Water Quality Division
Dept. of Environmental Quality

RE: Rules for using sewage sludge for agricultural purposes.

I have reviewed your "a chance to comment on" in reference to the subject above. Speaking for the City of Lebanon, I feel the proposed rules and guidelines are well written; however, I would like to address two subjects appearing in the rules section.

Rule
340-050-020 appears to make the permittee totally responsible for the disposal and application of all sludge. We have successfully operated a "pick up" program for dried sludge in the past. We furnish hand outs and verbally instruct these recipients of the necessity to observe certain precautions in applying sludge. This program will certainly end if we must be totally responsible. I urge you to ease this restriction to allow such programs with dried sludge and proper instruction without total responsibility of the City being a part of the rule.

Rule
340-350-035 sets forth rigid frequency requirements for the heavy metals testing, in our case semi-annually. We feel this requirement should only apply to plants, perhaps those with industry, that produce variable amounts of these metals. Again, in our instance, and I am sure many other small cities, there is no polluting industry. Our sludge analysis remains stable from year to year. To require double the testing only increases costs to the City with no accompanying benefit.

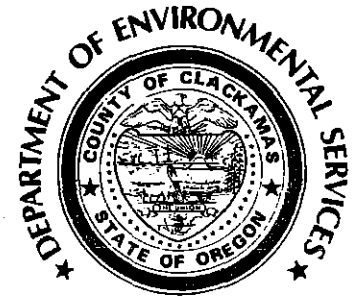
These changes would have only a slight effect in our overall day to day operation, I know, but we feel these changes would improve a good proposal. Thank you for any consideration you may give these comments.

Sincerely,

Stanley Stevenson
Stanley Stevenson,
Public Works Director

SS:jw

April 16, 1984



DEVELOPMENT SERVICES DIVISION

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

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

SUBJ: Rules for Using Sewage Sludge for Agricultural Purposes

I have just completed reading your proposed recommendations for regulations and guidelines pertaining to the disposal of sewage sludge and septage. Based upon my own experience with waste disposal on land and upon a review of available literature, it appears that some changes in these regulations may be in order. The following is a list of those areas in which my available literature would suggest some changes.

GL

Section 340-050-070(3)- This paragraph addresses the maximum slope to which liquid sludge should be applied. Available literature seems to indicate that the best or optimal slope for application of liquid sludge is 0 to 6%. Runoff problems are encountered when slopes exceed 6%. Therefore, the suggested 12% slope regulation appears to be excessively liberal. I would favor a review of this requirement and a reduction to a 6% slope.

GL

Section 340-050-070(5) - In my view, it is essential that any site contemplated for the application of sewage sludge should have the soil PH adjusted to a level of 6.5 or higher. Since the availability of most metals for plant uptake is at least in part PH dependent, it makes sense to minimize the amount of metal uptake by keeping the PH near neutral. There is considerable research available that would indicate that the uptake of zinc, nickel, or copper can be increased measurably by decreasing soil PH. Therefore, it would seem to be in the best public interest to control metal uptake by the relatively simply procedure of controlling soil PH.

GL

Section 340-050-080(2) - In addition to determining the nitrogen content of any sludge material, attention should be paid to the phosphorous content. Application of sewage sludge materials to agricultural land can result in overfertilization with phosphorous.

RECEIVED

APR 17 1984



This problem can cause reduced crop yields or no crop yields if the amount of phosphorous available is extremely high.

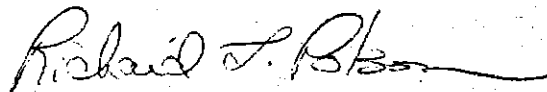
GL
OK
Section 340-050-080(3) - No comment is made in this particular section in reference to lead. Chemical analysis of sludges for lead should be made a routine part of the sludge analysis process, since its impact on the public health is well known.

Section 340-050-080(5) - As I indicated in previous paragraphs, I believe that PH should be adjusted to a level of 6.5 or more whenever or wherever you are applying sewage sludge to crop land. I do not believe that the DEQ has sufficient manpower or control over disposal sites such as to monitor farming practices. Therefore, in order to protect the public against the production of accumulator crops on soils with low PH, it would seem pertinent or appropriate to adjust PHs to 6.5 on any soil where sewage sludge is to be applied.

Section 340-050-080, Table 2 - The title to this table is somewhat misleading. I would recommend it be changed to Total Amount of Sludge Metals Allowed for Privately Owned Farm Land, With Soil PH Adjusted to 6.5.

As references for the above material, I have relied heavily on three sources. Perhaps the most useful source is a publication entitled "Application of Sludges and Wastewaters on Agricultural Land: Planning and Educational Guide". This publication is put out by the Ohio Agricultural Research and Development Center in Wooster, Ohio. It was edited by Bernard D. Knezek and Robert H. Miller and was published in 1976. The information contained in that publication is useful not only for determining application rates, but also for determining application techniques and management techniques for this program. I recommend it highly. I have also relied upon research in my own master's degree thesis and several recent articles in the Journal of Environmental Quality.

It is my hope that you will take these suggestions to heart and implement them as part of your rule proposal. If you have any questions concerning any of the points that I have brought up, I would welcome the opportunity to discuss them with you further. Thank you in advance for your time and consideration.



RICHARD L. POLSON
Chief Soils Scientist

/mb

CKA *[Signature]* *[Signature]*

8

April 17, 1984



UTILITIES DIVISION

JOHN C. McINTYRE DAVID J. ABRAHAM
Director Utilities Director

Oregon State
Department of Environmental Quality
Water Quality Division
P. O. Box 1760
Portland, OR 97207

SUBJ: WRITTEN COMMENTS - PROPOSED RULES FOR USING
SEWAGE SLUDGE FOR AGRICULTURAL PURPOSES

We have reviewed the proposed rules for using sewage sludge for agricultural purposes, and our only comment relates to Paragraph 340-050-030(5) under Site Selection and Approval on page 4.

This paragraph states "Prior to approval of any proposed site that may be sensitive with respect to residential housing, runoff potential or threat to groundwater, the Department may require an opportunity for public comment and public hearing." While we recognize the need for some public participation in land application projects, we are concerned that interpretation of this paragraph could eventually mean that all sites will be approved only after public comment and hearings are held. The key words in the rules being "any proposed site that may be sensitive . . ." If this were to become the case, we are concerned that most farmers would shy away from the program because of the necessary public involvement and potential for conflicts with their neighbors.

We believe that this paragraph is not needed. Sites that are sensitive to residential housing, runoff, or a threat to groundwater should not be utilized.

[Signature of Bruce W. Erickson]

BRUCE W. ERICKSON, P.E.
Project Manager

/ro

RECEIVED
APR 18 1984

Water Quality Division
Dept. of Environmental Quality





OPERATIONS MANAGEMENT INTERNATIONAL, INC.-Corporate Headquarters-900 Rockmead Drive, Suite 140, Kingwood, TX 77339
(713) 358-9134

March 20, 1984

Mr. John Borden
Dept. of Enviromental Quality
Williamette Valley Region
895 Summer, N. E.
Salem, Oregon 97310

Dear John:

I want to thank you for the copy of the proposed rules for land application and disposal of sewage treatment plant sludge. As you requested, I have reviewed the proposal for comment. Generally, I found the proposal to be a fair and manageable program for both the large and small sludge generator. There are two items I wish to comment on: They are:

1. 340-050-020 - Responsibility
2. 340-050-035 - Monitoring and Reporting

Responsibility - I cannot see how the permitter can be held responsible for proper handling, disposal and application of all sludge generated. I refer to the "sludge giveaway program", where the public comes in with their vehicle to haul sludge back to their home. Obviously, we can inform them of the limitations and criteria for proper disposal, but we cannot be responsible for their actions once they have left our premises. A similar analogy is where a consumer purchases one off the shelf chemical but does not follow the manufacturer's instructions and warnings. Surely we are dealing with material that is less hazardous than most off the shelf chemicals.

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MAR 23 1984

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALEM, OFFICE

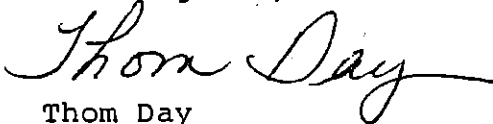
Mr. John Borden
Page 2
March 20, 1984

Monitoring and Reporting - The requirement to perform sludge analysis at a minimum frequency as noted in the proposal should be a guideline rather than a rule, because as long as there is little or no change in commercial or industrial activity in the community, there will be little or no corresponding change in sludge quality. Therefore, the frequency of testing could be excessive, and an unwarranted expense to the rate payer.

I have discussed your Department's proposal and this letter with the City of Lebanon. It is their intent to make public comment on these concerns in a letter to the Portland office.

Thank you for the opportunity to comment.

Best regards,

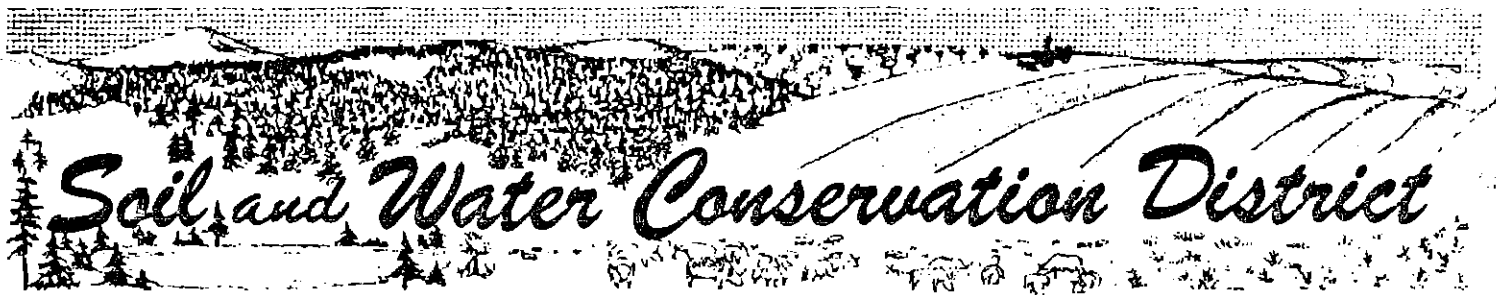


Thom Day
District Operations Manager
OMI, Inc.

TGD:jb

L2TGD032084T

OMI



257 WEST MAIN STREET
HILLSBORO, OREGON 97123

April 19, 1984

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

SUBJECT: RULES FOR USING SEWAGE SLUDGE FOR AGRICULTURE PURPOSES

Gentlemen:

The Washington County Soil and Water Conservation District is submitting the following request for change to this document:

Purpose

→
OK.

340-50-005....last sentence to read....Industrial sludge and agriculture wastes and sewerage waste water are not included in these rules.

Please send us a copy of the revised rules when they become available.

Thank you.

Sincerely,

Lyell Gardner
LYELL GARDNER, Chairman
Washington County SWCD

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APR 23 1984

Water Quality
Division
Dept. of Environ.
Quality

11

ICOG Lane Council of Governments

NORTH PLAZA LEVEL PSB/ 125 EAST EIGHTH AVENUE / EUGENE, OREGON 97401 / TELEPHONE (503) 687-4283

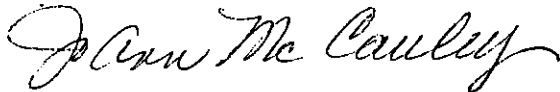
April 18, 1984

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

SUBJECT: AREAWIDE CLEARINGHOUSE REVIEW
TITLE: Rules for Using Sewage Sludge for Agriculture Purposes

The Lane Council of Governments has received the above referenced proposal for review. It has been determined that no clearinghouse comment needs to be made. Nevertheless, thank you for the opportunity.

Sincerely,



JoAnn McCauley
Information Coordinator

CLJMNO2

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APR 22 1984

Water Quality Division
Dept. of Environmental Quality

WASTE WATER MANAGEMENT, INC.
1248 S.W. Wright Place, Troutdale, OR 97060 (503) 661-0391

April 30, 1984

Mr. Lynd
Department of Environmental Quality
Water Quality Division
P.O. Box 1760
Portland, OR 97207

Dear Mr. Lynd,

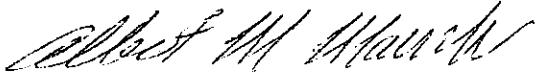
The following is in response to your April 17th meeting, held at Salem, regarding Land Application of Sludge and Sludge Byproducts.

The testimony we observed was introduced by persons or companies dealing primarily with municipal sanitary waste systems. However, Mr. Tom Fisher indicated that a similar or identical set of rules may apply to land disposal of septic waste.

We submit to you that the provided definitions of "septic" be clarified regarding; regular sewage septic tanks, commercial holding tanks (restaurants - hospitals), grease traps, and cesspools. We are particularly interested in your opinion as to how these hazardous materials would qualify for a land fill application, or if in fact they are to be handled in accordance with other guidelines or rules.

Sincerely,

WASTE WATER MANAGEMENT, INC.



Albert Mauck
President

AM/lp

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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MAY 3 1984

WATER QUALITY CONTROL



Soil & Waste Management Consultants

April 19, 1984

Mr. Ed Lynd
Dept. of Env. Quality
Water Quality Div.
P.O. Box 1760
Portland, Or. 97207

Re: Testimony Offered
Salem Public Hearing on Sludge for Agricultural Uses
April 17, 1984

Dear Mr. Lynd:

I would like to suggest that you consider adding a definition of "beneficial use" to the rules that are being drafted for regulation of municipal sludges.

Of particular concern is the situation in which a given waste contains some product which could inhibit the immediate or future production of a site through chemical or physical means, but which is not cited specifically in the rules. An example of this situation is found in the high content of inert material such as glass fiber and plastic which we find in digester cleanings and occasionally in septage.

The rules as proposed only allow the D.E.Q. representative to address those items which are specifically listed. The D.E.Q. field representative should have the obligation to evaluate all of the potential implications of sludge application and reject or limit any proposals which could lead to temporary or permanent reduction of site productivity.

I would suggest the following definition for the term "beneficial use"

(3) Beneficial Use

✓ Beneficial use shall be defined as sludge application

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APR 24 1984

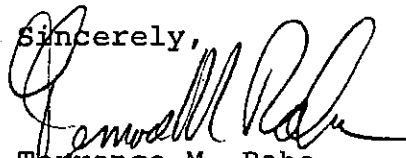
Water Quality Division
Dept. of Environmental Quality

April 19, 1984
Mr. Lynd
page 2

and site management practices which assure continued agricultural, horticultural or silvicultural production. Practices proposed for inclusion under the provisions of the "beneficial use" regulations shall not lead to a temporary or long term reduction in site productivity. Practices which adversely affect a sites productivity shall be defined as "Disposal Practices" and so regulated.

I would encourage you to include this provision so that the agency can more clearly distinguish between management which is of a beneficial nature and that which is more properly defined as disposal. It is in the best interest of everyone for the D.E.Q. to have the ability to prevent the "disposal" of wastes under the title of "beneficial use".

Sincerely,



Terrance M. Rahe
R.S., C.P.S.S.

TMR:gw

City Of Enterprise

108 N.E. First
Enterprise, Oregon 97828

April 13, 1984

Dear Mr. Lynd:

The City of Enterprise would like to go on record as being opposed to the proposed sludge disposal regulations.

The City of Enterprise is located in Wallowa County, which is in the Northeast corner of our state. We have a population of approximately 2000.

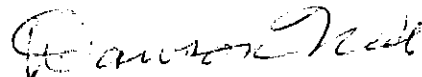
The area's industry consists of mainly farming and logging. At present, there isn't any industry on our sewer system.

The sites that we are using for liquid sludge, which are approved, involve many acres. We are hauling a maximum of 1000 gallons a week. Therefore, it is our contention that the possibility of contamination of the soil or water by any of the chemicals or metals listed for testing would be extremely low.

At the present time we are meeting all the proposed regulations, except for sludge analysis. In our case it seems an unnecessary and unwarranted expense, given the type of sludge, area and availability of sites. In the future, if an industry should move to our city, sludge analysis could be considered.

In these tough economic times, small communities such as Enterprise, are finding it hard enough to survive financially, without unnecessary costs. Please consider our arguments before you reach a final decision. In a state as diverse as Oregon, perhaps it would be unwise to arbitrarily apply one regulation for ALL!

Sincerely,



Dawson Neil
Superintendent of
Public Works

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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APR 16 1984

WATER QUALITY CONTROL



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. H , August 10, 1984, EQC Meeting

Request for the Commission to (1) Adopt Administrative Rule 340-53-027, Development and Management of the Statewide Sewerage Works Construction Grants Priority List; and (2) Approve the FY85 Construction Grants Priority List

Background

At the April 6, 1984, meeting, the EQC authorized a public hearing on the draft statewide construction grants priority list for FY85 and one proposed administrative rule which would allow the Director to utilize discretionary authority to fund projects that will become ineligible after September 30, 1984. On May 17, 1984, the proposed rule and the draft list were distributed. The list identified potential projects which may be funded during federal FY85 (October 1, 1984, through September 30, 1985).

Federal fiscal year 1985 is the last year federal funds are authorized for the construction grants program, unless Congress extends the program. For fiscal year 1985 (FY85), the President has requested the full authorization, \$2.4 billion nationally, in his budget. If the \$2.4 billion is appropriated by Congress, Oregon will receive approximately \$27.6 million.

The development of the FY85 grant program and list was far more complicated than usual because the character of the construction grants program will change significantly on October 1, 1984, when the Construction Grants Amendments of 1981 take full effect. The amendments were intended to implement federal policy aimed at a gradual reduction in the financial responsibility of the federal government to assist local governments in project construction. These changes include:

1. FEDERAL PARTICIPATION LEVEL IS DECREASED

For FY84, federal assistance levels were at 75 percent of the estimated eligible project costs. In FY85, the percentage decreases to 55 percent for new projects.

2. PROJECTS ELIGIBLE FOR FUNDING ARE DECREASED

For FY84, eligible types of projects included treatment and disposal facilities, interceptor sewers, inflow/infiltration correction, major rehabilitation and replacement of sewers, and correction of combined sewer overflows. In FY85, only treatment and disposal facilities, interceptors, and inflow/infiltration correction are eligible unless the state exercises an option to use up to 20 percent of its allotment for funding ineligible projects.

3. GROWTH CAPACITY IS LIMITED

For FY84, federal assistance for reserve capacity (for growth) in facilities included the 20-year needs for treatment plants and interceptor sewers. In FY85, funding assistance for new projects is limited to the capacity necessary to sewer existing population at the date of grant approval.

4. PLANNING AND DESIGN MONEY IS LIMITED

The elimination of grant assistance for Step 1 (facilities planning) and Step 2 (design) has greatly impacted the FY84 program and FY85 program. This increases the responsibility of potential applicants to fund planning and design work locally in order to qualify for future construction grants.

5. SOME PROJECTS ARE GRANDEFATHERED

In FY85 and beyond, Congress has provided for 75 percent grant participation for certain projects which were initially planned and financed, where construction was initiated under the 75 percent grant program.

The Amendments require local governments to assume a greater role in financing and managing the planning and design requirements of a successful construction grant application. For FY84, only 1 percent of the available money has been granted during the first 10 months of the fiscal year. This lack of readiness suggests applicants have not yet made the transition to the remodeled grant program and their larger responsibilities.

In 1983, the EQC adopted OAR 340-53-015(2)(g) and (h), requiring that prospective applicants supply a planning and design schedule one year before being considered for funding, beginning in FY85. The intent of this rule was to clarify the applicant's responsibility for scheduling and accomplishing the scope of work needed to complete a construction grant application. This schedule was to provide a basis for demonstrating an applicant's ability to prepare the necessary plans (generally a 1-2 year endeavor) and finance these costs locally. The schedule was also intended to provide a method to avoid lengthy delays in moving down the priority list past projects which are not ready to proceed.

For FY85, there were no changes in priority rating criteria. A draft priority list, including new projects and project reevaluation results, was distributed. The grant participation levels and estimated grant amounts for many projects on the draft list were expected to change as more detailed project-by-project planning data was developed, and as eligibility determinations become available from EPA. This year the selection of projects for the fundable list was no longer exclusively governed by project priority. As projects were considered in priority order, planning and design schedules--"readiness-to-proceed"--also played a part in compiling the final list.

In accordance with the EQC's authorization for a public hearing, the Department filed a Notice of Proposed Rulemaking with the Secretary of State and sent public hearing notifications to interested parties on May 17, 1984. About 30 people attended the public hearing. A copy of the Hearing Officer's Report and the list of respondents and attendees are appended as Attachments A and B.

Discussion and Evaluation

The recommended FY85 priority list reflects, to the extent known, greater local share costs and new federal eligibility criteria. It also incorporates the use of state discretion, proposed as OAR 340-53-027, to maintain the eligibility of several projects that would otherwise become ineligible for grants after September 30, 1984.

The characteristics of the 1985 priority list reflects the completion of the transition to the 1981 Amendments. Because of the 1-2 year local planning process to prepare an application, local governments recognize that today's policy and decisions have a direct impact on funding decisions for FY85, FY86, and FY87. Over half of the comments received this year regarded project eligibility issues, including the use of state discretion to fund some ineligible projects. These comments result from changes in the program's focus. Testimony also addressed the EQC's role in prioritizing projects to protect groundwater resources and provided suggestions on areas where future modification to priority criteria, such as regulatory emphasis and stream segment points, may be desirable or needed. This discussion is presented in Attachment D. Additionally, many applicants submitted new information and requested review of their priority point scores.

In general, the public discussion focused on the following issues:

1. Eligibility

a. Grandfathered Projects

The interpretation of federal eligibility statutes is still unclear, but is expected to be clarified by the end of September. In particular, individual project determinations by EPA are necessary to implement Sections 202(a)(1) and 202(g) of the 1981 Amendments which:

- (1) Provide a continuation of funding at 75 percent participation for "grandfathered" projects, where the applicant had received an initial grant for construction of one of its phases or segments by October 1, 1984.
- (2) Identify eligible reserve capacities, if any, for projects funded after October 1, 1984.
- (3) Specify the ineligibility of certain project types for funding after September 30, 1984.

Nearly half of the hearing respondents expressed opinions regarding the state's draft inventory of potentially grandfathered projects, and explained why they felt their project qualified for the 75 percent federal grant share. An inventory of grandfathered projects, on which tentative agreement has been reached with U.S. EPA, has now been established and is listed as Attachment D-1. The priority list cost estimates were based on this inventory. EPA will be requested to review all hearing testimony and communicate their final determinations before October 1, 1984. If changes are made to the eligibility of projects, revisions of cost estimates on the Oregon priority list will need to be made.

b. Discretionary Projects

The proposed administrative rule (OAR 340-53-027) was recommended to continue funding consideration of several projects that are presently eligible. They are ineligible after September 30, 1984 due to the 1981 Construction Grant Amendments. The language of the proposed rule has been slightly modified from the draft to clarify this intent.

Federal statute authorizes up to 20 percent of the state's annual allotment to fund ineligible projects at the state's discretion. Each state may elect to utilize or not utilize this discretion, or to define circumstances for its use. The proposed rule generally would not continue to offer funding for ineligible projects forever; it would retain the eligibility for only a limited number of projects that were substantially planned prior to the 1981 Construction Grant Amendments. Under the proposed rule, six such projects are proposed to be retained on the eligible list, with a current estimated grant amount of \$2,947,000, or about 11 percent of a single year's state allotment. The expected schedule for funding these six projects is estimated to be 2 years. The administrative rule does not elevate the priority rating of these projects nor accelerate the funding schedule.

Oregon's share of the national fund appropriation is determined in part by the state's reported eligible needs, therefore, discretionary funding for ineligible projects may annually divert 5-6 percent of the funds from some projects intended to benefit. However, each of the six

projects proposed to benefit from the use of discretionary funds was affected by the EQC's policy decisions in 1981 that they were to be independently prioritized and thus delayed, so that the higher priority treatment works within more communities' sewerage systems could be funded first.

A further eligibility complication is EPA's current definitions of "eligible" and "ineligible" facilities. These distinctions must be made between closely related projects. For example, it is difficult to classify a project as major sewer rehabilitation rather than infiltration/inflow correction when pipe replacement would accomplish both. Major sewer rehabilitation is ineligible; infiltration/inflow correction is eligible. The FY85 list was prepared using the best information now available. Later predesign information may show that the project work listed as partially eligible for a grant may be ineligible or the federal share of the project cost may alter.

Revisions of cost estimates and some minor adjustments to accommodate such changes to the priority list are likely under current regulations.

c. Tentative Cost Estimates

Eligible costs for existing needs can most accurately be estimated after the facilities planning and predesign work is completed. These refined estimates are usually not available until late in the fiscal year. Also, the eligible projects and necessary but ineligible projects of a single construction program may not be clear until facilities planning is completed. Eligible costs shown on the proposed FY85 list, in a predominate number of cases, were estimated rather than calculated from current predesign information.

2. Scheduling

- a. The FY85 priority list was developed on the basis of planning and design schedules required by OAR 340-53-015(2)(g) and (h). This rule recognizes that lower-ranking projects may receive grant funds if they are the only projects ready to proceed during a funding year. Because few schedules were submitted, the Department extended the time period to submit schedules to June 27. Eventually, 28 out of the 175 listed projects demonstrated that they could be ready for a grant during FY85. The fifteen with the highest priority ranking are recommended for the fundable list.

The schedules submitted by the local governments improve planning decisions and allow the Department to move projects up as needed to ensure all funds are utilized during the year. Over time, the early scheduling requirement may promote a better coordination between funding decisions and the construction season.

3. New Project Competition (Groundwater Protection)

Historically, the grants program has largely benefitted areas where treatment facilities exist and information has been available about compliance with surface water quality and operational standards. As groundwater quality data is developed, the trend may alter.

Presently, no federal or state regulations limit the introduction of new projects or control the size or amount of funding for projects on the priority list. As an example, two respondents during the hearing process expressed concern about the long-range grant fund demand of sewerage areas in Mid Multnomah County. The present estimate for projects for this area is about \$27,157,000 in grant funds, up from \$19,256,000 last year. As facilities plans are completed, these costs may be modified. Larger still is the potential for continued reshuffling of priorities as groundwater data becomes available. These new projects may have significant impact on the funding in FY86 and beyond.

The Department presently uses a variety of tools to provide a level of management stability. These include using planning and design schedules, phasing projects to achieve clearly-defined results, and designating "contingency projects" on the list to indicate clearly which projects may move into the fundable range during the year if other projects are delayed. It also appears reasonable to establish the fundable project list based on somewhat less than a full allotment, thus allowing for reasonable cost adjustments on projects where planning is incomplete.

Other potential methods to manage the list are addressed in Attachment D. They include: restricting new entries; delaying for 2 years new projects entering the fundable list; limiting total funds to a geographic area; or expediting the completion of the remaining grandfathered projects. Each of these techniques, however, may produce a priority list that is less reflective of the water quality based priorities.

Summation

1. The EQC must compile and adopt a priority list for allocating federal construction grants for FY85. About \$27.6 million is expected to be available for Oregon.
2. A new administrative rule, OAR 340-53-027, is proposed in order to maintain the eligibility of several projects that would otherwise become ineligible for grant funds after September 30, 1984.
3. The final, recommended FY85 construction grants priority list was developed in accordance with OAR 340-53-005 et seq. the proposed rule, and tentative determinations of project eligibility provided by U.S. EPA. Selection of projects for the fundable list were based on priority ranking, work schedules submitted by potential applicants, and the state's estimate of funds available.

4. Reevaluations of priority ratings were considered where water quality and public health impact documentation was submitted prior to June 27, 1984.
5. Responses from the public involvement process were directed to (1) eligibility criteria and management of the program and (2) requests for reconsideration of project priorities. Many respondents disagreed with the impacts new federal eligibility criteria will have on their projects. EPA's determination is requested on the eligibility issues. Of the respondents commenting on the proposed rule OAR 340-53-027, most supported it.
6. Eligible costs which appear on the recommended FY85 priority list may change based on final EPA determinations with respect to grandfathered projects, project types, and allowable reserve capacity.

Director's Recommendation

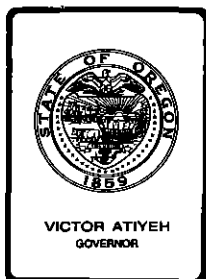
Based on the Summation, the Director recommends that the Commission adopt OAR 340-53-027 regarding the development and management of the priority list and the FY85 Construction Grants Priority List.


Fred Hansen

Attachments: 13

- A Hearing Officer Report
- B Record of Written Testimony
 - (1) Attendance List
- C List of Planning and Design Schedule Submittals
- D Summary, Evaluation and Response to Testimony
 - (1) Inventory of Potentially Grandfathered Projects
 - (2) Letter of June 13, 1984, to Metropolitan Wastewater Management Commission regarding Sewer Rehabilitation
 - (3) List of Ineligible Projects Affected by the Use of Discretionary Authority
- E Priority System & Criteria Rules
- F OAR 340-53-027, as Revised
 - (1) Statement of Need for Rulemaking
- G Technical Corrections to the FY85 Priority List
- H FY85 Points Calculation List, as Revised
- I FY85 Proposed Priority List, as Revised

B. J. Smith:l
WL3502
229-5415
July 26, 1984



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: B. J. Smith, Hearing Officer

Subject: Public Hearing on (1) New Administrative Rule 340-53-027 Proposed for Development and Management of the Statewide Sewerage Works Construction Grants Priority List and (2) the Draft FY85 Construction Grants Priority List

A public hearing on the referenced subjects was held at the Department of Environmental Quality offices in Portland beginning at 10 a.m. on June 20, 1984. The hearing was preceded by public notice given to all interested parties on May 17, 1984. Publication was made in the Secretary of State's Bulletin on May 15, 1984.

1. A summary of the issues was presented by the Hearing Officer.
2. The Hearing Officer reminded those present that the hearing record will close at 5 p.m. June 27, 1984, and that the priority system and list is scheduled for action by the Environmental Quality Commission at its August 10, 1984, meeting in Pendleton.

The following summarizes the public testimony. Copies of the written testimony and a tape recording of verbal testimony are available at the DEQ office, Water Quality Division.

1. Elvern Hall, Mayor, City of Newberg (Letter of June 6, 1984)

Mr. Hall presented a summary of the inadequacies of Newberg's sewerage system. Treatment plant structural damage has resulted from unstable geology. The plant has a routine history of failure and bypassing, particularly in winter. Frequent bypasses occur at the Hess Creek and 8th Street pump stations. Mr. Hess stressed that at least six other frequent bypasses are to the Willamette River or to Hess Creek. These latter are near a boat landing used by about 75,000 person days per year.

The city has a high population growth rate, 4.7 percent per year during 1960-1980. The city desires to attract new industry, but its inadequate treatment plant discourages industrial development.

In the last few years the city has attempted to solve its sewer problems by spending nearly a million dollars to correct infiltration/inflow problems. It has built the Hess Creek and Morton Street interceptors, and reconstructed the 8th Street pump station. These projects were all locally funded.

Newberg's citizens demonstrated their commitment to a "clean environment" by passing a \$9.1 million bond issue in May, despite the fact that the city of Newberg is one of the highest taxed areas in the state. It is the city's goal to improve water quality in the Willamette River and local tributaries as soon as possible, and urged that state and federal government share this commitment.

The city hopes to initiate its program for \$19 million of improvements at the 75 percent grant funding level. Multiple construction contracts will be used. The program includes an innovative/ alternative design for mechanical composting of raw sludge, which should be taken into account in considering the funding for Newberg during FY84.

Mr. Hall encouraged the Department of Environmental Quality and the Environmental Quality Commission to approve funding with FY84 funds to the maximum extent possible, to grandfather the remaining project segments in FY85 at 75 percent funding and to adopt the planned reserve for innovative/alternative projects.

2. Mike Warren, City Manager, City of Newberg

Mr. Warren emphasized the commitment made by the city's citizens in passing the \$9.1 million bond. He noted the hardship these costs will place upon the community and compared these to potential costs for other communities.

Mr. Warren requested that DEQ bring to EPA's attention the city's efforts, community support, and the dire need for funding in FY84. He urged the maximum assistance in FY84 at 75 percent funding, even if later segments must be funded at 55 percent. However, Mr. Warren requested that the entire Newberg project be grandfathered at 75 percent.

3. Bob Sanders, Public Works Director, City of Newberg
(Letter of June 25, 1984)

Mr. Sanders requested that the 8th Street force main, now shown as number 49 on the priority list, be grouped with other Newberg components at number 12. Since the 8th Street pump station was expanded in 1980, the downstream force main and interceptor are the system's bottlenecks. The 8th Street pump station is one of three major bypasses in the city's system. Frequently, the pump station is shut down during storms and bypasses occur directly into Chehalem Creek. This stream has the lowest ratio of streamflow to bypasses and its neighbors complain about odor and debris in the creek. A petition and other correspondence documenting the concerns of local citizens regarding the 8th Street pump station problem was provided.

Mr. Sanders cited the DEQ requirement in their National Pollutant Discharge Elimination System permit, issued January 1, 1984, to eliminate all major bypasses. This project is an integral part of the city's facility plan for these improvements.

4. Richard O. Miller, Manager, Bear Creek Valley Sanitary Authority
(Letters of May 23, June 20, and June 22, 1984)

Mr. Miller objected to the proposed lower priority for the Whetstone project and proposed that the letter class be reestablished as a 'B' rather than a 'C'. Also, he requested that the population estimates be revised from 1404 to 2000. He questioned why such close scrutiny was given to this project, and contended that DEQ had misconstrued sampling data recently submitted by the Authority. Sampling of wells, subsurface disposal systems, and roadside ditches indicated no surface water contamination in Whetstone Creek according to the Department. However, this sampling, completed as part of the 1984 205-j project, was not intended to indicate surface water quality in Whetstone Creek. The 1980 and 1981 water quality samples were relied upon to demonstrate the surface water degradation.

The Whetstone project is the last segment of the regional system started in 1970 and is needed to make the regional interceptor system operational and serve its intended purpose. Mr. Miller urged that the Whetstone project be given grandfather status and receive 75 percent funding, including the share for future capacity, as had earlier portions of the interceptor system. Approval of the original facilities plan had already occurred prior to starting construction on earlier facilities.

Mr. Miller opposed the proposed rule which would allow the state to utilize up to 20 percent of its allotted funds for ineligible projects, emphasizing that many areas do not have sewers at all.

Mr. Miller strongly objected to the entry of the Gresham and Portland projects on the priority list at this late date because of the devastating effect on other projects that have been on the list for years and are just reaching the fundable area. Over the years, Metropolitan Wastewater Management Commission, Bend, Tri Cities, and Portland projects have taken an inordinate amount of grant funds, probably over the objection of most local governments. The Environmental Quality Commission should reconsider its direction to Portland and Gresham and evaluate its effect on other communities.

5. John Crockett, City of Astoria

Mr. Crockett supported the priority system and urged that the Department not deviate to any great extent from the proposed list. He noted that Astoria has the local share of funding for the Willamsport Interceptor. The design has been completed. After it is updated, bids will be taken.

6. John Lang, Administrator, Bureau of Environmental Services, City of Portland (Statement of June 20, 1984)

Mr. Lang stated that the Mid-Multnomah County area has been described as one of the largest urbanized unsewered areas in the nation. The absence of sewers is causing groundwater contamination and is raising serious concerns regarding the safety of drinking water. An excess of 11 million gallons per day of raw sewage is disposed of primarily through cesspools. Sewer service is planned under the city's plans to the 30,000 residents in the Inverness Basin and the 82,000 residents in the Johnson Creek Basin. The City of Portland has contracted to construct several projects in the Inverness Basin for the Central County Service District (Multnomah County).

The groundwater pollution from the unsewered area concerns the Environmental Quality Commission and the County Health Officer. As ordered by the Environmental Quality Commission, a sewer facilities plan, accompanied by findings of a threat to drinking water will be submitted next week (June 25-29). Hearings to determine if a threat to drinking water exists and whether Portland's plan is adequate to deal with it are anticipated in September or soon afterward.

The S.E. Relieving Interceptor, ranked number 41 on the draft priority list, would serve an existing population of 65,000 throughout areas in the Johnson Creek Basin. Mr. Lang requested that the priority of the S.E. Relieving Interceptors, Phases 3 and 4, be changed from 'C' to 'B' to more accurately reflect that the purpose of the facility is to prevent groundwater pollution. The Johnson Creek Basin cannot be served without this interceptor.

Mr. Lang requested that the Johnson Creek, S.E. 111th Avenue Interceptor be added to the priority list at a letter class 'B'. This interceptor is the primary sewage transportation system extending into the Johnson Creek area.

Mr. Lang noted that the 122 Avenue Interceptor and the Cherry Park Interceptor are necessary to extend service into the Inverness Basin. He supported the ranking of these projects.

Mr. Lang requested that the Columbia Boulevard Relieving Interceptor (number 39) be removed from the list since it is no longer required according to current facilities plans.

7. William Guenzler, Maintenance Engineer, City of Eugene

Mr. Guenzler supported Eugene's River Road/Santa Clara projects which are scheduled for funding this year (FY84). It is part of the Eugene-Springfield regional system, documented in the EPA-approved 1978 facilities plan, and was included in the capacity of the regional treatment plant and the West Eugene Force Main. Within this facilities plan framework,

the remaining planning issues for River Road/Santa Clara are expected to be resolved and a Finding of No Significant Impact issued before September 30, 1984. He requested that the project, if not funded this year, be grandfathered in FY85 and that the cost of growth capacity be included in that grant. He asked that DEQ learn if these projects are eligible to be grandfathered, and discussed federal regulations under which the project should be grandfathered.

He included letters from Senators Packwood and Hatfield to Senators Stafford and Chafee, requesting that the Senate Environment and Public Works Committee clarify the intent of the grandfather provisions of the law.

He urged that Oregon retain the flexibility to fund certain projects at 75 percent rather than exercising the option of uniformly reducing the grant share after October 1, 1985.

Mr. Guenzler commented on the procedure DEQ used in listing the Portland and Gresham projects on the draft FY85 list. He contended that the public did not have adequate opportunity to comment on these projects. Because of the high cost of these projects, he felt he needed additional information about them.

8. Bill Cameron, Public Works Director, City of Gresham
(Letter of June 27, 1984)

Mr. Cameron requested funding for the city's waste water treatment plant expansion. A facility plan and preliminary findings of a threat to drinking water have been adopted by the city, as ordered by the Environmental Quality Commission. About 2.4 million gallons of waste water in the basin is going into the groundwater at the present time. He felt this fact should improve Gresham's project letter class from a 'C' to a 'B'. He noted that the treatment plant has no capacity to connect the 17,700 residents presently unsewered in the Gresham basin. Because of lack of treatment capacity, the collection system cannot be extended. If the Environmental Quality Commission adopts findings of a threat to drinking water, and orders sewer construction, federal grant assistance will be needed to expand the treatment plant so that the unsewered areas can be served.

Information on reserve capacity at the plant and the extension of interceptors was provided. The existing reserve capacity at the Gresham treatment facility was funded through the creation of two local improvement districts (L.I.D.'s) in 1978, in anticipation of federal funds to complete the expansion during 1983-85. The city calculated that of the 4 million gallons per day added plant capacity, that 2.25 million gallons per day would be reserved for commitments made to L.I.D. participants, and for growth.

New agreements were negotiated with the cities of Fairview and Wood Village, whereby these cities purchased additional treatment capacity. About 0.6 million gallons per day capacity remained for connecting properties within the city that were creating a health hazard certified by the County Sanitarian, and had made necessary the agreements with the city. Of the 0.6 MGD capacity, 0.4 MGD was purchased by owners of two industrial property areas. Preliminary engineering reports, intermunicipal sewer service agreements, and relevant city sewer service policies were provided. In conclusion, although some present capacity exists at the Gresham plant, an expansion is needed to serve the unsewered areas which are creating the threat to drinking water.

Mr. Cameron also requested that several trunkline projects in the affected areas be added to the priority list. These consist of five major trunk lines, costing approximately \$2.4 million, with construction expected to begin in FY86.

The interceptor extension areas were identified and existing populations which could be served, present sewer flows and construction dates were provided for the nine areas to be served by five interceptors.

He also requested that a revision to the priority criteria for regulatory emphasis and the city's priority score be increased. A point score of 130 is requested for areas where the EQC finds a threat to drinking water. Regulatory emphasis of 130 points should be given to the treatment plant because it is beyond the "potential for regulatory action" which is the basis for the 90 points awarded it.

9. William Sobolewski, U.S. EPA, Oregon Operations Office
(Memorandum of June 20, 1984)

Mr. Sobolewski stated that U.S. EPA had reviewed the draft list. He noted that three major sewer rehabilitation projects for Tri City Sanitary District, Roseburg, and Metropolitan Wastewater Management Commission do not qualify as grandfathered projects because they become ineligible after September 30, 1984. Therefore, they could only be funded under the state's discretionary authority. DEQ's June 13 letter to the three applicants notified them.

10. Larry Lehman, City Manager, City of Seaside

Mr. Lehman noted that Seaside has been on the list for a number of years and is finally getting near the top. He urged that no changes in the list be made which would affect the city's efforts.

11. Steve Downs, Westech Engineering, representing the City of Tangent
(Letter of June 19, 1984)

Mr. Downs requested regulatory emphasis points of 130 and a letter class 'B'. The property currently is rated as a letter class 'C'.

Downs submitted information to document the city's reprioritization request including (1) Linn County Environmental Health Department 1982 survey which confirmed a 35 percent areawide septic system failure rate, with a 45 percent failure rate in the southern core area; (2) results of surface water samples collected in January and May of 1984 during various flow conditions; (3) the public access to North Lake Creek; and (4) an EQC November 1983 Stipulation and Final Order which requires the construction of sewerage facilities by 1986 to avoid human health hazards.

The priority number 73 ranking appears to be inconsistent with the EQC order. He contended that the priority should be raised or the Department should reevaluate the regulatory burden it has imposed on the city. He felt the EQC order and the county health hazard findings justify 130 regulatory emphasis points.

12. Al Peroutka, Metropolitan Wastewater Management Commission

Mr. Peroutka noted that three MWMC projects appear on the draft FY85 priority list: Phase 7 of the STP, (scheduled for funding in FY84); Phase 2 Sludge; and Phase 2 Springfield Rehabilitation. The latter projects are scheduled for FY86 or beyond.

MWMC agreed with the grandfathering of Phase 2 Sludge because it was included in facilities planning and is a sequential and essential phase of the regional treatment works. An Environmental Impact Statement was completed and it appears the EPA will approve funding for the project in the future. However, MWMC also believes that the Springfield project should be grandfathered since it is an infiltration/inflow correction project, not major sewer rehabilitation. The project was derived from an approved sewer system evaluation survey which recommended cost-effective I/I removal. This was part of the basis for sizing other regional facilities. He noted that a June 13, 1984, letter from DEQ advised MWMC that the project could not be grandfathered if it was for major sewer rehabilitation.

Mr. Peroutka also questioned whether the project was correctly ranked, noting that the project is an integral part of the total MWMC treatment works and that failure to eliminate extraneous flow is expected to result in hydraulic overloading of the system and potential sewage bypassing.

13. David J. Abraham, Utilities Division Director, representing Tri City Service District

Mr. Abraham requested that DEQ correct an inconsistency in its handling of the Tri City Service District program, specifically the abandonment of West Linn's STP and construction of the Kellogg STP sludge digesters.

Regarding the abandonment of the West Linn Willamette plant, DEQ required that a regional solution be considered for the Tri City area and had approved a regional solution in the 1978 facilities plan after imposing

a building moratorium in Oregon City and Gladstone. A condition was included in the National Pollutant Disposal Elimination System permit that each of the three plants, including the Willamette plant, be abandoned when the regional system is available.

Mr. Abraham contended that DEQ lowering the priority of some Tri City project segments on the FY83 priority list was not consistent with the requirement for a regional solution. The "fragmentation" of the regional program will result in the misuse of public funds because the cost of operating two plants is much greater than the cost to operate one. He noted that this policy will cause the West Linn plant to be left in operation indefinitely. He said the practice of providing lower priority for portions of the system violates a commitment to the public on how their approved bond funds are to be spent and emphasized that a heavy tax burden is already imposed on the area. The District has committed to separate the combined storm and sanitary sewers at local expense.

Mr. Abraham contended that any project identified with letter class 'C' on current and future priority lists would never be funded under the grants program. He based his assumption on the effect that significant amounts of grant funds would be diverted to sewers in Mid East Multnomah County.

Mr. Abraham requested that all Tri City project phases and segments be established at class 'B' priority ranking. All phases of the project should be grandfathered at 75 percent funding.

14. Joe A. Schwarm, Public Works Director, City of Coos Bay (Letter of June 27, 1984)

The city expects to begin work on a waste water facilities plan during August 1984, after selecting a consultant. The tentative schedule for plan completion and submittal to DEQ would be in time for grant funding during FY86-87.

15. Ron Stillmaker, Public Works Director, City of North Bend (Letter of June 26, 1984)

The city supports the draft priority list and strongly supports the adoption of OAR 340-53-025, which would provide discretionary funds for the elimination of the city's combined sewer overflows.

16. Dave Wright, City Engineer, City of Grants Pass (Letter of June 26, 1984)

The city completed a draft facilities plan with a summary table of recommended improvements. The construction of sludge lagoons to provide a reliable winter storage capability is scheduled for 1987. He requested a high priority for the sludge lagoons. He emphasized that wet weather bypasses to the Rogue River will be corrected by proposed construction of an influent pump station and primary sedimentation improvements, and several interceptors.

17. Stephen Downs, Westech Engineering, representing Monroe (Letter of May 7, 1984)

Benton County officials are concerned about public health problems due to failing subsurface septic systems adjacent to the North Monroe health hazard annexation area. The area of concern is partially within the city limits, and includes at least 6 failing systems in the Toedtemeier property area. The city requests that some of the unspent grant funds previously awarded to the city be authorized for construction to correct these problems.

18. Richard Swenson, Supervising Sanitarian, Health Department, Benton County (Letters of February 27 and May 17, 1984)

The county submitted a survey of land uses in the North Albany area along with sampling results from wells and groundwater sources. Water was tested for nitrates and coliform. This information should be included in the project reevaluation underway by DEQ.

19. Edward Branchfield, Member, Board of Directors, Carmel-Foulweather Sanitary District (Letter of June 11, 1984)

The District submitted a letter from the Lincoln County Environmental Manager which identifies a problem with soils capability and perched water tables which affect subsurface disposal systems in the Otter Rock area. Two ditches have sewage odors.

The District is concerned about the feasibility of assessing and taxing local property owners for the entire cost of a sewage system. A large number of tourists, combined with a large percentage of retired residents on fixed incomes, compound the problem. Assistance is requested to examine the extent of the disposal problem and to learn what financing possibilities exist.

20. F. Duane Lee, Lee Engineering Inc., representing the LaPine Sanitary District (Letter of May 15, 1984)

Information was provided regarding the District formation, its boundaries, the potential service area, and some preliminary cost estimates. A facility plan will be initiated in June or July.

21. Kay Nelson, Member, Board of Directors, LaPine Sanitary District (Letter of January 19, 1984)

The District was ordered by the EQC to complete a facilities plan by January 1, 1985, and install a sewer system in the core area by January 1, 1987. The plan is estimated to cost \$50,000 - \$60,000. The District's chances of financing the facilities plan are almost zero. The District requested financial assistance for the facilities planning work.

22. Rosalind A. Daniels, Assistant Director of Public Works, City of Salem
(Letter of June 25, 1984)

The city estimated that the Pringle Creek relief sewer would be ready for funding in FY86.

23. Donna J. Rush, City Recorder, City of Huntington (Letter of June 26, 1984)

The city objected to the deletion of their project to control excessive flows. The city has problems with infiltration/inflow and with its sewage treatment plant. Due to the seriousness of these problems, they do not understand why their project has been classified as ineligible for FY85. They request that the eligibility and priority for the sewer system be reestablished.

24. J. Michael Hoehn, Manager, Roseburg Urban Sanitary Authority
(Letters of June 22 and June 25, 1984)

The Authority estimated that all requirements for a grant would be completed during FY86 for the Roseburg rehabilitation project.

Mr. Hoehn agreed with the use of the grandfather status to prevent drastic modifications in local funding programs, especially where 75 percent grant eligibility was assumed in earlier planning. However, all such projects should not be grandfathered. Grandfathering is appropriate for any project which has been completed through design at 75 percent grant; to do otherwise, violates the understandings under which the applicant entered the grant program.

The types of projects and level of funding provided under discretionary eligibility should be the choice of the state; EPA should not put conditions on the use of discretionary funds. He favored the proposed administrative rule but asked that benefited projects should be dropped from eligibility if they fail to make reasonable progress.

The priority rating criteria should require that any community with the financial capability to construct a project totally with local funds should do so.

25. Sandra Diedrich, Director, Coos-Curry Council of Governments
(Letter of June 26, 1984)

The Council stated that there is strong local support for all Coos-Curry area projects on the draft FY85 priority list and requested that the DEQ provide whatever assistance it can to help communities, such as Charleston Sanitary District, that are not eligible for a grant.

Grandfather status should be extended to all possible projects. The grandfather eligibility should be at 75 percent federal grant, with funding for reserve capacity.

The proposed administrative rule should be adopted to allow discretionary funding for major rehabilitation of sewer systems and for elimination of combined sewer overflows.

The Council also commended the Department for the quality of its management and communication regarding the grants program.

26. B. G. Schwan, Vitro Engineering Corp., representing City of Irrigon
(Letter of June 26, 1984)

The city estimated a ready-to-proceed date of FY86.

27. David J. Abraham, Utilities Director, Clackamas County, representing Service District 1 (Letter of June 27, 1984)

The county requested that the Kellogg treatment plant digesters be listed at the highest priority ranking given the Tri City Service District project. Since 1974, the Kellogg plant's sludge has been hauled to the City of Portland's Columbia Boulevard treatment plant for disposal on an interim basis. The Columbia Region Association of Governments 208 study, adopted by DEQ and EPA in 1978, recommended that a regional sludge disposal solution be adopted for the Kellogg, Oak Lodge and Tri City Service District plants.

The hauling of five truckloads of sludge a day and six days a week from the Kellogg plant to the Portland plant creates a potential health hazard. If trucking raw sludge is considered an acceptable method of disposal, it should be an alternative considered in all future plant construction.

Funding for the Kellogg digesters is warranted because (1) Portland obtained second-round grant funding for their digesters; (2) the facilities plan calls for construction at Kellogg, and (3) the District is operating with an interim solution.

28. Michael J. Kelly, Metropolitan Wastewater Management Commission
(Letter of June 25, 1984)

MWMC indicated that the remaining segments of their system, Phase 2 of Sludge Disposal and Phase 2 of Springfield rehabilitation, should be funded at 75 percent grant participation since other segments of the project received 75 percent funding. These works are integral to and necessary components of the total MWMC project outlined in the 208 plan. The grandfathering of these segments at 75 percent (including reserve capacity) is supported. DEQ's "Inventory of Potentially Grandfathered Projects" includes grandfathering for the Phase 2 Sludge Disposal project.

MWMC received the June 13, 1984, letter from the Department which amended the inventory of potentially grandfathered projects by deleting the Phase 2 Springfield rehabilitation project from consideration. The MWMC concluded that the project has been incorrectly classified as major

rehabilitation needs (category IIIB), since the project is for infiltration and inflow correction project (category IIIA). The I/I project is justified through a cost-effectiveness analysis which compares the cost of transport and treatment to correction of flows. A history of plan approvals and sewer system evaluation survey documentation was submitted.

MWMC requested the reclassification of the Springfield project as category IIIA, for infiltration/inflow correction, and inclusion of the project on the inventory. The project includes sealing sewer line joints and cracks, pipe replacement, and other work designed to eliminate excessive flows.

Also, MWMC questioned whether the project was correctly ranked on the FY85 priority list since it was incorrectly classified. The project is integral to the hydraulic design decisions made for the East Bank Interceptor, the Willakenzie Pump Station, and the Regional treatment plant. Potential bypassing of untreated sewage could result if these systems are overloaded.

MWMC opposed the adoption of a uniform federal share of 55 percent or less after October 1, 1985. This level of federal participation has historically been inadequate to assist communities to fund water pollution control projects. The impact will be especially felt in smaller communities that do not have the bonding capacity for increased local share costs or in communities which have existing programs financed on the assumption of 75 percent federal participation.

29. C. H. Steketee, Westech Engineering, Inc., representing City of Philomath
(Letter of June 22, 1984)

Mr. Steketee described raw sewage bypasses which occur to the St. Marys River and its tributaries during rainy weather. He referred to the city's recent water and sewer report and indicated that portions of the needed improvements will be funded through the Community Development Block Grant program. EPA funds will be sought for the Newton Creek trunk sewer, the Newton Creek lift station, force mains and stabilization ponds, at an estimated cost of \$1,264,000.

30. Lyman Houck, City Administrator, City of Philomath (Letter of June 25, 1984)

The city has made important progress since last year. The city improved operations of its treatment plant so that flows are treated and bypassing is reduced. A draft sanitary sewer facilities plan has been prepared. A grant from the Community Development Block Grant program awarded to the city assisted in the rehabilitation of the sewer system. A citizens committee was formed to advocate needed improvements for water and sewers.

However, on February 27, 1984, DEQ ordered that Newton Creek be posted to indicate the water is contaminated from raw sewage. This action may justify a public health hazard (letter class 'A') or at least letter class 'B', due to the frequency of bypassing to the St. Marys River.

31. Bill Rutherford, Oregon State Treasurer (Letter of June 29, 1984)

Mr. Rutherford supported the City of Newberg's efforts to apply for FY84 federal grant funding and requested that the EQC recognize the important innovative/alternative technological aspects of the project. He asked that portions of the project which may be funded in FY85 be grandfathered.



B. J. Smith
Hearing Officer

Attachments

B. J. Smith:l
229-5415
WL3503
July 26, 1984

RECORD OF WRITTEN TESTIMONY

1. Letter of January 19, 1984, from Kay Nelson, Board Member, La Pine Sanitary District
2. Letter of May 7, 1984, from Stephen Downs, Westech Engineering, representing City of Monroe
3. Letter of May 15, 1984, from F. Duane Lee, Lee Engineering, Inc., representing La Pine Sanitary District
4. Letters of May 23, June 20, and June 22, 1984, from Richard O. Miller, Manager, Bear Creek Valley Sanitary District
5. Letter of June 6, 1984, from Elvern Hall, Major, City of Newberg
6. Letter of June 6, 1984, from William Guenzler, Maintenance Engineer, City of Eugene
7. Letter of June 11, 1984, from Edward Branchfield, Board Member, Carmel-Foulweather Sanitary District
8. Letter of June 19, 1984, from Stephen Downs, Westech Engineering, representing City of Tangent
9. Testimony of June 20, 1984, from John Lang, Sewage System Administrator, Portland Bureau of Environmental Services
10. Memorandum of June 20, 1984, from William Sobolewski, Coordinator of the Water Quality Program, Oregon Operations Office, U.S. Environmental Protection Agency
11. Testimony of June 20, 1984, from David J. Abraham, Director of Utilities Division, Clackamas County
12. Letter of June 22, 1984, from C. H. Steketee, Westech Engineering, Inc., representing City of Philomath
13. Letter of June 25, 1984, from Rosalind A. Daniels, Assistant Director of Public Works, City of Salem
14. Letter of June 25, 1984, from Robert Sanders, Director of Public Works, City of Newberg
15. Letter of June 25, 1984, from J. Michael Hoehn, Manager, Roseburg Urban Sanitary Authority
16. Letter of June 25, 1984, from Michael A. Kelly, Executive Officer, Metropolitan Wastewater Management Commission
17. Letter of June 25, 1984, from R. Lyman Houck, City Administrator, City of Philomath

Written Testimony

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18. Letter of June 26, 1984, from Ron Stillmaker, Director of Public Works, City of North Bend
19. Letter of June 26, 1984, from Dave Wright, City Engineer, City of Grants Pass
20. Letter of June 26, 1984, from Sandra Diedrich, Director of Coos-Curry Council of Governments
21. Letter of June 26, 1984, from Donna J. Rush, City Recorder, City of Huntington
22. Letter of June 27, 1984, from David J. Abraham, Director of Utilities, Clackamas County
23. Letters (2) of June 27, 1984, from William E. Cameron, Director of Public Works, City of Gresham
24. Letter of June 27, 1984, from Joe A. Schwarm, Director of Public Works, City of Coos Bay
25. Letter of June 29, 1984, from Bill Rutherford, Oregon State Treasurer

BJS:1
WL3505
7/16/84

ATTENDANCE LIST
 FY85 CONSTRUCTION GRANT PRIORITY LIST HEARING
 ROOM 1400
 YEON BLDG
 PORTLAND, OREGON

June 20, 1984

NAME	REPRESENTING
Bob Sanders	City of Newberg
Dick Miller	Bear Creek Valley Sanitary Authority
Larry Lehman	City of Seaside
C.J. Sullivan	Hoodland Chamber of Commerce
James Herry	Rhododendron
Bill Cameron	City of Gresham
Elvern Hall	City of Newberg
Bill Sobolewski	U.S. Environmental Protection Agency
Michial Hoehn	Roseburg Urban Sanitary Authority
Lisa M.K. Bartholomew	Dillingham Construction
Allen Boyce	City of Gresham
John Lang	City of Portland
Dave Gooley	City of Portland
Bill Guenzler	City of Eugene
Larry Godsey	Rhododendron
Lyman Houk	City of Philomath
Steve Downs	Westech Engineering, City of Talent
David Abraham	Clackamas County
George Jessie	City of Eugene
Al Peroutka	Metropolitan Wastewater Management Commission
Dale Cannon	CH ₂ M-Hill Engineers
Chuck Zickefoose	Brown and Caldwell Engineers
Mike Warren	City of Newberg

WT141
 July 27, 1984

LIST OF PLANNING AND DESIGN SCHEDULE SUBMITTALS

In accordance with OAR 340-53-015(2)(g) and (h), these schedules were used, along with priority ranking, to establish the FY85 list of fundable projects. Not all projects supplying a schedule are expected to apply for a FY85 grant, due to the amount of funds available.

1. City of Eugene/River Road-Santa Clara
2. La Pine Sanitary District
3. City of Tangent
4. Bear Creek Valley Sanitary Authority
Whetstone
5. City of Newberg
STP
Flow Equal.
Sludge Comp.
Hess Creek Int. Ext.
12th St. Int.
8th St. Force Main
6. Roseburg Urban Sanitary Authority (Sewer Rehabilitation)
7. Metropolitan Wastewater Management Commission
STP P7
Sludge P2
Springfield Rehabilitation Phase 2
8. City of Philomath
9. City of Salem
10. City of North Bend
11. City of Gresham (STP)
12. Clackamas County Service District 1
Kellogg STP
Rhododendron
13. Tri-City Service District
Oregon City Interceptor
River Crossing
Outfall
River St. Force Main
Willamette IA
Willamette II
River Street Pump Station
Bolton Force Main
Willamette IB
Gladstone Pump Station
Bolton Pump Station
Gladstone Force Main
Gladstone Interceptor
Abernethy Interceptor
Newell Interceptor
Willamette Pump Station
West Linn Force Main
Sewer Rehabilitation

Planning and Design Schedules
Page 2

14. City of Irrigon
15. City of Scappoose
16. City of Falls City
17. City of Portland
S.E. Relief Sewer P3, P4
S.E. 111th Avenue Int.
18. City of Estacada
STP
Infiltration/Inflow Correction
19. City of Astoria
20. City of Gresham
Stark St. Trunk: 181st to 165th Ave.
Glisan St. Trunk: 188th to 199th
175th/176th Ave. Trunk: Stark to Division
182nd Ave. Trunk: N.W. 1st to Stark
Division St. Trunk: 176th to 193rd
21. Multnomah Central County Service District #3
Cherry Park Int.
N.E. 122nd Ave. Int.

BJS:1
WL3504
7/26/84

SUMMARY, EVALUATION, AND RESPONSE TO TESTIMONY

The following three sections present summaries and responses to relevant public hearing testimony on the proposed administrative rule for development and management of the priority list, the draft FY85 priority list and the priority criteria. A summary of the June 20, 1984, public hearing and the record of testimony appears as Attachments A and B. Copies of written testimony are available in the files of the Environmental Quality Commission and the Water Quality Division.

The summaries and responses to the testimony are organized as follows:

1. Testimony Related to Rules Governing the Development and Management of the Priority System and List;
2. Testimony Related to the Priority Criteria;
3. Testimony Related to the Individual Project and Segment Classification and Ranking on the Draft FY85 Priority List.

1. Testimony Related to Rules Governing the Development and Management of Priority System and List

- a. Eleven respondents commented on the draft Inventory of Potentially grandfathered projects or on the interpretation of regulations defining benefited projects. The draft inventory listed thirteen potentially grandfathered projects. The respondents (three communities) commented on nine of these projects. Three applicants requested that projects for BCVSA Whetstone, Eugene River Road/Santa Clara, and Newberg be added to the inventory.

Several respondents requested clarification on whether reserve capacity is grandfathered, the types of projects that qualify, and whether projects may qualify if they become ineligible after September 30, 1984, as a result of federal statute but are considered for state discretionary funding.

Two of the respondents suggested that the remaining segments of a regional system should be grandfathered if construction was substantially funded with 75 percent grants. One of the respondents suggested that construction projects should be grandfathered at 75 percent funding if design was completed under the 75 percent grant program. One respondent suggested that "all possible" projects should be grandfathered.

Mr. William Sobolewski of the U.S. Environmental Protection Agency commented that specifying major sewer rehabilitation/replacement projects could not be grandfathered after October 1, 1985. 40 CFR Part 35.2152 of U.S. Environmental Protection Agency's regulations state, in part:

"(a)... the Federal share shall be:

- (2) 55 percent for grant assistance awarded after September 30, 1984, except...
- (3) ...75 percent for grant assistance awarded after September 30, 1984, for sequential phases or segments of a primary, secondary, or advanced treatment facility or its interceptors or infiltration/inflow..."

The Metropolitan Wastewater Management Commission responded with a request to reconsider the classification of their project, specifying that it was an infiltration/inflow correction project, rather than sewer rehabilitation, and provided documentation to support its request for reconsideration. Tri City Service District commented that all remaining segments of its system are appropriate grandfather candidates. The Roseburg Urban Sanitary Authority commented that all projects that received Step 2 (design) grants at 75 percent grants should continue to receive 75 percent grants for construction.

Response

A revised Inventory of Potentially Grandfathered Projects is included as Attachment D-1. Several funding estimates on the recommended FY85 priority list were altered. These coincide with the U.S. EPA's preliminary determinations on grandfathered projects.

On June 13, 1984, DEQ had informed three applicants that sewer rehabilitation projects for Roseburg, the Tri City Service District, and the Metropolitan Wastewater Management Commission were deleted from the draft Inventory of Potentially Grandfathered Projects. (Attachment D-2.) Developed at the request of U.S. EPA, the Inventory is intended to advise potential applicants of expected funding implications for FY85. EPA is expected to make final determination on projects eligible for grandfather status by early August. Facilities plans for all qualifying projects must be approved by September 30, 1984.

The Inventory now contains only treatment plants, interceptors, and infiltration/inflow corrections. Project types such as major sewer rehabilitation or replacement or combined sewer overflow correction, which become federally ineligible project types after October 1, 1985, are not grandfathered, regardless of whether the states elect to use discretion to fund those types of projects.

Although the inventory of potentially grandfathered projects was prepared by the DEQ, final judgements are EPA's. Current policy is contained in Section 202(a)(1) of the Clean Water Act and 40 CFR 35.2152. The U.S. Environmental Protection Agency's remarks, published on February 17, 1984, state the result, and presumably the intent, that qualified grandfathered projects are clearly exceptions to the 55 percent grant program:

"The fact that an approved facilities plan describes a complete waste treatment system that includes a grandfathered phase or segment does not mean that the complete system is grandfathered. The description of the complete system is a planning tool to help put the proposed project in context."

Any subsequent modification in the inventory will alter project cost estimates and may, as a result, affect the number of projects expected to be funded during FY85. OAR 340-53-030 enables the Department to adjust the fundable portion of the list so that the state's general allotment is utilized by projects on a priority basis.

EPA's policy on funding the cost of reserve capacity is in 40 CFR 35.2123: (1) Briefly, if a grant for an interceptor segment was awarded prior to December 29, 1981, the remaining interceptor segments are funded with 40 years reserve capacity; (2) If a grant for a treatment facility or interceptor was awarded before October 1, 1984 (and the remaining segments were included in the approved facilities plan), the remaining segments may be funded for 20 years reserve capacity.

EPA's interpretation of the term "remaining segments" in the second example above determines whether several grandfathered projects will benefit. The current view is that the segments to be funded must have been a remaining unfunded portion of the treatment facility or the remaining unfunded portion of the interceptor. Therefore, an unfunded interceptor would not receive a 20-year reserve capacity if the prior grant was for a treatment facility.

- b. A new administrative rule, OAR 340-53-027, was proposed to utilize up to 20 percent of the state's annual allotment to fund projects that are eligible until October 1, 1985 but, as a consequence of the 1981 Construction Grants Amendments, will become ineligible after that date. Two respondents favored the proposed rule; one respondent supported the proposal as long as the benefitted projects would be eliminated if they fail to make reasonable progress. One respondent opposed the rule because it did not include all projects potentially benefitted by the state's discretionary authority. Another respondent opposed any use of the state's discretionary authority.

Response

Section 201(g)(1) of the Clean Water Act enables the states, using up to 20 percent of the allotment, to mitigate the impact of the changed eligibility on project types. Since a share of national appropriations to Oregon is determined in part on the state's reported eligible needs, any state discretion will divert funds from projects intended to benefit. Three respondents who will benefit from the rule favored it. One respondent opposed the rule; this respondent could benefit according to the statutory authority but would not benefit because of the added limitations that facilities planning substantially be completed by 1981.

The proposed administrative rule is intended only to extend the date at which the federal statutory classification of ineligible project types takes effect. The extension is proposed, in part, to achieve consistency with the Environmental Quality Commission's 1980 policy decision to delay the construction of projects that have lower priority, despite the fact that they had received grants for facility planning and were preparing to design. It is also more consistent with the assumptions applicants had when the facility plans were done. For facility planning initiated after December 27, 1981, other funding mechanisms for implementing these types of projects should have been addressed.

One respondent that opposed discretionary funding did so because of the assessment that "leaky sewers are better than no sewers at all". Except for one potentially benefitted recipient, these projects are for major sewer rehabilitation or replacement. Most of these sewers have structurally failed.

The proposed list of projects that would benefit from the Environmental Quality Commission's discretionary authority is Attachment D-3.

Procedural capabilities exist to ensure the progress of benefitted projects. According to OAR 340-53-035 (2), the Department is authorized to bypass any project that is not ready to proceed during the funding year. If the project is bypassed for two consecutive years, the Commission may remove it from the priority list. For projects not on the fundable portion of the priority list, the timing of the needed improvement is generally addressed through permit conditions or enforcement order.

Two changes were made in the proposed administrative rule. The appropriate rule section title and codification were changed from Establishment of Reserves, OAR 340-53-025(g), to Use of Discretionary Authority, OAR 340-53-027. This change improves the description of the rule. The term "general allotment" is changed to "annual allotment" consistent with the federal statute. In theory, this does increase the proposed maximum limitation on discretionary funds by \$970,000 annually, but since no additional projects are proposed to benefit, the change has no impact on project funding or scheduling.

- c. Two respondents opposed the adoption of a uniform federal share of 55 percent or less for all grants awarded after September 30, 1984.

Response

Section 203(a) of the Clean Water Act and 40 CFR 35.2152 (c) are interpreted as enabling states to adopt a uniform lower federal share for each segment funded after the state's decision. Potentially, this could vary the grant percentage among treatment works phases or segments of the same system, i.e., 75 percent segment funded before

October 1, 1984, and all segments regardless of grandfather status, at 55 percent after October 1. OAR 340-53-020(4) authorizes the Environmental Quality Commission to certify 50 percent grants.

No proposal is made at this time to reduce the federal share for projects funded after September 30, 1984. New phases and segments are estimated to receive 55 percent federal participation unless they qualify as grandfathered projects. Certain project types will become ineligible. The proposed rule for discretionary use of funds would continue funding consideration for six projects at 55 percent federal participation.

- d. Two respondents indicated that permit requirements should be related to the selection of projects for funding.

Response

Federal statute and regulations require that the priority list be developed on a water quality and public health improvement basis. In constructing the state priority list, the most significant factors are:

- (1) Project letter class, which establishes the water quality or public health need according to existing documentation and
- (2) Regulatory emphasis, which reflects the type of regulatory or enforcement action that is appropriate to the project.

Realistically, the potential difference in federal funding appropriations, federal eligibility limitations, and the variability in the number of projects that can be funded on a yearly basis prevent treating compliance objectives identical to the priorities established for this funding program. Grants for construction of projects are scheduled to achieve compliance objectives, where feasible. However, the major portion of construction expenditures needed to eliminate bypassing during critical times, to rehabilitate sewers, and to upgrade facilities and provide for future growth will occur independent of the assistance available through this program.

- e. Two respondents raised related objections concerning the entry of new projects at a high priority onto the annual priority list. One respondent cited the inadequacy of information included on the draft FY85 list regarding major projects sponsored by the City of Portland and the City of Gresham. (Pursuant to OAR 340-71-335, Portland and Gresham were required by July 1, 1984, to submit detailed plans, schedules, priorities, phasing, and financial mechanisms for providing sewerage services to unsewered areas of Multnomah County.)

Response

Presently neither federal regulations nor the state's administrative rules regarding management and development of the priority list limit the introduction of new projects or control the size or amount of funding for necessary projects. Priority evaluation is initiated at the request of an applicant or based on water quality sampling, monitoring, or sanitary surveys available to the Department; new information is routinely incorporated into the next public involvement process to develop the priority list. Until a project is actually scheduled for funding, the verification of water quality data is ongoing so that changed circumstances affecting priority are reevaluated. Throughout the facility planning process, adjustments in priority and eligibility are very possible. The benefit of the present management system is its concentrated effort to focus available funds on the projects or project segments that demonstrate the greatest water quality benefit. However, the volatility of the priority list, from year to year, is increased because of the incorporation of new needs, new data, and recent planning information.

Some states have structured their priority systems to avoid some of this volatility. The two most utilized tools are (1) cost limitations on the amount of funds that go to metropolitan areas and (2) "freezing" or restricting the list so that new project entries are not made. Cost limitations on a geographic or population basis are difficult to apportion, but several states have historically used this tool. For FY85, restricting all new entries to the list is being proposed by one large state. Restricting the entry of new projects offers one method of assuring a continuation of construction, especially where several large projects are being built in multiple phases. However, the restrictions generally do not provide for easy incorporation of new facility plans when they are completed.

Although significant amounts of groundwater quality data in the Portland and Gresham area were available at the time of distribution of the draft list, this information was admittedly less than we would have liked with respect to project construction. Critical project data was not submitted to the Department of Environmental Quality until June 26, 1984. In order to enter a project on the priority list, available project data must include (1) service area; (2) identification of existing population that is planned for immediate service; (3) cost estimates; (4) the relationship between capacity and location to various projects within the same treatment system; and (5) the relationship between the identified project and the water quality problem correction. Rather than await the submittal of project details, the draft priority list displayed the available data to describe the character of the anticipated new projects. A description of these projects is contained in Part 3 of this Attachment.

- f. One respondent, the Carmel-Foulweather Sanitary District, requested the Department's assistance in confirming the extent of public health problems from inadequate subsurface disposal systems. Another respondent, Benton County, representing the North Albany area, submitted data to assist in the reevaluation of groundwater pollution within the area.

Response

To the extent possible, staff assistance to these respondents will be provided during FY85 to gain information needed to assess these problems. See Part 3 of this Attachment.

- g. One respondent requested financial assistance to produce a facilities plan.

Response

Section 201 (1), (2), and (B) of the Clean Water Act enables a state to provide advances of allowances to a "potential grant applicant which is a small community and which in the judgment of the state would otherwise be unable to prepare a request for a grant for construction...". The present administrative rule authorizes advances to potential applicants who (1) are expected to apply for funding in the current year or one year thereafter, (2) have less than 25,000 population; and (3) demonstrate financial need for the advance. An estimated amount of funds are set aside annually for this purpose; however, only one applicant has received funds from this source.

The advance of allowance is not a loan. It is expected to defray a portion of the costs of facilities planning and design and is an advance against the prospective grant award. If a grant is not received in a timely way or when received, the amount of the actual allowance is less, the difference must be reimbursed to the grants program.

As a practical matter, the amount of the allowance which could be advanced depends upon the estimated construction cost of the project. Therefore, at least partial facilities planning information is necessary to determine the amount of advance.

Subsequent discussions with this respondent have concluded that facilities planning will be substantially funded with local funds. However, this project may be considered as a candidate for an advance for design during FY85.

- h. One respondent suggested that treatment systems operating for extended periods of time with interim improvements, but which have not yet received a federal construction grant, should receive funding prior to "second round" funding for other communities who have received grants.

Response

Section H.2.e. of the Appendix in the February 17, 1984, construction grant regulations states that U.S. EPA's current policy precludes providing grant assistance for replacement of treatment works that (1) failed before the expiration of their design life and (2) were originally funded from the Federal Water Pollution Control Act of 1956 and subsequent amendments. Prior to these regulations, U.S. EPA's policy allowed applicants to replace treatment works that failed, provided that an offset equal to the original value was credited against the second grant.

Since "second round" funding appears to be largely precluded by current regulations and it occurred in the past only after a financial adjustment was made in grant amounts, neither the management system or priority criteria has distinguished between first or second time recipients.

- (i) Two respondents urged that special consideration be given to projects that utilize alternative and/or innovative technology.

Response

In 1982, the Commission considered whether the priority criteria should provide an incentive for projects that utilize alternative and/or innovative technology and decided that changes were not needed to provide an incentive. Since the statutory requirement for these funds was established in 1977, Oregon has repeatedly committed all of the available technology funds, while maintaining that priority rating dominantly reflect water quality and public health concerns. To the limit of funds available in the reserves, qualifying projects will receive an added 10 or 20 percent grant share.

- j. One respondent provided information on subsurface sewage disposal failures occurring within and adjacent to a city that received a grant for correction of failures within a defined area where mandatory health hazard annexation area. The city received a construction grant in 1983. However, due to less than anticipated costs, some funds are remaining in the grant but are not committed. The city requests that the uncommitted funds be used to serve the new problem area.

Response

Since the applicant was awarded a grant to remedy a problem in a precisely defined area, limited by the boundaries of a health hazard annexation, the addition of service area is outside the scope of the present grant and therefore, not an appropriate candidate for a grant adjustment. No assessment or analysis of priority ranking was performed for this area in order to receive a new award.

While scope determinations of this nature often appear unduly restrictive, it is useful to review the context of the decision: 1) the facilities plan and environmental assessment did not indicate that the adjacent areas would be affected; 2) public opportunity to review the plan and its impacts, including financial, were not recognized by the adjacent area residents; 3) EPA concluded a Finding Of No Significant Impact on a very specifically defined area; and 4) since the facilities plan did not include these services, the restrictions of OAR 340-53-020(3), which preclude funding for collection sewers unless "a Step 1 grant for the project (was) certified prior to September 30, 1979," may apply.

Funds which were awarded for project costs that are not necessary due to low construction bids are recovered by DEQ and used to fund other projects in priority order.

2. Testimony Related to Project Priority Criteria

The City of Gresham requested that the regulatory emphasis criteria specifically provide a score of 130 points for cities acting under an EQC order to provide sewerage facilities to alleviate a threat to drinking water.

Response

A score of 130 points is assigned if a "project is necessary for immediate correction of a public health hazard through extraordinary measures such as: (1) Annexation or (2) Service district formation. Documentation required includes: (1) EQC order, or (2) Certification of Public Health Hazard by the Administrator of the Health Division pursuant to ORS 431.705 et seq. or 222.850 et seq."

Presently, Gresham's projects to serve adjacent unsewered areas are assigned a regulatory emphasis score of 90 points, due to sanitary survey information.

The EQC has not yet declared a "threat to drinking water" or required service to the unsewered area by a specified date, more is the rule prohibiting future installation of cesspools in effect at this time.

Gresham's testimony raised the questions as to whether the existing regulatory emphasis criteria relative to EQC Orders are adequate or whether staff should propose alternative criteria for FY86 to address unprecedented actions, such as the possible declaration of a "threat to drinking water." Several alternatives for future consideration include:

- a. Add language to the criterion for 120 points which specifies the type(s) of EQC Orders which warrant this score.
- b. Consider "threat to drinking water" findings and declaration a public health hazard warranting 130 points.

- c. Create a new regulatory emphasis category and point assignment for projects needed to resolve a declared "threat to drinking water" problem area.

No testimony was received regarding stream segment rank criteria or point assignments for specific projects. The application of surface water related stream segment points to more numerous project listings needed to abate groundwater pollution raises the issue that the stream segment rank criterion may need modification. Current practice for applying stream segment rank to projects which address groundwater pollution is to: (a) determine the surface water body known or likely to be affected by groundwater pollution, taking into consideration groundwater flow direction in shallow aquifers, or (b) determine the adjacent stream segment to a deep aquifer. Points assigned based on these determinations do not take into consideration the existing or potential use of the affected groundwater. Alternatives to remedy this situation for future consideration include:

- a. Adding a new groundwater points system to supplement the stream segment rank criterion. The groundwater point scores could be developed using criteria similar to those for determining necessary abatement controls for protection of aquifers as specified in the adopted Groundwater Protection Policy, OAR 340-41-092.
 - b. Developing a new water body related ranking criterion for use in the priority classification system which recognizes beneficial uses of water, including observation of high quality waters for future and existing uses.
3. Testimony Related to Individual Project and Segment Classification and Ranking on the Draft FY85 Priority List

- a. Several respondents provided new information or requested reassessment priority ratings.
 - (1) Newberg requested the Eighth Street Pump Station project be included in the main grouping of Newberg projects assigned letter class B. They noted bypass conditions to Chehalem Creek due to hydraulic capacity limitations. DEQ conducted a survey of Chehalem Creek in late May 1984, after a rainstorm-induced bypass. Results showed bacterial water quality standards violations downstream and in the vicinity of the pump station. The frequency of bypass conditions during summer rainfall events justifies elevating this project to letter class B. DEQ has requested that the city post a warning advising the public of sewage contamination in the creek.
 - (2) Bear Creek Valley Sanitary Authority requested that DEQ reconsider the proposal to "downgrade" the priority rank of the Whetstone interceptor project and reinstate the priority letter class B assignment. They further requested that population emphasis points be changed to reflect a population of 2000.

Additional testimony and documentation show that the intent of BCVSA's sampling efforts in 1984 were to reverify on-site system failures and not to resurvey in-stream water quality in Whetstone Creek. Based on water quality data collected in 1980 and 1981, combined with the more recent sanitary survey data, on-site system failures do contribute to high fecal coliform values in Whetstone Creek. The project rank is reinstated as a letter class B. With respect to population emphasis points, the project ranking reflects priority point assignment for a population of 1800. This number was stated in the March 1984 facility plan as the current population by census tract in the study area.

- (3) Metropolitan Wastewater Management Commission questioned whether their Springfield project is correctly ranked. DEQ staff contends that the projects to eliminate excessive flows are correctly ranked as letter class C. The testimony does not provide any evidence that the project is needed to eliminate current bypassing conditions that affect water quality or beneficial uses. Instead, it appears that the project is needed to prevent possible future bypass conditions when peak flows resulting from future growth and critical storm-induced inflow and infiltration occur.
- (4) Philomath. Submittals from the City Administrator and Westech Engineering representing the City of Philomath requested: (a) a redefinition of projects to eliminate frequent sewage bypasses to Newton Creek and the Marys River, and (b) these projects be assigned a higher priority than the previously proposed projects identified to address the problems. DEQ conducted a water quality survey of Newton Creek in late May 1984. Results of that survey show bacterial water quality standards violation from sewage contamination in Newton Creek downstream of two bypass points.

Projects identified to eliminate bacterial standards violations in Newton Creek justify letter class B ranking. Because Newton Creek flows through the City Park and areas of easy access to the public, DEQ has ordered the city to post a warning advising the public of sewage contamination in the creek.

- (5) Tangent submitted additional water quality data on North Branch and North Lake Creek and their tributaries as they drain through the city to the Calapooya River. They requested reevaluation of its project priority ranking with respect to both letter class and regulatory emphasis. Staff review of the supplementary water quality data show that bacterial water quality standards are violated in North Lake Creek due to surfacing and direct discharges of sewage from inadequate on-site sewage disposal systems in the southern area of Tangent. These conditions warrant assigning letter class B to those projects which address these problems. Currently a project which serves the entire city is identified on the list. Upon completion of a

facility plan that meets federal requirements, those project segments which do not address the problem area in south Tangent may be reevaluated.

Relative to the request for 130 regulatory emphasis points based on the issuance of a Stipulated and Final Order in October 1983, staff contend that: (a) compliance measures stipulated in the order were written in lieu of issuing a permit and (b) the project does not address the correction of a certified public health hazard through extraordinary measures such as annexation or service district formation as specified in the regulatory emphasis criteria for 130 points. Therefore, the assignment of 90 regulatory emphasis points, based on sanitary survey results, is appropriate.

- (6) North Albany County Service District Over the past six months, Benton County has submitted water quality survey data and supplementary information in an effort to document the need for a higher priority ranking of the following proposed interceptor projects:

- (a) N. Albany C.S.D. Area 2A Interceptor
- (b) N. Albany C.S.D. Area 1, 2, 3, & 4 Hickory PS/FM
- (c) N. Albany C.S.D. Area 1, 2, 4 Sp. Hill Dr. Int.
- (d) N. Albany C.S.D. Area 2 N. Alb. Rd. Int.

Conclusions drawn from staff evaluation of the data are:

- (a) The 78 percent on-site sewage disposal system failure rate in Area IIA and resulting surfacing sewage and contamination of roadside ditches pose a potential threat to public health. The Department encourages the service district to address this public health concern in a responsible manner. However, because the instream water quality data collected from Thorton Lake, Crocker Creek and unnamed permanent drainages to the Willamette River do not conclusively demonstrate water quality standards violations or instream beneficial use impairment (the criteria upon which a higher letter class must be based for federal sewerage works construction grants), the priority of the Area 2A Interceptor project cannot be elevated from letter class C at this time.
- (b) There is an indication that groundwater contamination from sewage may be occurring in the unconfined alluvial aquifer underlying Areas III and IV. At this time there is insufficient water quality data and information to (a) verify the extent or severity of groundwater contamination, (b) determine the specific sources of such contamination and, (c) evaluate the aquifer with respect to its geology and hydraulic characteristics such as flow direction and rate of flow and recharge.

To address public concern and verify the need for sewerage projects, the Department proposes to assist the appropriate local jurisdiction in planning and executing a groundwater study of the North Albany aquifer. This study can be initiated by the Department in October 1984. It is expected that the results of this study will be incorporated into the construction project classification reviews for preparing the FY86 priority list.

(7) Gresham and Portland

For over ten years the Department has been concerned about groundwater pollution from the use of cesspools for sewage disposal in Mid-Multnomah County. Water quality data for wells in the area indicate high levels of nitrate-nitrogen and trace levels of several organic solvents (degreasers) have been detected in some wells.

In 1980, the EQC approved the Multnomah County East County Groundwater Plan. Projects identified in that plan for eliminating the use of cesspools were prioritized under letter class B. It was recognized by the Department that these proposed projects were only the initial increment to resolving groundwater pollution in Mid-Multnomah County.

A final administrative rule adopted in April 1982, required the appropriate jurisdictions to submit to the Department by July 1, 1984, detailed plans, scheduling, priorities, phasing, and financing mechanisms for sewerage the entire cesspool area contributing to groundwater pollution.

On June 27, 1984, the governing bodies of Gresham, Portland and the Multnomah County Central Service District No. 3 passed resolutions which adopt sewerage facility plans that identify projects needed to eliminate cesspools in the affected area. These resolutions define the service boundaries of each jurisdiction and the affected area needing sewerage systems to abate pollution of the groundwater aquifer. In response to these submittals, the priority evaluation of projects not previously included on the list are provided below. Factors which influence priority, such as the expected rate of service, will not be finalized until after the Environmental Quality Commission completes its proceedings to evaluate the threat to drinking water and appropriate corrective actions. In addition, a discussion of previously listed projects, as they relate to the groundwater pollution problem in Mid-Multnomah County, is presented.

Gresham. Six projects needed to minimize or eliminate documented groundwater pollution are categorized in letter class B as follows:

- Stark St. Interceptor - Identified in Gresham's Sewer Master Plan as needed to serve the unsewered area on cesspools in Subarea IV. The population estimated to be served within 5 years of start of the project is 960.
- Glisan Street Trunk - Identified as needed to serve the unsewered area on cesspools in Subarea V. The population estimated to be served within 5 years of the start of this project is 690.
- 175th/176th Ave. Trunk - Identified as needed to directly serve the unsewered area on cesspools in Subarea IV. The population estimated to be served within 5 years of the start of this project is 640.
- 182nd Ave. Trunk - Identified as needed to serve the unsewered area on cesspools in Subareas VII and IX. The population estimated to be served within 5 years of the start of this project is 260.
- Division St. Trunk - Identified as needed to serve the unsewered area on cesspools in Subarea VIII. The population estimated to be served within 5 years of the start of this project is 330.
- W. Johnson Creek - Identified as needed to serve the unsewered area on cesspools in Subarea IV. The population estimated to be served within 5 years of the start of this project is 60.

Each of the projects identified above have been assigned 90 regulatory emphasis points because the potential exists for regulatory action based on information identified by a DEQ sanitary survey. Although OAR 340-71-335, Cesspools and Seepage Pits, contains a statement (2)(a)(A) prohibiting the future installation of cesspools after January 1, 1985, another statement in the rule, (2)(a)(C), states that the prohibition in (2)(a)(A) shall not become effective until January 1, 1985. Thus, 120 points, which would represent an EQC rule that restricts issuance of subsurface disposal permits for a specific geographic area, is not applicable at this time.

Gresham's recent facility plan identifies a STP improvement project which has been segmented into two components. The previous listing of an STP Improvement project has been modified as explained below:

STP Improvements and -
Solids Handling

Gresham requested the priority of its STP improvement project be raised on the basis that it is needed to: (a) insure compliance with their permit, and (b) serve those areas within Gresham's jurisdiction on cesspools that are polluting groundwater in Mid-Multnomah County. They state that Gresham's STP must be expanded before connection of the cesspool areas can be allowed to the collection systems. They further note that 4,769 equivalent residential units of capacity are reserved for property owners who financially participated in the 1979-80 treatment plant expansion. DEQ staff acknowledge Gresham's difficulties in meeting existing permit requirements and have appropriately categorized two projects for addressing system needs under letter class C. The question arises as to whether they are operationally dependent to the interceptor and trunk projects needed to eliminate areas on cesspools. Service to these areas will require a total additional 2.3 MGD capacity over the scheduled twenty-year implementation period.

An opinion from DEQ's legal counsel will be requested regarding the commitments for service by Gresham. In addition, since reserve capacity for future growth is ineligible for funding after Oct. 1, 1984, U.S. EPA will be asked to review the capacity issue. Finally, past precedence has been to consider those projects required to address a higher priority need within a five-year period as operationally dependent. Interceptor and trunk implementation schedules and the capacity needed to connect that population which will be served within five years must be evaluated. Clearly, careful coordination of interceptor and laterals construction with the provision of sufficient treatment plant capacity and solids handling are essential. The operational dependency, reserve capacity, and eligibility issues will be addressed as soon as possible, recognizing

Gresham's proposed STP expansion and solids handling projects construction schedules. The population emphasis points assigned to these two projects are based on: (a) the current population, (b) the population of the unsewered area not requiring trunks and interceptors to service, and (c) that population estimated to be served within five years of the start of the Stark Street Interceptor construction.

Portland The following project has been included on the list under Letter Class B.

S.E. 111th Interceptor- Identified as needed to serve a portion of the unsewered area on cesspools within the Johnson Creek subbasin. The population estimated to be served within 5 years of the start of this project is 2150.

The project identified above has been assigned 90 regulatory emphasis points because potential exists for regulatory action based on information identified by a DEQ sanitary survey. Although OAR 340-71-335, Cesspools and Seepage Pits, contains a statement (2)(a)(A) prohibiting the future installation of cesspools after January 1, 1985, another statement in the rule, (2)(a)(C), states that the prohibition in (2)(a)(A) shall not become effective until January 1, 1985. Thus, 120 points which would represent an EQC rule that restricts issuance of subsurface disposal permits for a specific geographic area, is not applicable at this time. They also have been assigned 48 stream segment points for Willamette Basin, Remaining Basin Streams since the groundwater flow of the affected area is to the Columbia River.

S.E. Relief Sewer - Portland identifies construction of the remaining two phases of the SE Relief sewer as required to service the area on cesspools within the Johnson Creek subbasin. In the past these projects appeared on the priority list under letter class C based on their need to

eliminate winter-time bypasses to the Willamette River. On the FY85 priority list they appear as operationally dependent to the SE 111th interceptors, but retain their priority classification and point score with the exception of population emphasis. The population emphasis point score is based on existing population within the city to be served by the relief sewer, plus that population in the Johnson Creek subbasin which is estimated to be connected to the interceptor within five years of the start of the relief sewer construction.

- (8) Monroe provided testimony noting Benton County's concerns about: (a) documented failing septic systems in an area adjacent to the original North Monroe health hazard annexation area and (b) at least six failing septic systems within the city limits. The county has mandated resolution of these problems and recommends extending the city's sewer system. Based on the information received, the Department has added a collection system project to the priority calculation list under letter class D, noting its need to eliminate water pollution from nonpoint sources where malfunctioning subsurface sewage disposal systems in developed areas are a contributing factor. If the permit is amended to require service to these areas, the priority would be elevated to letter class C. It should be recognized, however, that collection systems are ineligible for federal sewerage works construction grants.
- (9) Grants Pass requested the inclusion of projects identified in their June 1984 Facilities Plan and May 1983 Sewage Collection Master Plan which they recently submitted to the Department. Interceptor projects identified as required to handle existing overloads which cause occasional winter bypasses to the Rogue River and for which implementation is scheduled have been included on the FY85 priority list. These five projects are categorized under letter class C with 90 regulatory emphasis points since they are needed to assure compliance with permit conditions.

The treatment facilities project has been segmented into two projects, STP Expansion and Solids Handling, to reflect the difference in priority needs and scheduled implementation. The STP expansion is needed to serve growth and thus is prioritized under letter class E. The Solids Handling project is prioritized under letter class D since limitations with current sludge handling capabilities may be affecting treatment efficiency, though not to the extent that effluent limits of treated flows are violated.

Because the facilities plan has not yet been approved by DEQ, 50 regulatory emphasis points are assigned to each of these projects.

- (10) Tri City Service District requested that its West Linn-Willamette projects for conveying sewage flows from the area currently served by the Willamette STP to the Tri City Regional STP be ranked at the same priority as the highest ranked Tri City S.D. project in letter class B. Tri City S.D. considers the letter class C ranking for the West Linn Force Main and Tualatin Pump Station projects to be a deviation from the regional treatment plant concept required and approved by the DEQ, as well as a violation of commitment to the public of how their approved bond funds for local share were to be spent.

In 1980, the policies regarding the management of the sewerage works construction grants priority list included the approach for segmenting construction projects into components and prioritizing each separately under the adopted letter class criteria. This was initiated to spread limited federal dollars to projects which address the most critical water quality problems and result in the greatest water quality benefit. This practice has been consistently applied to all projects and has resulted in federal funding for critical project segments for a larger number of communities. The consequences of this policy to communities who passed bond measures before and around 1980 are recognized. Such communities must find alternative sources of funding or accept delays in federal funding of remaining improvements. In this case, in order to secure the initial federal grant for the Tri City S. D. plant, the District was required by U.S. EPA to commit to fund this interceptor, on a specified schedule, regardless of federal grant assistance.

DEQ's response to a request for raising the priority of Tri City S. D. Willamette projects last year was that the projects are needed to insure treatment capability within the effluent standards established in West Linn Willamette's NPDES permit. Therefore these projects were appropriately categorized under letter class C. Since that time, no additional water quality data has been collected or submitted to qualify the projects for a letter class B priority.

- (11) Clackamas County Sanitary District requested that the Kellogg Plant Digesters project be elevated to letter class B because: a) the 1968 predesign report for the district, which provided the basis for the plant construction, included digesters, b) the Kellogg plant sludge hauling to the City of Portland's Columbia Blvd. STP was considered an interim plan until a permanent regional plan was approved, c) several plans including the Tri City S.D. facilities plan have identified sludge management and disposal projects for the Kellogg STP, and d) ten years since the

start-up of the Kellogg STP, sludge is still being hauled six days a week to the Columbia Blvd. STP. Clackamas County Service District believes continuation of the hauling program could lead to a health hazard situation.

The letter class C category recognizes that the interim sludge hauling program is not an acceptable long-range alternative. A higher letter class requires documentation that the project is needed to address water quality problems. It should be noted that other projects on the list which are needed to eliminate existing public health problems where impacts on water quality cannot be demonstrated are categorized under letter class D or C, as well.

- (12) Huntington noted that they have a serious plant and I/I problem and asked why their project had been deleted from the list. Discussions with DEQ regional staff reveal that Huntington's sewer system is combined. Separation of combined sewers are not eligible for federal funding and therefore their entry does not appear on the eligible portion of the list. Upon the City's completion of a facility plan, needed projects which are eligible, such as STP improvements, interceptors, and I/I correction, will be evaluated and placed on the list.

WT112

July 26, 1984

Inventory of Potentially Grandfathered Projects

<u>Grant Number</u>	<u>Name</u>	<u>Segment</u>
C410 0604-02	Clackamas Co. S.D. 1	Kellogg Sludge
0342-02	Portland S.E. Relief	Int. P3
0342-02	Portland S.E. Relief	Int. P4
0624-17	MWMC	Sludge P2
0493-10	Tri-City S.D.	West Linn Rvr. St. Int.
0624-18	MWMC	Springfield Infiltration/Inflow*
0493-11	Tri-City S.D.	Gladstone F.M.
0493-15	Tri-City S.D.	W. Linn F.M.
0559-04	Lincoln City	P.S. P2
0681-02	Seaside	P.S. 1A

* This does not include construction of any sewer line replacement; it is only the portion for the construction needed for infiltration/inflow correction.

WT114
July 19, 1984



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-6696

June 13, 1984
 Certified Mail
 Return Receipt Requested

Michael A. Kelly, Executive Officer
 Metropolitan Wastewater Management Commission
 225 North 5th Street Suite 292
 Springfield, OR 97477

Re: W2-MWWT
 Springfield Sewer
 Rehabilitation
 C410624-18

Dear Mr. Kelly:

The Department of Environmental Quality draft fiscal year 1985 construction grants priority list listed your major sewer rehabilitation project on the inventory of potentially grandfathered projects with the expectation that it would be eligible for 75 percent funding after fiscal year 1984. The U.S. Environmental Protection Agency (EPA) has indicated to us that major sewer rehabilitation cannot qualify as a grandfathered project and therefore, at best, the project could qualify for 55 percent funding if the state utilizes its discretion to consider such projects for funding after September 30, 1984. The state's use of discretion is, of course, the subject of the proposed administrative rule 340-53-025 included in the documents distributed to you on May 17, 1984.

Title 40 CFR 35.2152 (a) (3) of the EPA regulations limits grandfathered projects to "...phases or segments of a primary, secondary, or advanced treatment facilities or its interceptors, or infiltration/inflow (I/I) correction..." but does not include major sewer rehabilitation projects.

I have enclosed definitions of I/I removal and major sewer rehabilitation drawn from the EPA Needs Survey documentation; these categories of projects are referred to as III A and III B, respectively. In general, I/I consists of actions to cost effectively eliminate sources of extraneous flow (ground water or direct surface inflow) into the sewer system while major sewer rehabilitation consists of reconstruction or replacement of major sewers because of a generally deteriorated or collapsed condition. Major rehabilitation is justified for reasons other than the cost-effectiveness of flow removal.

This information is being forwarded in order that you may (1) review the justification and categorization of your project; (2) consider the EPA regulations and Needs Survey definitions; and (3) provide testimony, if necessary, by June 27, 1984.

June 13, 1984

Page 2

If you have questions about this matter, please do not hesitate to contact me at 229-5415.

Sincerely,

B.J. Smith
Chief, Construction Grants Unit
Source Control Section
Water Quality Division

EJS:st

WT50

Attachments: (1) Excerpts from February 17, 1984 Construction Grants Regulations.
(2) Excerpts from the Needs Survey Definitions.
(3) Revised Inventory of Potentially Grandfathered Projects.
(4) Revised Fiscal Year 1985 Priority List.

cc: Ed Black, City of Springfield
Willamette Valley Region, DEQ
EPA-000

(DEFINITIONS OF INFILTRATION/INFLOW CORRECTION AND MAJOR REHABILITATION)

Categories IIIA (Infiltration /Inflow Correction) and IIIB (Major Sewer System Rehabilitation)

Category III includes all estimated costs for I/I correction and sewer rehabilitation. Backlog costs for this category are, by definition, equal to the year 2000 costs.

Category III deals with sanitary sewer systems and differentiates between two types of needs. Category IIIA considers infiltration/inflow (I/I) correction, as defined by the provisions of Section 201 of P.L. 92-500. Category IIIB considers major sewer system rehabilitation, as defined in section 211 of P.L. 92-500. These sections of the Act provide for financial assistance grants for replacement or major rehabilitation of an existing sewage collection and transmission system if it is necessary to the total integrity and performance of the waste conveyance and treatment facilities.

The cost of correction of I/I in a combined type sewer system will be reported under Category V, not Category IIIA. Major rehabilitation or replacement of combined type collection systems may, however, be reported in Category IIIB when necessary for the overall integrity and performance of the sewer system.

For this Survey replacement is defined as construction of parallel sewers or sewers performing the function of existing sewers where existing sewers are to be abandoned. Relief sewers do not fall within this definition and will be reported under Category IVB. Major rehabilitation is defined as extensive repair of existing sewers beyond the scope of normal maintenance programs. For example, pointing the mortar linings of deteriorated brick sewers is not major rehabilitation. The cost of rehabilitation cannot exceed the cost of replacement. Otherwise, the need should be placed in Category IVB for new interceptors.

The following guidance on Category IIIA needs is provided to avoid duplication and insure accuracy of reported eligible costs:

- o If overflows in a sanitary sewer system or bypasses do not occur, and treatment costs are included in Categories I and II for excessive I/I, cost for I/I correction will be reported in Category IIIA. An appropriate reduction of Category I or II costs also will be effected to account for I/I removed from the system.
- o If overflows occur in a sanitary sewer system due to excessive I/I, and costs for treatment were not included in Categories I or II in the 1982 Survey, such costs for I/I correction, satellite overflow treatment facilities, or storage and pump-back facilities will be reported in Category IIIA. This will not apply to combined sewer systems considered under Category V.

• • •

All Category IIIB needs must reflect replacement or major rehabilitation costs necessary to insure the total integrity and performance of the waste conveyance and treatment facilities. Normal system operation and maintenance costs will not be included. Costs are reported in Category IIIB only if the sewers do not have excessive I/I. All costs for improving sewers with excessive I/I are reported in Categories IIIA or V in accordance with guidance for that category.

• • •

Category IIIA

Infiltration/Inflow Correction. Included in this category are costs for correction of sewer system infiltration/inflow (I/I) problems. Costs should also be reported for the preparation of a preliminary I/I analysis or for a detailed sewer system evaluation survey.

Category IIIB

Major Sewer System Rehabilitation. Requirements for replacement and/or major rehabilitation of existing sewer systems are reported in this category. Costs are to be reported if the corrective actions are necessary to the total integrity of the system. Major rehabilitation is considered to be extensive repair of existing sewers beyond the scope of normal maintenance programs (for example, where sewers are collapsing or structurally unsound).

• • •

Category V

Correction of Combined Sewer Overflows. Costs reported for this category are for facilities, including conveyance, storage, and treatment, necessary to prevent and/or control periodic bypassing of untreated wastes from combined sewers to achieve water quality objectives and which are eligible for Federal funding. It does not include treatment and/or control of stormwaters in separate storm and drainage systems.

List of Ineligible Projects Affected by the Use of Discretionary Authority

Discretionary Funding for Ineligible FY85 Projects

The discretionary eligibility proposed in OAR 340-53-027 would continue funding potential for several projects that would otherwise not be fundable after September 30, 1984. The projects noted as discretionary had substantially completed facility plans, according to the Department of Environmental Quality records, prior to the 1981 Construction Grant Amendments:

C410-0693-03	RUSA/Sewer Rehab	Discretionary
0520-02	North Bend/Sewer Rehab	Discretionary
0520-03	North Bend/CSO	Discretionary
0493-09	Tri-City S.D./Sewer Rehab	Discretionary
0624-18	MWMC/Sewer Rehab	Discretionary
0506-03	Sheridan/Sewer Rehab	Discretionary
0668-01	Corvallis/CSO	Ineligible
0661-01	Grants Pass/Sewer Rehab	Ineligible
0533-03	Florence/Sewer Rehab	Ineligible
0597-02	Yoncalla/Sewer Rehab	Ineligible
0696-01	Huntington/CSO	Ineligible

WT113
July 18, 1984

OREGON ADMINISTRATIVE RULES
CHAPTER 340, DIVISION 53 — DEPARTMENT OF ENVIRONMENTAL QUALITY

**MUNICIPAL WASTE
WATER TREATMENT
WORKS CONSTRUCTION
GRANTS PROGRAM**

DIVISION 53

**DEVELOPMENT AND MANAGEMENT
OF THE STATEWIDE SEWERAGE WORKS
CONSTRUCTION GRANTS PRIORITY LIST**

Purpose

340-53-005 The purpose of these rules is to prescribe procedures and priority criteria to be used by the Department for development and management of a statewide priority list of sewerage works construction projects potentially eligible for financial assistance from U.S. Environmental Protection Agency's Municipal Waste Water Treatment Works Construction Grants Program, Section 201, Public Law 95-217.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 24-1980, f. 9-29-80, ef. 10-1-80

Definitions

340-53-010 As used in these regulations unless otherwise required by context:

(1) "Department" means Department of Environmental Quality. Department actions shall be taken by the Director as defined herein.

(2) "Commission" means Environmental Quality Commission.

(3) "Director" means Director of the Department of Environmental Quality or his authorized representatives.

(4) "Municipality" means any county, city, special service district, or other governmental entity having authority to dispose of sewage, industrial waste, or other wastes, any Indian tribe or authorized Indian Tribal Organization or any combination of two or more of the foregoing.

(5) "EPA" means U.S. Environmental Protection Agency.

(6) "Treatment Works" means any facility for the purpose of treating, neutralizing or stabilizing sewage or industrial wastes of a liquid nature, including treatment or disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishings thereof and their appurtenances.

(7) "Grant" means financial assistance from the U.S. Environmental Protection Agency Municipal Waste Water Treatment Works Construction Grants Programs as authorized by Section 201, Public Law 95-217 and subsequent amendments.

(8) "Advance" means an advance of funds for a Step 1 or Step 2 project. The advance is equal to the estimated allowance which is expected to be included in a future Step 3 grant award. An advance is made from funds granted to Oregon by EPA; it is not a direct grant by EPA to a municipality.

(9) "Project" means a potentially fundable entry on the priority list consisting of Step 3 or Step 2 plus 3 treatment works or components or segments of treatment works as further described in OAR 340-53-015(4).

(10) "Treatment Works Component" means a portion of an operable treatment works described in an approved facility plan including but not limited to:

- (a) Sewage treatment plant;
- (b) Interceptors;
- (c) Sludge disposal or management;
- (d) Rehabilitation;
- (e) Other identified facilities.

A treatment works component may but need not result in an operable treatment works.

(11) "Treatment Works Segment" means a portion of a treatment works component which can be identified in a contract or discrete sub-item of a contract and may but need not result in operable treatment works.

(12) "Priority List" means all projects in the state potentially eligible for grants listed in rank order.

(13) "Fundable Portion of the List" means those projects on the priority list which are planned for a grant during the current funding year. The fundable portion of the list shall not exceed the total funds expected to be available during the current funding year less applicable reserves.

(14) "Facilities Planning" means necessary plans and studies which directly relate to the construction of treatment works. Facilities planning will demonstrate the need for the proposed facilities and that they are cost-effective and environmentally acceptable.

(15) "Step 1 Project" means any project for development of a facilities plan for treatment works.

(16) "Step 2 Project" means any project for engineering design of all or a portion of treatment works.

(17) "Step 3 Project" means any project for construction or rehabilitation of all or a portion of treatment works.

(18) "Eligible Project Costs" means those costs which could be eligible for a grant according to EPA regulations and certified by the Department and awarded by EPA. These costs may include an estimated allowance for a Step 1 and/or Step 2 project.

(19) "Innovative Technology" means treatment works utilizing conventional or alternative technology not fully proven under conditions contemplated but offering cost or energy savings or other advantages as recognized by federal regulations.

(20) "Alternative Technology" means treatment work or components or segments thereof which reclaim or reuse water, recycle waste water constituents, eliminate discharge of pollutants, or recover energy.

(21) "Alternative System for Small Communities" means treatment works for municipalities or portions of municipalities having a population of less than 3,500 and utilizing alternative technology as described above.

(22) "Funding Year" means a federal fiscal year commencing October 1st and ending September 30th.

(23) "Current Funding Year" means the funding year for which the priority list is adopted.

(24) "State Certification" means assurance by the Department that the project is acceptable to the state and that funds are available from the state's allocation to make a grant award.

(25) "Small Community" means, for the purposes of an advance of allowance for Step 1 or Step 2, a municipality having less than 25,000 population.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 15-1982, f. & ef. 7-27-82

Priority List Development

340-53-015 The Department will develop a statewide priority list of projects potentially eligible for a grant:

(1) The statewide priority list will be developed prior to the beginning of each funding year utilizing the following procedures:

(a) The Department will determine and maintain sufficient information concerning potential projects to develop the statewide priority list.

(b) The Department will develop a proposed priority list utilizing criteria and procedures set forth in this section.

OREGON ADMINISTRATIVE RULES
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(c)(A) A public hearing will be held concerning the proposed priority list prior to Commission adoption. Public notice and a draft priority list will be provided to all interested parties at least thirty (30) days prior to the hearing. Interested parties include, but are not limited to, the following:

- (i) Municipalities having projects on the priority list;
- (ii) Engineering consultants involved in projects on the priority list;
- (iii) Interested state and federal agencies;
- (iv) Any other persons who have requested to be on the mailing list.

(B) Interested parties will have an opportunity to present oral or written testimony at or prior to the hearing.

(d) The Department will summarize and evaluate the testimony and provide recommendations to the Commission.

(e) The Commission will adopt the priority list at a regularly scheduled meeting.

(2)(a) The priority list will consist of a listing of all projects in the state potentially eligible for grants listed in ranking order based on criteria set forth in Table 1. Table 1 describes five (5) categories used for scoring purposes as follows:

- (A) Project Class,
- (B) Regulatory Emphasis,
- (C) Stream Segment Rank,
- (D) Population Emphasis,
- (E) Type of Treatment Component or Components.

(b) The score used in ranking a project consists of the project class identified by letter code plus the sum of the points from the remaining four categories. Projects are ranked by the letter code of the project class with "A" being highest and within the project class by total points from highest to lowest.

(3) The priority list entry for each project will include the following:

(a) Priority rank consisting of the project's sequential rank on the priority list. The project having the highest priority is ranked number one (1).

(b) EPA project identification number.

(c) Name and type of municipality.

(d) Description of project component.

(e) Project step.

(f) Grant application number.

(g) Ready to proceed date consisting of the expected date when the project application will be complete and ready for certification by the Department. For the current funding year the ready to proceed date will be based upon planning and design schedules submitted by potential applicants. For later funding years, the ready to proceed date may be based upon information available to the Department.

(h) Target certification date consisting of the earliest estimated date on which the project could be certified based on readiness to proceed and on the Department's estimate of federal grant funds expected to be available. The target certification date for the current funding year will be assigned based on a ready to proceed date. In the event actual funds made available differ from the Department's estimate when the list was adopted the Department may modify this date without public hearing to reflect actual funds available and revised future funding estimates.

(i) Estimated grant amount based on that portion of project cost which is potentially eligible for a grant as set forth in OAR 340-53-020.

(j) The priority point score used in ranking the projects.

(4) The Department will determine the scope of work to be included in each project prior to its placement on the priority list. Such scope of work may include the following:

(a) Design (Step 2) and construction of complete treatment works, (Step 2 plus 3); or

(b) Construction of one or more complete waste treatment systems; or

(c) Construction of one or more treatment works components; or

(d) Construction of one or more treatment works segments of a treatment works component.

(5)(a) When determining the treatment works components or segments to be included in a single project, the Department will consider:

(A) The specific treatment works components or segments that will be ready to proceed during a funding year; and

(B) The operational dependency of other components or segments on the components or segment being considered; and

(C) The cost of the components or segments relative to allowable project grant. In no case will the project included on the priority list, as defined by OAR 340-53-010(9) exceed ten (10) million dollars in any given funding year. Where a proposed project would exceed this amount the scope of work will be reduced by limiting the number of components or dividing the components into segments. The total grant for treatment works to a single applicant is not however limited by this subsection.

(b) The Department shall have final discretion relative to scope of work or treatment works components or segments which constitute a project.

(6) Components or segment not included in a project for a particular funding year will be assigned a target certification date in a subsequent funding year. Within constraints of available and anticipated funds, projects will be scheduled so as to establish a rate of progress for construction while assuming a timely and equitable obligation of funds statewide.

(7) A project may consist of an amendment to a previously funded project which would change the scope of work significantly and thus constitute a new project.

(8) The Director may delete any project from the priority list if:

(a) It has received full funding;

(b) It is no longer entitled to funding under the approved system;

(c) EPA has determined that the project is not needed to comply with the enforceable requirements of the Clean Water Act or the project is otherwise ineligible.

(9) If the priority assessment of a project within a regional 208 areawide waste treatment management planning area conflicts with the priority list, the priority list has precedence. The Director will, upon request from a 208 planning agency, meet to discuss the project providing the request for such a meeting is submitted to the Director prior to Commission approval of the priority list.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 28-1981(Temp), f. & ef. 10-19-81; DEQ 15-1982, f. & ef. 7-27-82; DEQ 14-1983, f. & ef. 8-26-83

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Eligible Costs and Limitations

340-53-020 For each project included on the priority list the Department will estimate the costs potentially eligible for a grant and the estimated federal share:

(1) Where state certification requirements differ from EPA eligibility requirement the more restrictive shall apply.

(2) Except as provided for in section (3) of this rule, eligible costs shall generally include Step 1, Step 2, and Step 3 costs related to an eligible treatment works, treatment works components or treatment works segments as defined in federal regulations.

(3) The following will not be eligible for state certification:

(a) The cost of collection systems except for those which serve an area where a mandatory health hazard annexation is

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required pursuant to ORS 222.850 to 222.915 or where elimination of waste disposal wells is required by OAR 340-44-019 to 340-44-044. In either case, a Step 1 grant for the project must have been certified prior to September 30, 1979.

(b) Step 2 or Step 3 costs associated with advanced treatment components.

(c) The cost of treatment components not considered by the Department to be cost effective and environmentally sound.

(4) The estimated grant amount shall be based on a percentage of the estimated eligible cost. The percentage is seventy-five (75) percent of the estimated eligible cost until FY 1985, when it is reduced to fifty-five (55) percent of the estimated eligible cost for new projects. The Commission may reduce the percentage to fifty (50) percent as allowed by federal law or regulation. The Department shall also examine other alternatives for reducing the extent of grant participation in individual projects for possible implementation beginning in FY 1982. The intent is to spread available funds to address more of the high priority needs in the state.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 15-1982, f. & ef. 7-27-82

Establishment of Special Reserves

340-53-025 From the total funds allocated to the state the following reserves will be established for each funding year:

(1) Reserve for grant increases of five (5) percent.

(2) Reserve for Step 1 and Step 2 grant advances of up to ten (10) percent. This reserve shall not exceed the amount estimated to provide advances for eligible small communities projected to apply for a Step 3 or Step 2 plus 3 grant in the current funding year and one funding year thereafter.

(3) Reserve for alternative components of projects for small communities utilizing alternative systems of four (4) percent.

(4) Reserve for additional funding of projects involving innovative or alternative technology of four (4) percent.

(5) Reserve for water quality management planning of not more than one percent of the state's allotment nor less than \$100,000.

(6) Reserve for state management assistance of up to four percent of the total funds authorized for the state's allotment.

(7) The balance of the state's allocation will be the general allotment.

(8) The Director may at his discretion utilize funds recovered from prior year allotments for the purpose of:

(a) Grant increases; or

(b) Conventional components of small community projects utilizing alternative systems; or

(c) The general allotment.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 15-1982, f. & ef. 7-27-82; DEQ 14-1983, f. & ef. 8-26-83

Priority List Management

340-53-030 The Department will select projects to be funded from the priority list as follows:

(1) After Commission adoption and EPA acceptance of the priority list, allocation of funds to the state and determination of the funds available in each of the reserves, final determination of the fundable portion of the priority list will be made. The fundable portion of the list will include the following:

(a) Sufficient projects selected according to priority rank to utilize funds identified as the state's general allotment; and

(b) Additional projects involving alternative systems for small communities as necessary to utilize funds available in that reserve.

(2) Projects to be funded from the Step 1 and 2 grant advance reserve will be selected based on their priority point scores and whether they are projected to apply for Step 3 or Step 2 plus 3 grant in the current funding year or one funding year thereafter.

(3) Projects included on the priority list but not included within the fundable portion of the list will constitute the planning portion of the list.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 15-1982, f. & ef. 7-27-82

Priority List Modification and Bypass Procedure

340-53-035 The Department may modify the priority list or bypass projects as follows:

(1) The Department may add to or rerank projects on the priority list after the adoption of the priority list but prior to the approval of the priority list for the next year providing:

(a) Notice of the proposed action is provided to all affected lower priority projects.

(b) Any affected project may within 20 days of receiving adequate notice request a hearing before the Commission provided that such hearing can be arranged before the end of the current funding year.

(2) The Department will initiate bypass procedures when any project on the fundable portion of the list is not ready to proceed during the funding year:

(a) The determination will be based on quarterly progress reports.

(b) Written notice will be provided to the applicant of intent to bypass the project.

(c) An applicant may request a hearing on the proposed bypass within 20 days of adequate notice. If requested the Director will schedule a hearing before the Commission within 60 days of the request, provided that such hearing can be arranged before the end of the current funding year.

(d) If a project is bypassed it will maintain its priority point rating for consideration in future years. If a project is bypassed for two consecutive years the Commission may remove it from the priority list.

(e) Department failure to certify a project not on the fundable portion of the list or for which funds are otherwise unavailable will not constitute a "bypass".

Stat. Auth.: ORS Ch. 468

Hist: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 15-1982, f. & ef. 7-27-82; DEQ 14-1983, f. & ef. 8-26-83

TAB: E 1
(340-53-015)

CONSTRUCTION GRANTS PRIORITY CRITERIA
PROJECT CLASS

Letter Code	Description
A.	<p>Project will minimize or eliminate surface or underground water pollution where:</p> <ol style="list-style-type: none"> Water quality standards are violated repeatedly or Beneficial uses are impaired or may be damaged irreparably. <p>In addition:</p> <ol style="list-style-type: none"> The EQC by rule OAR 340-44-005 to 440-040, had mandated elimination of discharge or inadequately treated waste to disposal wells or The Administrator of the Health Division or the EQC has certified findings of fact which conclude that <ol style="list-style-type: none"> Water pollution or beneficial use impairment exists and Hazard to public health exists. <p>Documentation required includes:</p> <ol style="list-style-type: none"> Field investigations, and Public Notice and hearing and Written findings of fact.
B.	<p>Project will minimize or eliminate surface or underground water pollution where:</p> <ol style="list-style-type: none"> Water quality standards are violated repeatedly or Beneficial uses are impaired or may be damaged irreparably. <p>Documentation required includes:</p> <ol style="list-style-type: none"> Actual written documentation of existing water use impairment or Actual written documentation of repeated violation of standards.
C.	<p>Project is required to insure treatment capability to comply with water quality standards including:</p> <ol style="list-style-type: none"> Minimum federal effluent guidelines established by rule pursuant to PL 95-217 or Effluent standards established in an issued WPCF or NPDES permit or Treatment levels or effluent standards that would be placed in a permit to comply with state or federal regulation (for a source not presently under permit).

Letter Code	Description
	<p>Documentation required includes:</p> <p>Actual written documentation of the applicable guideline, standard, permit condition, or other regulatory requirement.</p>
D.	<p>Project is necessary to minimize or eliminate pollution of surface or underground waters from:</p> <ol style="list-style-type: none"> Nonpoint sources where malfunctioning subsurface sewage disposal systems in developed areas are a contributing factor or Point sources where infrequent discharges above permitted levels are a contributing factor. <p>Documentation required includes:</p> <ol style="list-style-type: none"> Sufficient information to suggest a problem, but Insufficient data to conclusively demonstrate the problem. Facility planning is expected to provide additional documentation.
E.	<p>Project is desirable for prevention of potential water pollution problem.</p> <p>Documentation required includes:</p> <ol style="list-style-type: none"> Recognition that a problem could develop in the future, but Lack of information to suggest a present water quality problem.

Regulatory Emphasis Points	Description
150	<p>Project received a limited time extension to meet the 1977 secondary treatment goals of the Clean Water Act.</p> <p>Documentation required includes:</p> <ol style="list-style-type: none"> Addendum to the NPDES permit extending the compliance date, or Stipulated consent agreement indicating noncompliance. Finding must have been made prior to January 1, 1978.
130	<p>Project is necessary for immediate correction of a public health hazard through extraordinary measures such as:</p> <ol style="list-style-type: none"> Annexation, or Service district formation. <p>Documentation required includes:</p> <ol style="list-style-type: none"> EQC order, or Certification of public health hazard by the Administrator of the Health Division pursuant to ORS 431.705 et.seq. or 222.850 et.seq.

Points	Description
120	<p>Project is necessary to eliminate a voluntary or involuntary moratorium, including:</p> <ol style="list-style-type: none"> Involuntary connection limitation to a centralized facility, or EQC rule that restricts issuance of subsurface disposal permits for a specific geographic area or Voluntary limitations on connection to a centralized facility or construction of subsurface disposal systems. Voluntary moratorium must meet the following conditions: <ol style="list-style-type: none"> The moratorium was formally enacted prior to August 1, 1979, and It attempts to limit flow to a central facility which is at or beyond 90 percent capacity, and The jurisdiction has a medium to high growth rate and therefore requires preventive pollution control action. <p>Documentation required includes:</p> <ol style="list-style-type: none"> Rule or order establishing involuntary moratorium, or Order, ordinance, or other documentation of voluntary moratorium.
90	<p>Project is necessary because of the potential for regulatory action identified by:</p> <ol style="list-style-type: none"> NPDES permit limitations or conditions which would be included in a permit when issued or amended, or DEQ approval of a facility plan including a determination of such potential, or A sanitary survey conducted by the Health Division or the DEQ. <p>Documentation required includes:</p> <p>DEQ written concurrence based on the above.</p>
50	<p>Project is needed because of probable water quality problems identified through preliminary screening of problem and water quality concerns.</p> <p>Documentation required includes:</p> <p>Written suggestion by DEQ.</p>
0	<p>No immediate need for the project has been identified. Background information is either insufficient or unavailable to document the existence of present water quality problems.</p>

STREAM SEGMENT RANK

Stream Segment ranking points shall be assigned based on the formula:

$$\text{Segment Points} = 100 - 2(BR) \frac{1}{n} (SR) (50)$$

where:

BR = Basin Rank (1 to 19) based on the total population within the Oregon portion of the river basin. The basin having the greatest population is ranked number 1.

n = Number of stream segments in the particular basin.

SR = Segment rank within basin as indicated in the statewide water quality management plan.

Following is a listing of basin ranks, stream segment ranks, and computed stream segment ranking points:

Basin	1978 Population	No. of Stream Segments	Basin Rank
Willamette	1,672,000	23	1
Rogue	180,100	4	2
Umpqua	84,700	3	3
Deschutes	76,600	4	4
South Coast	76,300	5	5
North Coast/Lower Columbia	66,440	18	6
Klamath	58,200	5	7
Umatilla	50,000	3	8
Mid Coast	44,630	10	9
Hood River	34,200	4	10
Grande Ronde	30,100	3	11
Malheur River	22,480	1	12
Sandy	18,530	3	13
Powder	17,200	4	14
John Day	12,250	2	15
Walla Walla	10,300	2	16
Malheur	7,650	3	17
Goose and Summer Lakes	6,900	2	18
Owyhee	3,420	2	19

Stream Segment Rank	Segment	Segment Rank	Points
No. 1, Willamette Basin			
	Tualatin	1	95.73
	Willamette (River Mile	2	93.45
	Willamette (River Mile 84-186)	3	91.18
	South Yamhill River	4	88.91
	North Yamhill River	5	86.64
	Yamhill River	6	84.36
	Pudding River	7	82.09
	Molalla River	8	79.82
	S. Santiam River	9	77.55
	Santiam River & N. Santiam	10	75.27
	Coast Fork Willamette River	11	73.00
	Middle Fork Willamette River	12	70.73
	Clackamas River	13	68.45
	McKenzie River	14	66.18
	Rickreall Creek	15	63.91
	Luckiamute River	16	61.64
	Marys River	17	59.36
	Calapooia River	18	57.09
	Long Tom River	19	54.82
	Columbia Slough	20	52.55
	Thomas Creek	21	50.27
	Remaining Willamette Basin Streams	22	48.00
No. 2, Rogue Basin			
	Bear Creek and Tributaries	1	83.50
	Applegate River	2	71.00
	Middle Rogue	3	58.50
	Remaining Rogue Basin Streams	4	46.00
No. 3, Umpqua Basin			
	South Umpqua River	1	77.33
	Cow Creek	2	60.67
	Remaining Umpqua Basin Streams	3	44.00
No. 4, Deschutes Basin			
	Crooked River	1	79.50
	Deschutes River (River Mile 120-166)	2	67.00
	Deschutes River (River Mile 0-120)	3	54.50
	Remaining Deschutes Basin Streams	4	42.00
No. 5, South Coast Basin			
	Coos Bay	1	80.00
	Coos River	2	70.00
	Coquille River (River Mile 0-35)	3	60.00
	Coquille River (River Mile 35-Source)	4	50.00
	Remaining South Coast Basin Streams	5	40.00
No. 6, North Coast/Lower Columbia Basin			
	Lewis and Clark River	1	85.22
	Klatskanine River	2	82.44
	Wilson River (River Mile 0-7)	3	79.88
	Trask River (River Mile 0-6)	4	76.88
	Skipanon River	5	74.10
	Nestucca River (River Mile 0-15)	6	71.32
	Nehalem River	7	68.54
	Wilson River (River Mile 7 +)	8	65.76
	Trask River (River Mile 6 +)	9	62.98
	Nestucca River (River Mile 15 +)	10	60.20
	Nehalem Bay	11	57.42
	Tillamook Bay	12	56.64
	Tillamook River (River Mile 0-15)	13	51.86
	Nestucca Bay	14	49.08
	Necanicum River	15	46.30
	Tillamook River (River Mile 15+)	16	43.54
	Netarts Bay	17	40.74
	Remaining North Coast/ Lower Columbia Basin Streams	18	38.00
No. 7, Klamath Basin			
	Lost River	1	76.00
	Klamath River (River Mile 210-250)	2	66.00
	Williamson	3	56.00
	Sprague	4	46.00
	Remaining Klamath Basin Streams	5	36.00
No. 8, Umatilla Basin			
	Umatilla River	1	67.33
	Columbia River (Umatilla Basin)	2	50.67
	Remaining Umatilla Basin Streams	3	34.00
No. 9, Mid Coast Basin			
	Siuslaw Bay	1	77.00
	Yaquina Bay	2	72.00
	Siletz River	3	67.00
	Yaquina River	4	62.00
	Alsea River	5	57.00

(October, 1983)

4 - Tables

Segment	Segment Rank	Points
Siuslaw River	6	52.00
Alsea Bay	7	47.00
Salmon River	8	42.00
Siletz Bay	9	37.00
Remaining Mid Coast Basin Streams	10	32.00
No. 10, Hood Basin		
Hood River Main Stem	1	67.50
Columbia River (Hood Basin)	2	55.00
Hood River East, (Middle and West Forks)	3	42.50
Remaining Hood Basin Streams	4	30.00
No. 11, Grande Ronde Basin		
Grande Ronde River	1	61.33
Wallowa River	2	44.67
Remaining Grande Ronde Basin Streams	3	28.00
No. 12, Malheur Basin		
Malheur River	1	26.00
No. 13, Powder Basin		
Snake River (Powder Basin)	1	61.50
Powder River	2	49.00
Burnt River	3	36.50
Remaining Power Basin Streams	4	24.00
No. 14, Sandy Basin		
Columbia River (Sandy Basin)	1	55.33
Sandy River	2	38.67
Remaining Sandy Basin Streams	3	22.00
No. 15, John Day Basin		
John Day River	1	45.00
Remaining John Day Basin Streams	2	20.00
No. 16, Walla Walla Basin		
Walla Walla River	1	43.00
Remaining Walla Walla Basin Streams	2	18.00
No. 17, Malheur Lake Basin		
Silvies River	1	49.33
Donner & Blitzen River	2	32.67
Remaining Malheur Lake Basin Streams	3	16.00

Segment	Segment Rank	Points
No. 18, Goose and Summer Lakes Basin		
Chewaucan River	1	39.00
Remaining Goose and Summer Lakes Basin Streams	2	14.00
No. 19, Owyhee Basin		
Owyhee River	1	17.00
Remaining Owyhee Basin Streams	2	12.00

Population Emphasis

Population emphasis points shall be assigned on the basis of the formula:

Points = Population Served $2 \log 10$
where:

Population Served represents the existing Oregon population that would be initially served by the project if it were in operation.

PROJECT TYPE

Description	Points
Secondary Treatment and BPWT	10
Major Sewer System Rehabilitation	9
Interception of Existing Discharge	8
Infiltration/Inflow Correction	7
Interceptor to Serve Existing Development	6
Treatment More Stringent than Secondary	5
Correction of Combined Sewer Overflows	3
Interceptor to Serve New Development	2
New Collectors	1

340-53-027 (Proposed)

USE OF DISCRETIONARY AUTHORITY

(1) The Director may at the Director's discretion utilize up to twenty (20) percent of the annual allotment for major rehabilitation of existing sewer systems or elimination of combined sewer overflows provided:

(a) The project is on the fundable portion of the state's current year priority list and:

(b) The project meets the enforceable requirements of the Clean Water Act and:

(c) Planning for the proposed project was complete or substantially complete on December 29, 1981.

BJS:t
WT128
7-18-84

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(7), this statement provides information on the Environmental Quality Commission's intended actions to consider revisions to OAR Chapter 340, Division 53 rules.

(1) Legal Authority

ORS 468.020 authorizes the Environmental Quality Commission to adopt rules and standards in accordance with ORS Chapter 183.

(2) Need for the Rule

These modifications are necessary to bring existing administrative rules into conformance with the recently enacted federal Municipal Construction Grant Amendments of 1981, PL 97-117, and proposed rules of the U. S. Environmental Protection Agency which implement the law.

(3) Principal Documents Relied Upon in This Rulemaking

- (a) Public Law 97-117
- (b) 40 CFR Parts 25 and 35
- (c) OAR 340 Division 53
- (d) OAR 340 Division 41

(4) Fiscal and Economic Impact of Rulemaking

One fiscal impact of this rulemaking is upon municipalities and special districts seeking financial assistance for sewerage projects. The rules affect the distribution of these funds. In communities that receive federal grants, small businesses will benefit because they will pay less to improve or develop sewerage systems. However, since few federal grant dollars are expected to be available to assist communities seeking them, the majority of projects will not receive assistance and will presumably provide the cost of capital improvements by passing these costs on to actual users of the sewerage system. No direct adverse economic impact on small businesses is expected.

BJS:g
WG3314
3-15-84

TECHNICAL CORRECTIONS TO THE FY85 PRIORITY LIST

The following corrections were made to produce the recommended priority list, as a result of testimony discussed in Attachment A or from administrative corrections. They are listed according to the relative ranking the project was given on the draft priority list distributed on May 17, 1984.

<u>GRANTEE/PROJECT</u>	<u>TECHNICAL CORRECTION</u>	<u>COMMENT</u>
Eugene/ River Road - Santa Clara	Costs for both projects increased from \$6.136 million to \$8.86 million.	Update costs
Newberg/ 8th Street FM	Project letter class changed from C to B.	New stream survey data*
Tangent/System	Project letter class changed from C to B.	Sampling information provided by City*
Philomath/ STP Imp; Newton Creek FM; Pump Station; Int	Redefined project entries; Letter class changed from C to B.	New stream survey data*
Gresham/ Glison St. Int; 182nd Ave. Int; Stark St. Trunk; Solids handling; 175/176 Ave. Int; Division St. Int; W. Johnson Cr. Int	New Entries	Recent information supplied by City*
Gresham/ STP Imp	Cost changed from \$3.850 million to \$1.53 million; Existing population initially served changed from 40,275 to 41,275.	Recent information supplied by City*
BCVSA, Whetstone Int/PS	Project class changed from C to B; Project population from 1,400 to 1,800.	Clarification of information*
Portland/S.E. 111th Int	New entry	Recent information supplied by City*
Portland/S.E. Relief Int, Phases 3 and 4	Made operationally dependent to Portland S.E. 111th Int project.	Recent information supplied by City*
S.W. Lincoln Sanitary District/System	Community/Area changed to Lincoln Co./S.W. area.	Dissolution of district
MMMC/Springfield Rehabilitation, Phase 2	Project redefined into Phase 2 Rehabilitation and Infiltration/Inflow Correction. Project grant amounts distinguished: \$.810 million for I/I and \$.132 million for sewer replacement/rehabilitation.	Recent information supplied by City*

<u>GRANTEE/PROJECT</u>	<u>TECHNICAL CORRECTION</u>	<u>COMMENT</u>
Grants Pass/ North Int; Pine St. Int (P1); Seventh St. Int; Greenwood Int; Solids Handling; STP Exp	Entries added; I/I correction deleted.	Recent information supplied by City*
MWMC/STP (P7)	Entry deleted	Certified for FY84 EPA grant
Tri City SD/STP (P4); Will Int 1 A; Oregon City Int; River St. FM	Entries deleted	Certified for FY84 EPA grant
Portland/Columbia Blvd. Relief Int	Entry deleted	Request by City
Alsea C.S.D./System	Entry deleted	Project funded by Community Development Block Grant
Odell S.D./STP Exp	Entry deleted	Project locally funded
Stanfield/ STP Imp; Sewer Rehabilitation	Entries deleted	Projects funded by Community Development Block Grant
Scio/ STP Imp; Southside Pump Station; I/I Correction	Entries deleted	Projects funded by Community Development Block Grant
Corvallis/CSO	Entry deleted	Ineligible after 9/30/84**
Grants Pass/ Rehabilitation	Entry deleted	Ineligible after 9/30/84**
Florence/ Rehabilitation	Entry deleted	Ineligible after 9/30/84**
Yoncalla/ Rehabilitation	Entry deleted	Ineligible after 9/30.84**
Huntington/CSO	Entry deleted	Ineligible after 9/30/84**
Redmond/STP Exp	Entry deleted	Project being constructed with local funds

* Designates project information gathered, in part, from facilities plans which have not been reviewed. Until plan approval by EPA. these changes are tentative.

** These projects are deleted, in accordance with proposed OAR 340-53-027.

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STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
PRIORITY CALCULATION LIST

PROJECT NUMBER	COMMUNITY	AREA	COMPONENT	STEP	CLASS	REG. EMPH.	POP. EMPH.	STREAM RANK	PROJECT TYPE	TOTAL POINTS
REPORT OPTIONS: FINAL REPORT OF ALL PROJECTS ORDERED BY TOTAL POINTS										
E 048607	BEND	CITY	EFF DISPOSAL	3	A	130	8.47	79.50	10	A 227.97
E 056903	MONROE	NORTH AREA	INTERCEPTOR	3	A	130	3.69	54.82	6	A 194.51
E 056903	MONROE	NORTH AREA	COLLECTION	3	A	130	3.69	54.82	1	A 189.51
E 068301	WESTPORT C.S.D.	DISTRICT	SYSTEM	3	A	130	5.42	38.00	10	A 183.42
E 062414	MWMC	REGIONAL	STP P6	3	B	150	10.33	91.18	10	B 261.51
E 062419	MWMC	REGIONAL	STP P7	3	B	150	10.33	91.18	10	B 261.51
E 049304	TRI CITY SD	REGIONAL	STP P1 AND 2	3	B	120	9.10	93.45	10	B 232.55
E 049305	TRI CITY SD	REGIONAL	STP P3	3	B	120	9.10	93.45	10	B 232.55
E 049306	TRI CITY SD	REGIONAL	STP P4	3	B	120	9.10	93.45	10	B 232.55
E 049308	TRI CITY SD	REGIONAL	STP P5	3	B	120	9.10	93.45	10	B 232.55
E 049306	TRI CITY SD	REGIONAL	WILL INT 1A	3	B	120	9.10	93.45	8	B 230.55
E 049307	TRI CITY SD	REGIONAL	WILL INT 1B	3	B	120	9.10	93.45	8	B 230.55
E 049307	TRI CITY SD	REGIONAL	WILL INT 2	3	B	120	9.10	93.45	8	B 230.55
E 049306	TRI CITY SD	OREGON CITY	OREGON CITY INT	3	B	120	8.33	93.45	8	B 229.78
E 049307	TRI CITY SD	GLADSTONE	PUMP STATION	3	B	120	7.94	93.45	8	B 229.39
E 049306	TRI CITY SD	W. LINN-BOLTON	RIVER ST FM	3	B	120	7.75	93.45	8	B 229.20
E 049307	TRI CITY SD	W. LINN-BOLTON	BOLTON FORCE M	3	B	120	7.31	93.45	8	B 228.76
E 049307	TRI CITY SD	W. LINN-BOLTON	BOLTON PS	3	B	120	7.31	93.45	8	B 228.76
E 049307	TRI CITY SD	W. LINN-BOLTON	RIVER ST PS	3	B	120	7.31	93.45	8	B 228.76
E 068901	EUGENE	RVR R-SANTA CLA	SC INT/FM/PS	3	B	120	7.26	91.18	6	B 224.44
E 068902	EUGENE	RVR R-SANTA CLA	RR INT/PS	3	B	120	6.99	91.18	6	B 224.17
I 068901	EUGENE	RVR R-SANTA CLA	SC COLL.	3	B	120	8.31	91.18	1	B 220.49
I 068902	EUGENE	RVR R-SANTA CLA	RR COLL.	3	B	120	8.03	91.18	1	B 220.21
E 069301	ROSEBURG U.S.A.	REGIONAL	STP	3	B	120	8.96	77.33	10	B 216.29

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
PRIORITY CALCULATION LIST

PROJECT NUMBER	COMMUNITY	AREA	COMPONENT	STEP	CLASS	REG. EMPH.	POP. EMPH.	STREAM RANK	PROJECT TYPE	TOTAL POINTS
E 068101	SEASIDE	CITY	STP IMP	3	B	150	7.40	46.30	10	B 213.70
E 068102	SEASIDE	CITY	P.S. P1A	3	B	150	7.31	46.30	8	B 211.61
E 068101	SEASIDE	CITY	II CORRECTION	3	B	150	7.40	46.30	7	B 210.70
E 049402	NEWBERG	CITY	STP IMP,P1	3	B	90	8.12	93.45	10	B 201.57
E 049402	NEWBERG	CITY	STP IMP,P2	3	B	90	8.12	93.45	10	B 201.57
E 049402	NEWBERG	CITY	FLOW EQUAL.	3	B	90	8.12	93.45	10	B 201.57
E 049402	NEWBERG	CITY	SLUDGE COMP.	3	B	90	8.12	93.45	10	B 201.57
I 068203	USA	HILLSBORO	II CORRECTION	3	B	90	8.00	95.73	7	B 200.73
E 064601	SALEM	PRINGLE CREEK	INTERCEPTOR	3	B	90	8.26	93.45	8	B 199.71
E 049403	NEWBERG	CITY	HESS CR INT EXT	3	B	90	8.12	93.45	8	B 199.57
E 049403	NEWBERG	CITY	12TH ST INT	3	B	90	7.74	93.45	8	B 199.19
E 049404	NEWBERG	CITY	8TH ST FM	3	B	90	6.95	93.45	8	B 198.40
E 062801	COOS BAY NO.1	CITY	STP IMP	3	B	90	7.91	80.00	10	B 187.91
E 052002	NORTH BEND	CITY	SEWER REHAB	3	B	90	7.98	80.00	9	B 186.98
E 052002	NORTH BEND	CITY	II CORRECTION	3	B	90	7.98	80.00	7	B 184.98
E 052002	NORTH BEND	CITY	PUMP STATION	3	B	90	7.98	80.00	7	B 184.98
E 062802	COOS BAY NO.1	CITY	II CORRECTION	3	B	90	7.91	80.00	7	B 184.91
E 069303	ROSEBURG U.S.A.	ROSEBURG CITY	SEWER REHAB	3	S	90	8.51	77.33	9	B 184.84
E 069302	ROSEBURG U.S.A.	REGIONAL	INTERCEPTOR	3	B	90	8.07	77.33	8	B 183.40
E 042601	MULTNOMAH CO	INVERNESS	N.E. 122ND INT	3	B	120	8.00	48.00	6	B 182.00
E 042602	MULTNOMAH CO	INVERNESS	CHERRY PARK INT	3	B	120	7.27	48.00	6	B 181.27
E 052003	NORTH BEND	CITY	CSO	3	B	90	7.98	80.00	3	B 180.98
E 061902	ASTORIA	WILLIAMSPORT	INTERCEPTOR	3	B	130	4.60	38.00	6	B 178.60
E 053601	LAPINE S.D.	DISTRICT	SYSTEM	4	B	90	5.20	67.00	10	B 172.20
E 044901	FALLS CITY	AREA 2	SYSTEM	3	B	90	5.50	61.64	10	B 167.14

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
PRIORITY CALCULATION LIST

PROJECT NUMBER	COMMUNITY	AREA	COMPONENT	STEP	CLASS	REG. EMPH.	POP. EMPH.	STREAM RANK	PROJECT TYPE	TOTAL POINTS
E 062001	PHILOMATH	CITY	STP IMP	3	B	90	6.85	59.36	10	B 166.21
E 062001	PHILOMATH	NEWTON CREEK	FORCE MAIN	3	B	90	6.85	59.36	8	B 164.21
E 062001	PHILOMATH	NEWTON CREEK	PUMP STATION	3	B	90	6.85	59.36	8	B 164.21
E 062001	PHILOMATH	NEWTON CREEK	INTERCEPTOR	3	B	90	6.85	59.36	8	B 164.21
E 047101	TANGENT	CITY	SYSTEM	3	B	90	5.33	57.09	10	B 162.42
E 056903	MONROE	CITY	SEWER REHAB	3	B	90	5.50	54.82	9	B 159.32
E 063902	COVE ORCHARD SD	DISTRICT	SYSTEM	3	B	90	3.56	48.00	10	B 151.56
E 034204	PORTLAND	SOUTHEAST 111TH	INTERCEPTOR	3	B	90	6.66	48.00	6	B 150.66
E 056702	HAPPY VALLEY	CITY	INTERCEPTOR	3	B	90	6.34	48.00	6	B 150.34
E 062901	DRAIN	CITY	STP IMP	3	B	90	6.07	44.00	10	B 150.07
E 069503	GRESHAM	STARK ST TRUNK	INTERCEPTOR	3	B	90	5.96	48.00	6	B 149.96
E 069504	GRESHAM	GLISAN ST	INTERCEPTOR	3	B	90	5.68	48.00	6	B 149.68
E 069505	GRESHAM	175TH/176TH AVE	INTERCEPTOR	3	B	90	5.61	48.00	6	B 149.61
E 069507	GRESHAM	DIVISION ST	INTERCEPTORS	3	B	90	5.04	48.00	6	B 149.04
E 069506	GRESHAM	182ND AVE	INTERCEPTOR	3	B	90	4.83	48.00	6	B 148.83
E 060701	BCVSA	WHETSTONE	INT/PS/FM	3	B	90	6.51	46.00	6	B 148.51
E 069508	GRESHAM	W. JOHNSON CRK	INTERCEPTOR	3	B	90	3.56	48.00	6	B 147.56
E 052601	CLACK. CO SD #1	RHODODENDRON	INT/PS	3	B	90	4.41	38.67	6	B 139.08
E 053701	LINCOLN CO.	S.W. AREA	SYSTEM	3	B	90	6.62	32.00	10	B 138.62
E 058802	MT ANGEL	CITY	STP IMP	3	C	150	6.83	82.09	10	C 248.92
E 058803	MT ANGEL	CITY	II CORRECTION	3	C	150	6.83	82.09	7	C 245.92
E 066701	SOUTH SUB. S.D.	DISTRICT	STP IMP	3	C	150	8.53	66.00	10	C 234.53
E 049309	TRI CITY SD	REGIONAL	SEWER REHAB	3	C	120	9.10	93.45	9	C 231.55
E 047202	ELGIN	CITY	STP IMP	3	C	150	6.44	61.33	10	C 227.77
E 047203	ELGIN	CITY	II CORRECTION	3	C	150	6.48	61.33	9	C 226.81

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
PRIORITY CALCULATION LIST

PROJECT NUMBER	COMMUNITY	AREA	COMPONENT	STEP	CLASS	REG. EMPH.	POP. EMPH.	STREAM RANK	PROJECT TYPE	TOTAL POINTS
E 061502	CARLTON	CITY	STP IMP	3	C	120	6.29	86.64	10	C 222.93
E 043102	BAKER	CITY	STP IMP	3	C	150	7.87	49.00	10	C 216.87
E 063101	VERNONIA	CITY	STP IMP	3	C	120	6.52	68.54	10	C 205.06
I 059203	DALLAS	NORTHEAST	INTERCEPTOR	3	C	130	3.91	63.91	6	C 203.82
I 059205	DALLAS	NORTHEAST AREA	COLLECTION	3	C	130	3.91	63.91	6	C 203.82
E 060402	CLACKAMAS CO	KELLOGG	SLUDGE DIGEST	3	C	90	9.11	93.45	10	C 202.56
E 062416	MWMC	REGIONAL	SLUDGE P1	3	C	90	10.33	91.18	10	C 201.51
E 062417	MWMC	REGIONAL	SLUDGE P2	3	C	90	10.33	91.18	10	C 201.51
E 034202	PORTLAND	SOUTHEAST RLVG	INTERCEPTOR P3	3	C	90	9.84	93.45	8	C 201.29
E 034203	PORTLAND	SOUTHEAST RLVG	INTERCEPTOR P4	3	C	90	9.84	93.45	8	C 201.29
E 049310	TRI CITY SD	WEST LINN	RIVER ST INT	3	C	90	8.35	93.45	8	C 199.80
E 062418	MWMC	SPRINGFIELD	SEWER REHAB	3	C	90	9.25	91.18	9	C 199.43
E 049311	TRI CITY SD	GLADSTONE	FORCE MAIN	3	C	90	7.94	93.45	8	C 199.39
E 049312	TRI CITY SD	GLADSTONE	INTERCEPTOR	3	C	90	7.94	93.45	8	C 199.39
E 049313	TRI CITY SD	OREGON CITY	ABERNETHY INT	3	C	90	7.63	93.45	8	C 199.08
E 049314	TRI CITY SD	OREGON CITY	NEWELL INT	3	C	90	7.31	93.45	8	C 198.76
E 049315	TRI CITY SD	WEST LINN-WILLA	TUALATIN PS	3	C	90	7.09	93.45	8	C 198.54
E 049315	TRI CITY SD	WEST LINN-WILLA	WEST LINN FM	3	C	90	7.09	93.45	8	C 198.54
E 062415	MWMC	REGIONAL	WEST IRWIN PS	3	C	90	9.23	91.18	8	C 198.41
E 057502	USA	GASTON	INTERCEPTOR	3	C	90	4.00	95.73	8	C 197.73
E 062418	MWMC	SPRINGFIELD	II CORRECTION	3	C	90	9.25	91.18	7	C 197.43
E 070101	KEIZER	CITY	INTERCEPTOR	3	C	90	5.56	93.45	6	C 195.01
E 050603	SHERIDAN	SOUTH SIDE	SEWER REHAB	3	C	90	6.00	88.91	9	C 193.91
E 051302	CRESWELL	CITY	INTERCEPTOR	3	C	90	6.51	91.18	6	C 193.69
E 069401	N. ALBANY C.S.D	AREA 2A	INTERCEPTOR	3	C	90	5.95	91.18	6	C 193.13

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
PRIORITY CALCULATION LIST

PROJECT NUMBER	COMMUNITY	AREA	COMPONENT	STEP	CLASS	REG. EMPH.	POP. EMPH.	STREAM RANK	PROJECT TYPE	TOTAL POINTS
I 066801	CORVALLIS	CITY	CSO	3	C	90	8.48	91.18	3	C 192.66
E 050604	SHERIDAN	SOUTH SIDE	II CORRECTION	3	C	90	6.00	88.91	7	C 191.91
E 061503	CARLTON	CITY	II CORRECTION	3	C	90	6.29	86.64	7	C 189.93
E 051402	OAKRIDGE	CITY	STP IMP	3	C	90	7.27	70.73	10	C 178.00
E 057302	LOWELL	CITY	STP IMP	3	C	90	5.69	70.73	10	C 176.42
E 057303	LOWELL	CITY	II CORRECTION	3	C	90	5.69	70.73	9	C 175.42
E 051403	OAKRIDGE	CITY	II CORRECTION	3	C	90	7.27	70.73	7	C 175.00
E 059402	ESTACADA	CITY	STP IMP	3	C	90	6.16	68.45	10	C 174.61
E 051604	KLAMATH FALLS	REGIONAL	STP EXPANSION	3	C	90	8.52	66.00	10	C 174.52
E 059403	ESTACADA	CITY	II CORRECTION	3	C	90	6.16	68.45	7	C 171.61
E 051605	KLAMATH FALLS	REGIONAL	II CORRECTION	3	C	90	8.52	66.00	7	C 171.52
E 056502	STANFIELD	CITY	II CORRECTION	3	C	90	6.42	67.33	7	C 170.75
E 059202	DALLAS	CITY	II CORRECTION	3	C	90	7.91	63.91	7	C 168.82
E 057902	MADRAS	FRINGE AREA	INTERCEPTOR	3	C	90	5.40	67.00	6	C 168.40
E 051606	KLAMATH FALLS	PELICAN CITY	INTERCEPTOR	3	C	90	5.70	66.00	6	C 167.70
E 066102	GRANTS PASS	NORTH	INTERCEPTOR	3	C	90	7.36	58.50	8	C 163.86
E 066103	GRANTS PASS	PINE ST	INT PHASE 1	3	C	90	7.21	58.50	8	C 163.71
E 066104	GRANTS PASS	SEVENTH ST	INTERCEPTOR	3	C	90	7.08	58.50	8	C 163.58
I 066101	GRANTS PASS	MILL ST	SEWER REHAB	3	C	90	6.00	58.50	9	C 163.50
E 057903	MADRAS	FRINGE AREA	COLLECTION	3	C	90	5.40	67.00	1	C 163.40
E 066105	GRANTS PASS	GREENWOOD	INTERCEPTOR	3	C	90	6.09	58.50	8	C 162.59
E 056904	MONROE	CITY	STP IMP	3	C	90	5.50	54.82	10	C 160.32
E 053302	FLORENCE	CITY	STP IMP	3	C	90	7.48	52.00	10	C 159.48
I 053304	FLORENCE	CITY	SEWER REHAB	3	C	90	7.48	52.00	9	C 158.48
E 069501	GRESHAM	CITY	STP IMP	3	C	90	9.23	48.00	10	C 157.23

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
PRIORITY CALCULATION LIST

PROJECT NUMBER	COMMUNITY	AREA	COMPONENT	STEP	CLASS	REG. EMPH.	POP. EMPH.	STREAM RANK	PROJECT TYPE	TOTAL POINTS
E 069502	GRESHAM	CITY	SOLIDS HANDLING	3	C	90	9.23	48.00	10	C 157.23
E 053303	FLORENCE	CITY	II CORRECTION	3	C	90	7.48	52.00	7	C 156.48
E 057702	HOOD RIVER	WESTSIDE	INTERCEPTOR	3	C	90	5.40	55.00	6	C 156.40
E 070201	POWERS	CITY	STP IMP	3	C	90	5.78	50.00	10	C 155.78
E 053305	FLORENCE	HECETA BEACH	INTERCEPTOR	3	C	90	5.31	52.00	6	C 153.31
E 057602	USA	BANKS	INTERCEPTOR	3	C	90	5.31	48.00	8	C 151.31
E 055402	ENTERPRISE	CITY	STP IMP	3	C	90	6.60	44.67	10	C 151.27
E 042902	EAGLE POINT	CITY	INTERCEPTOR	3	C	90	6.86	46.00	8	C 150.86
E 061702	OAKLAND	CITY	STP IMP	3	C	90	5.90	44.00	10	C 149.90
E 053306	FLORENCE	HECETA BEACH	COLLECTION	3	C	90	5.31	52.00	1	C 148.31
E 055403	ENTERPRISE	CITY	II CORRECTION	3	C	90	6.60	44.67	7	C 148.27
E 067201	BROOKINGS	CITY	STP IMP	3	C	90	7.09	40.00	10	C 147.09
E 068501	RUFUS	CITY	STP IMP	3	C	90	5.06	42.00	10	C 147.06
E 067202	BROOKINGS	CITY	II CORRECTION	3	C	90	7.09	40.00	7	C 144.09
E 053902	ST HELENS	CITY	II CORRECTION	3	C	90	7.97	38.00	7	C 142.97
E 053903	ST HELENS	CITY	P. S. 1	3	C	90	6.00	38.00	8	C 142.00
E 069201	WARRENTON	CITY	II CORRECTION	3	C	90	6.96	38.00	7	C 141.96
E 058602	RAINIER	CITY	II CORRECTION	3	C	90	6.61	38.00	7	C 141.61
E 064801	HEPPNER	CITY	STP IMP	3	C	90	6.48	34.00	10	C 140.48
E 055904	LINCOLN CITY	CITY	INTERCEPTOR P2	3	C	90	7.15	37.00	6	C 140.15
E 061802	NEWPORT	CITY	STP IMP	3	C	90	7.84	32.00	10	C 139.84
E 046901	KLAMATH CO	MODOC POINT	SYSTEM	3	C	90	3.40	36.00	10	C 139.40
E 061803	NEWPORT	CITY	II CORRECTION	3	C	90	7.84	32.00	7	C 136.84
E 047302	DUFUR	CITY	STP IMP	3	C	90	5.56	30.00	10	C 135.56
E 051902	JOSEPH	CITY	STP IMP	3	C	90	5.96	28.00	10	C 133.96

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
PRIORITY CALCULATION LIST

PROJECT NUMBER	COMMUNITY	AREA	COMPONENT	STEP	CLASS	REG. EMPH.	POP. EMPH.	STREAM RANK	PROJECT TYPE	TOTAL POINTS
E 051801	ONTARIO	CITY	STP IMP	3	C	90	7.90	26.00	10	C 133.90
E 047303	DUFUR	CITY	II CORRECTION	3	C	90	5.56	30.00	7	C 132.56
E 065101	FOSSIL	CITY	STP IMP	3	C	90	5.63	20.00	10	C 125.63
E 058902	MILTON-FREEWATE	CITY	STP IMP	3	C	90	7.33	18.00	10	C 125.33
E 058302	IGNE	CORE AREA	SYSTEM	3	C	90	4.00	20.00	10	C 124.00
E 058903	MILTON-FREEWATE	CITY	INTERCEPTOR	3	C	90	7.33	18.00	6	C 121.33
E 059501	HALSEY	CITY	STP IMP	3	C	50	5.72	48.00	10	C 113.72
E 063501	ATHENA	CITY	STP IMP	3	C	50	6.00	34.00	10	C 100.00
E 069402	N. ALBANY C.S.D	AREA 1,2,3 & 4	HICKORY PS/FM	3	D	120	7.23	91.18	2	D 220.41
E 069403	N. ALBANY C.S.D	AREA 1,2 & 4	SP. HILL DR INT	3	D	120	7.04	91.18	2	D 220.22
E 049405	NEWBERG	CITY	RIVER RD INT	3	D	90	7.74	93.45	8	D 199.19
E 049406	NEWBERG	CITY	6TH ST REL SEW	3	D	90	6.97	93.45	8	D 198.42
E 049407	NEWBERG	CITY	HANCOCK REL SEW	3	D	90	5.48	93.45	8	D 196.93
E 058202	IRRIGON	CITY	SYSTEM	4	D	130	5.42	50.67	10	D 196.09
E 069404	N. ALBANY C.S.D	AREA 3	N. ALB. RD INT	3	D	90	5.83	91.18	2	D 189.01
E 067001	TRI CITY S.D.	MYRTLE CREEK	STP IMP	3	D	90	7.56	77.33	10	D 184.89
E 067002	TRI CITY S.D.	MYRTLE CREEK	II CORRECTION	3	D	90	7.56	77.33	7	D 181.89
I 069101	CHARLESTON	SAN DISTRICT	COLLECTION	3	D	90	9.56	80.00	1	D 180.56
E 067401	BORING	AREA	SYSTEM	3	D	90	5.40	68.45	10	D 173.85
E 069701	WESTFIR	CITY	II CORRECTION	3	D	90	4.97	70.73	7	D 172.70
E 066106	GRANTS PASS	CITY	SOLIDS HANDLING	3	D	90	8.64	58.50	10	D 167.14
E 037102	USA	DURHAM	SLUDGE	3	D	50	10.16	95.73	10	D 165.89
E 066201	SODAVILLE	CITY	SYSTEM	3	D	90	4.56	57.09	10	D 161.65
E 056402	NORTH POWDER	CITY	STP IMP	3	D	90	5.29	49.00	10	D 154.29
E 067501	WALLOWA	CITY	STP IMP	3	D	90	5.99	44.67	10	D 150.66

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
PRIORITY CALCULATION LIST

PROJECT NUMBER	COMMUNITY	AREA	COMPONENT	STEP	CLASS	REG. EMPH.	POP. EMPH.	STREAM RANK	PROJECT TYPE	TOTAL POINTS
E 059701	YONCALLA	CITY	STP IMP	3	D	90	5.86	44.00	10	D 149.86
I 059702	YONCALLA	CITY	SEWER REHAB	3	D	90	5.86	44.00	9	D 148.86
E 066601	DOUGLAS CO	CAMAS VALLEY	SYSTEM	3	D	90	4.35	44.00	10	D 148.35
E 054102	SISTERS	CITY	SYSTEM	3	D	90	5.81	42.00	10	D 147.81
E 059703	YONCALLA	CITY	II CORRECTION	3	D	90	5.86	44.00	7	D 146.86
E 068105	SEASIDE	CITY	P.S. IMP	3	D	90	7.40	46.30	2	D 145.70
E 061703	OAKLAND	UNION GAP	INTERCEPTOR	3	D	90	4.35	44.00	6	D 144.35
E 060201	NESKOWIN S.A.	DISTRICT	SYSTEM	3	D	90	4.80	38.00	10	D 142.80
E 044701	MILL CITY	CITY	SYSTEM	3	D	50	6.46	75.27	10	D 141.73
E 045601	JOSEPHINE CO	MERLIN/COL. V.	SYSTEM	3	D	50	8.21	58.50	10	D 126.71
E 065001	BURNS	CITY	STP IMP	3	D	50	7.11	49.33	10	D 116.44
E 044302	TURNER	CITY	INTERCEPTOR	3	D	0	6.12	91.18	6	D 103.30
E 067101	PILOT ROCK	CITY	STP IMP	3	D	50	6.50	34.00	10	D 100.50
E 064501	PRINEVILLE	CITY	STP IMP	3	D	0	7.56	79.50	10	D 97.06
I 069601	HUNTINGTON	CITY	CSO	3	D	50	5.48	36.50	3	D 94.98
E 044201	LANE CO	MAPLETON	SYSTEM	3	D	0	5.83	52.00	10	D 67.83
I 056903	MONROE	FRINGE	COLLECTION	3	D	0	2.35	54.82	1	D 58.17
E 068201	USA	HILLSBORO	EFF DISPOSAL	3	E	90	8.00	95.73	10	E 203.73
E 051303	CRESWELL	CITY	STP IMP	3	E	90	6.51	91.18	10	E 197.69
E 068202	USA	HILLSBORO	CORNELIUS INT.	3	E	90	4.00	95.73	2	E 191.73
E 068401	REDMOND	CITY	STP EXPANSION	3	E	90	7.63	67.00	10	E 174.63
E 059204	DALLAS	CITY	STP EXPANSION	3	E	90	7.91	63.91	10	E 171.82
E 066001	VENETA	CITY	STP EXPANSION	3	E	90	6.60	54.82	10	E 161.42
E 045801	CORVALLIS	AIRPORT	STP EXPANSION	3	E	90	5.09	48.00	10	E 153.09
E 053904	ST HELENS	CITY	STP IMP	3	E	90	7.97	38.00	10	E 145.97

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
PRIORITY CALCULATION LIST

PROJECT NUMBER	COMMUNITY	AREA	COMPONENT	STEP	CLASS	REG. EMPH.	POP. EMPH.	STREAM RANK	PROJECT TYPE	TOTAL POINTS
E 069202	WARRENTON	CITY	STP EXPANSION	3	E	90	6.96	38.00	10	E 144.96
E 054202	CARMEL-FOUL. SD	DISTRICT	SYSTEM	3	E	90	6.00	38.00	10	E 144.00
E 061704	OAKLAND	DRIVERS VALLEY	INTERCEPTOR	3	E	90	3.75	44.00	6	E 143.75
E 064701	TWIN ROCKS	SAN DISTRICT	STP EXPANSION	3	E	90	5.63	38.00	10	E 143.63
E 068104	SEASIDE	N WAHENA RD	FORCE MAIN	3	E	90	5.09	46.30	2	E 143.39
E 068103	SEASIDE	S WAHENA RD	FORCE MAIN	3	E	90	4.89	46.30	2	E 143.19
E 069203	WARRENTON	HARBOR & ENSIGN	FORCE MAIN	3	E	90	5.05	38.00	3	E 136.05
E 069204	WARRENTON	MERLIN & SECOND	FORCE MAIN	3	E	90	4.85	38.00	3	E 135.85
I 053905	ST HELENS	CITY	INT P1	3	E	90	3.40	38.00	2	E 133.40
I 053906	ST HELENS	CITY	INT P2	3	E	90	3.40	38.00	2	E 133.40
E 066107	GRANTS PASS	CITY	STP EXP	3	E	50	8.64	58.50	10	E 127.14
E 060101	WALLOWA LAKE SA	DISTRICT	SYSTEM	3	E	50	6.00	44.67	10	E 110.67
E 067601	ADAIR VILLAGE	CITY	STP IMP	3	E	0	5.48	91.18	10	E 106.66
E 063701	MARION CO	BROOKS	SYSTEM	3	E	0	4.60	91.18	10	E 105.78
E 046001	ALBANY	N.E. KNOXBUTTE	INTERCEPTOR	3	E	0	5.09	91.18	6	E 102.27
E 054001	MERRILL	CITY	STP EXPANSION	3	E	0	5.91	76.00	10	E 91.91
E 067801	LYONS-MEHAMA	REGIONAL	SYSTEM	3	E	0	6.21	75.27	10	E 91.48
E 047701	DETROIT	CITY	SYSTEM	3	E	0	5.58	75.27	10	E 90.85
E 067901	IDANHA	CITY	SYSTEM	3	E	0	5.14	75.27	10	E 90.41
E 068001	GATES	CITY	SYSTEM	3	E	0	4.95	75.27	10	E 90.22
E 055101	SANDY	CITY	STP EXPANSION	3	E	0	6.91	68.45	10	E 85.36
E 062003	PHILOMATH	EAST	INTERCEPTOR	3	E	0	4.80	59.36	6	E 70.16
E 066301	SCAPPOOSE	CITY	STP EXPANSION	3	E	0	7.00	48.00	10	E 65.00
E 069901	CORNELIUS	CITY	INTERCEPTOR	3	E	0	7.38	48.00	8	E 63.38
E 054601	CRESCENT S.D.	DISTRICT	SYSTEM	3	E	0	4.08	42.00	10	E 56.08

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
PRIORITY CALCULATION LIST

<u>PROJECT NUMBER</u>	<u>COMMUNITY</u>	<u>AREA</u>	<u>COMPONENT</u>	<u>STEP</u>	<u>CLASS</u>	<u>REG. EMPH.</u>	<u>POP. EMPH.</u>	<u>STREAM RANK</u>	<u>PROJECT TYPE</u>	<u>TOTAL POINTS</u>
I 054602	CRESCENT S.D.	DISTRICT	COLL	3	E	0	4.08	42.00	10	E 56.08
E 069801	GOLD BEACH	MYRTLE ACRES	INTERCEPTOR	3	E	0	4.00	40.00	6	E 50.00

Effective October 1, 1984

FINAL MUNICIPAL WASTE WATER TREATMENT WORKS CONSTRUCTION GRANTS FY85 PRIORITY LIST

Federal regulations governing the Municipal Waste Water Treatment Works Construction Grants Program require that grants be awarded from an approved statewide priority list. The FY85 priority list is intended to satisfy those requirements and was developed in accordance with OAR 340-53-005 et seq., Development and Management of the Statewide Sewerage Works Construction Grants Priority List. These rules specify that the FY85 list shows separate priority rating points for each component or segment of the proposed treatment works based on priority criteria, unless components or segments were operationally dependent upon other components or segments. In the latter case, the higher priority ranking would be given to operationally dependent units.

The priority list includes all known projects potentially eligible for a grant and the estimated grant amount. The estimated target certification date is also given in cases where the potential applicant has submitted a schedule that demonstrates when a completed application could be made.

Funding Assumptions

1. Projects which are still scheduled for available FY84 funding are targeted for FY84.
2. The national authorization for FY83-85 is \$2.4 billion annually. If the full authorization were received for FY85, Oregon would receive \$27.636 million.
3. The \$27.64 million in FY85 funds would be separated into the following reserves:

	<u>Million \$</u>
General Allotment (83% minus \$150,000)	22.787
Reserve for Grant Increases (5%)	1.382
Small Community Alternative Reserve (4%)	1.105
Innovative/Alternative Reserve (4%)	1.105
Steps 1 and 2 Advance Reserve (Up to 10%; \$50,000 Estimate)	.050
Reserve for Water Quality Management (Up to \$276,000; \$100,000 Estimate)	.100
Reserve for State Management Assistance (4% of Auth.)	1.105

4. No projects will be scheduled on the priority list for the reserve for Step 1 and 2 grant advances. Potential recipients of these funds may make application to the DEQ to the extent that funds are available under OAR 340-53-025. Refer to the priority points calculation list to determine the relative priority rating of these projects.
5. Several projects are designated as contingency projects. They will be moved onto the fundable list during FY85 should funds become available. Contingency project designation for FY85 does not assure that the project will become fundable in the following year; priority ranking will govern the subsequent year's fundable list.
6. Due to the potential for cost changes on the large number of projects yet to complete facilities planning during FY85, a portion of the general allotment will remain uncommitted during the early months of the year. As cost estimates are refined, projects from the contingency list will be added to the fundable list. Contingency projects are designated "CP" on the final list.

Scheduling Assumptions

1. Projects are scheduled to utilize the general allotment funds available each year, according to priority ranking order.
2. Step 2 plus 3 or Step 3 projects for small communities utilizing alternative technology were scheduled according to the funds available in a special reserve and in accordance with the priority ranking for projects known to be eligible for that reserve.
3. When a project could not be fully funded in a given year, it was scheduled for two or more years.
4. The priority list shows projects which may be funded during a five year period if funds are available at an assumed rate. FY85 is the last year for which funds are currently authorized under the Clean Water Act.
5. No project is scheduled to receive funding during FY85 unless the applicant has submitted a planning and design schedule which demonstrates that the application will be ready for certification by the Department. See OAR 340-53-015(3)(g) and (h).

Other Assumptions

1. If actual appropriations differ from the "funding assumptions", more or fewer projects may be certified in a given year without additional public hearing or initiation of bypass procedures. See OAR 340-53-015(3)(h). Projects will be added or deleted from the fundable list according to priority, assuming the planning and design schedules were submitted prior to adoption of the FY85 priority list.
2. If federal eligibility criteria is modified, appropriate deletions can be made without priority list modification or bypass. WHEN RESERVE CAPACITY FUNDING IS ELIMINATED FOR APPROPRIATE PROJECTS, PROJECT COST ESTIMATES MAY BE REDUCED.
3. Minor modifications as a result of updated project information can be made to the list without additional public hearing.
4. Beginning in FY85, new projects will be funded at 55% grant participation. Projects which are "grandfathered" to continue at 75% funding are not affected by the decrease in grant share; however, please note that the projects expected to qualify will be determined by EPA prior to September 30, 1984. Where projects are estimated to qualify for "grandfather" consideration, they are scheduled for funding in FY85 or thereafter, and an asterisk has been placed next to the grant amount to indicate 75% funding.

BJS:lt

WL1592

7/17/84

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
CONSTRUCTION GRANTS FINAL PRIORITY LIST

RANK	COMMUNITY	AREA	COMPONENT	PROJECT NUMBER	STEP	READY TO PROCEED	TARGET CERT.	GENERAL FUND	SMALL COMM. FUND	ALT. TECH. FUND	INNOV. TECH. FUND	STEP1&2 ADVANCE	PRIORITY POINTS
1	WESTPORT C.S.D.	DISTRICT	SYSTEM	068301	3	FY 84	08/84	224*	538*	72		A	183.42
2	TRI CITY SD	REGIONAL	STP PS	049308	3	FY 84	09/84	331*				B	232.55
3	TRI CITY SD	REGIONAL	WILL INT 2	049307	3	FY 84	08/84	580*				B	230.55
4	TRI CITY SD	REGIONAL	WILL INT 1B	049307	3	FY 84	08/84	1,506*				B	230.55
		W. LINN-BOLTON	BOLTON FORCE M	049307	3	FY 84	08/84	149*				B	228.76
			BOLTON PS	049307	3	FY 84	08/84	773*				B	228.76
			RIVER ST PS	049307	3	FY 84	08/84	773*				B	228.76
5	TRI CITY SD	GLADSTONE	PUMP STATION	049307	3	FY 84	08/84	1,095*				B	229.39
6	EUGENE	RVR R-SANTA CLA	SC INT/FM/PS	068901	3	FY 84	08/84	5,885*				B	224.44
7	EUGENE	RVR R-SANTA CLA	RR INT/PS	068902	3	FY 84	08/84	2,201*				B	224.17
8	ROSEBURG U.S.A.	REGIONAL	STP INTERCEPTOR	069301	3	FY 84	07/84	9,210*				B	216.29
				069302	3	FY 84	07/84	75*				B	183.40
9	SEASIDE	CITY	STP IMP II CORRECTION	068101	3	FY 84	07/84	4,410*				B	213.70
				068101	3	FY 84	07/84	637*				B	210.70
10	SEASIDE	CITY	P.S. P1A	068102	3	FY 84	07/84	847*				B	211.61
11	NEWBERG	CITY	STP IMP,P1	049402	3	FY 84	09/84	4,073*				B	201.57
			STP IMP,P2	049402	3	FY 84	10/84	4,230*				B	201.57
			FLOW EQUAL.	049402	3	FY 84	10/84	329*				B	201.57
			SLUDGE COMP.	049402	3	FY 84	10/84	1,503*		200		B	201.57
			HESS CR INT EXT	049403	3	FY 84	10/84	2,527*				B	199.57
			12TH ST INT	049403	3	FY 84	10/84	552*				B	199.19
12	SALEM	PRINGLE CREEK	INTERCEPTOR	064601	3	FY 86	07/86	1,375				B	199.71
13	NEWBERG	CITY	BTH ST FM	049404	3	FY 86	10/85	109				B	198.40

NOTE: 1) AN ASTERISK AFTER THE FUND AMOUNT INDICATES 75% FUNDING 2) ALL DOLLAR AMOUNTS ARE IN THOUSANDS OF DOLLARS

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
CONSTRUCTION GRANTS FINAL PRIORITY LIST

RANK	COMMUNITY	AREA	COMPONENT	PROJECT NUMBER	STEP	READY TO PROCEED	TARGET CERT.	GENERAL FUND	SMALL COMM. FUND	ALT. TECH. FUND	INNOV. TECH. FUND	STEP 1&2 ADVANCE	PRIORITY POINTS
14	COOS BAY NO.1	CITY	STP IMP	062801	3		10/85	696					B 187.91
15	NORTH BEND	CITY	SEWER REHAB	052002	3	FY 85	08/85	291					B 186.98
			II CORRECTION	052002	3		10/85	291					B 184.98
			PUMP STATION	052002	3		10/85	31					B 184.98
16	COOS BAY NO.1	CITY	II CORRECTION	062802	3		10/85	1,573					B 184.91
17	ROSEBURG U.S.A.	ROSEBURG CITY	SEWER REHAB	069303	3	FY 86	08/86	1,234					B 184.84
18	MULTNOMAH CO	INVERNESS	N.E. 122ND INT	042601	3	FY 85	08/85	1,514					B 182.00
19	MULTNOMAH CO	INVERNESS	CHERRY PARK INT	042602	3	FY 85	08/85	1,492					B 181.27
20	NORTH BEND	CITY	CSO	052003	3	FY 85	08/85	685					B 180.98
21	ASTORIA	WILLIAMSPORT	INTERCEPTOR	061902	3	FY 85	06/85	402					B 178.60
22	LAPINE S.D.	DISTRICT	SYSTEM	053601	4	FY 85	04/85	358					B 172.20
23	FALLS CITY	AREA 2	SYSTEM	044901	3	FY 86	10/85		385	70			B 167.14
24	PHILOMATH	CITY	STP IMP	062001	3	FY 85	07/85	465					B 166.21
		NEWTON CREEK	FORCE MAIN	062001	3	FY 85	07/85	144					B 164.21
			PUMP STATION	062001	3	FY 85	07/85	91					B 164.21
			INTERCEPTOR	062001	3	FY 85	07/85	106					B 164.21
25	TANGENT	CITY	SYSTEM	047101	3	FY 85	08/85	825					B 162.42
26	COVE ORCHARD SD	DISTRICT	SYSTEM	063902	3	FY 84	08/84		294*	39			B 151.56
27	PORTLAND	SOUTHEAST 111TH	INTERCEPTOR	034204	3	FY 87	08/87	6,050					B 150.66
		SOUTHEAST PLVG	INTERCEPTOR P3	034202	3	FY 86	10/85	9,200*					C 201.29
			INTERCEPTOR P4	034203	3	FY 87	10/86	3,200*					C 201.29

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STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
CONSTRUCTION GRANTS FINAL PRIORITY LIST

RANK	COMMUNITY	AREA	COMPONENT	PROJECT NUMBER	STEP	READY TO PROCEED	TARGET CERT.	GENERAL FUND	SMALL COMM. FUND	ALT. TECH. FUND	INNOV TECH. FUND	STEP1&2 ADVANCE	PRIORITY POINTS
28	HAPPY VALLEY	CITY	INTERCEPTOR	056702	3		10/85	635					B 150.34
29	DRAIN	CITY	STP IMP	062901	3	FY 84	09/84	28*	259*	38			B 150.07
30	GRESHAM	STARK ST TRUNK	INTERCEPTOR	069503	3	FY 86	04/86	245					B 149.96
31	GRESHAM	GLISAN ST	INTERCEPTOR	069504	3	FY 87	10/86	191					B 149.68
32	GRESHAM	175TH/176TH AVE	INTERCEPTOR	069505	3	FY 87	03/87	398					B 149.61
33	GRESHAM	DIVISION ST	INTERCEPTORS	069507	3	FY 88	03/88	307					B 149.04
34	GRESHAM	182ND AVE	INTERCEPTOR	069506	3	FY 87	10/86	393					B 148.83
35	BCVSA	WHETSTONE	INT/PS/FM	060701	3	FY 85	03/85	806					B 148.51
36	GRESHAM	W. JOHNSON CRK	INTERCEPTOR	069508	3	FY 88	03/88	145					B 147.56
37	CLACK. CO SD #1	RHODODENDRON	INT/PS	052601	3	FY 85	08/85	156					B 139.08
38	LINCOLN CO.	S.W. AREA	SYSTEM	053701	3		10/85	495					B 138.62
39	MT ANGEL	CITY	STP IMP	058802	3		10/85	106					C 248.92
40	MT ANGEL	CITY	II CORRECTION	058803	3		10/85	107					C 245.92
41	SOUTH SUB. S.D.	DISTRICT	STP IMP	066701	3		10/85	470					C 234.53
42	TRI CITY SD	REGIONAL	SEWER REHAB	049309	3	FY 85	03/85	570					C 231.55
43	ELGIN	CITY	STP IMP	047202	3		10/85	259					C 227.77

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44	ELGIN	CITY	II CORRECTION	047203	3		10/85	90					C 226.81
45	CARLTON	CITY	STP IMP	061502	3		10/85	431					C 222.93
46	BAKER	CITY	STP IMP	043102	3		10/85	2,354		856			C 216.87
47	VERNONIA	CITY	STP IMP	063101	3		10/85	468					C 205.06
(CP) 48	CLACKAMAS CO	KELLOGG	SLUDGE DIGEST	060402	3	FY 84	10/86	2,970*					C 202.56
49	MWMC	REGIONAL	SLUDGE P2	062417	3	FY 86	10/86	7,369*		983			C 201.51
50	TRI CITY SD	WEST LINN	RIVER ST INT	049310	3		10/86	665*					C 199.80
(CP) 51	MWMC	SPRINGFIELD	SEWER REHAB	062418	3	FY 85	10/86	132					C 199.43
(CP) 52	TRI CITY SD	GLADSTONE	FORCE MAIN	049311	3	FY 85	10/86	162*					C 199.39
(CP) 53	TRI CITY SD	GLADSTONE	INTERCEPTOR	049312	3	FY 85	10/86	104					C 199.39
(CP) 54	TRI CITY SD	OREGON CITY	ABERNETHY INT	049313	3	FY 85	10/86	631					C 199.08
(CP) 55	TRI CITY SD	OREGON CITY	NEWELL INT	049314	3	FY 85	10/86	564					C 198.76
(CP) 56	TRI CITY SD	WEST LINN-WILLA	TUALATIN PS	049315	3	FY 85	10/86	941*					C 198.54
(CP)			WEST LINN FM	049315	3	FY 85	10/86	817*					C 198.54
57	USA	GASTON	INTERCEPTOR	057502	3		10/86	667					C 197.73
58	MWMC	SPRINGFIELD	II CORRECTION	062418	3	FY 85	10/87	810*					C 197.43
59	KEIZER	CITY	INTERCEPTOR	070101	3		10/87	83					C 195.01

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60	SHERIDAN	SOUTH SIDE	SEWER REHAB	050603	3		10/87	35					C 193.91
61	CRESWELL	CITY	INTERCEPTOR	051302	3		10/87	65					C 193.69
62	N. ALBANY C.S.D	AREA 2A	INTERCEPTOR	069401	3		10/87	313					C 193.13
63	SHERIDAN	SOUTH SIDE	II CORRECTION	050604	3		10/87	103					C 191.91
64	CARLTON	CITY	II CORRECTION	061503	3		10/87	81					C 189.93
65	OAKRIDGE	CITY	STP IMP	051402	3		10/87	560					C 178.00
66	LOWELL	CITY	STP IMP	057302	3		10/87	138					C 176.42
67	LOWELL	CITY	II CORRECTION	057303	3		10/87	109					C 175.42
68	OAKRIDGE	CITY	II CORRECTION	051403	3		10/87	72					C 175.00
69	ESTACADA	CITY	STP IMP	059402	3	FY 85	10/87	536					C 174.61
70	KLAMATH FALLS	REGIONAL	STP EXPANSION	051604	3		10/87	411					C 174.52
71	ESTACADA	CITY	II CORRECTION	059403	3	FY 85	10/87	74					C 171.61
72	KLAMATH FALLS	REGIONAL	II CORRECTION	051605	3		10/87	264					C 171.52
73	STANFIELD	CITY	II CORRECTION	056502	3		10/87	6					C 170.75
74	DALLAS	CITY	II CORRECTION	059202	3		10/87	150					C 168.82
75	MADRAS	FRINGE AREA	INTERCEPTOR COLLECTION	057902 057903	3 3		10/87 10/87	297 1,380					C 168.40 C 163.40

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76	KLAMATH FALLS	PELICAN CITY	INTERCEPTOR	051606	3		10/87	374					C 167.70
77	GRANTS PASS	NORTH	INTERCEPTOR	066102	3		10/87	62					C 163.86
78	GRANTS PASS	PINE ST	INT PHASE 1	066103	3		10/87	204					C 163.71
79	GRANTS PASS	SEVENTH ST	INTERCEPTOR	066104	3		10/87	200					C 163.58
80	GRANTS PASS	GREENWOOD	INTERCEPTOR	066105	3		10/87	121					C 162.59
81	MONROE	CITY	STP IMP	056904	3		10/87	108					C 160.32
92	FLORENCE	CITY	STP IMP	053302	3		10/87	1,419					C 159.48
83	GRESHAM	CITY	STP IMP	069501	3	FY 85	10/87	1,528					C 157.23
84	GRESHAM	CITY	SOLIDS HANDLING	069502	3		10/87	2,494					C 157.23
85	FLORENCE	CITY	II CORRECTION	053303	3		10/87	101					C 156.48
86	HOOD RIVER	WESTSIDE	INTERCEPTOR	057702	3		10/87	110					C 156.40
87	POWERS	CITY	STP IMP	070201	3		10/87	22					C 155.78
88	FLORENCE	HECETA BEACH	INTERCEPTOR COLLECTION	053305 053306	3 3		10/85 10/85	138		50 139	382		C 153.31 C 148.31
89	USA	BANKS	INTERCEPTOR	057602	3		10/87	960					C 151.31
90	ENTERPRISE	CITY	STP IMP	055402	3		10/87	101					C 151.27
91	EAGLE POINT	CITY	INTERCEPTOR	042902	3		10/87	413					C 150.86

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92	OAKLAND	CITY	STP IMP	061702	3		10/87	222					C 149.90
93	ENTERPRISE	CITY	II CORRECTION	055403	3		10/87	52					C 148.27
94	BROOKINGS	CITY	STP IMP	067201	3		10/87	358					C 147.09
95	RUFUS	CITY	STP IMP	068501	3		10/85		37	13			C 147.06
96	BROOKINGS	CITY	II CORRECTION	067202	3		10/87	200					C 144.09
97	ST HELENS	CITY	II CORRECTION	053902	3		10/87	750					C 142.97
98	ST HELENS	CITY	P. S. 1	053903	3		10/87	84					C 142.00
99	WARRENTON	CITY	II CORRECTION	069201	3		10/87	120					C 141.96
100	RAINIER	CITY	II CORRECTION	058602	3		10/87	584					C 141.61
101	HEPPNER	CITY	STP IMP	064801	3		10/87	737					C 140.48
102	LINCOLN CITY	CITY	INTERCEPTOR P2	055904	3		10/87	250*					C 140.15
103	NEWPORT	CITY	STP IMP	061802	3		10/87	880					C 139.84
104	KLAMATH CO	MODOC POINT	SYSTEM	046901	3		10/87	314					C 139.40
105	NEWPORT	CITY	II CORRECTION	061803	3		10/87	124					C 136.84
106	DUFUR	CITY	STP IMP	047302	3		10/87	183					C 135.56
107	JOSEPH	CITY	STP IMP	051902	3		10/87	231					C 133.96

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108	ONTARIO	CITY	STP IMP	051801	3		10/87	481					C 133.90
109	DUFUR	CITY	II CORRECTION	047303	3		10/87	24					C 132.56
110	FOSSIL	CITY	STP IMP	065101	3		10/87	693					C 125.63
111	MILTON-FREEWATE	CITY	STP IMP INTERCEPTOR	058902 058903	3 3		10/87 10/87	715 281					C 125.33 C 121.33
112	IONE	CORE AREA	SYSTEM	058302	3		10/85	33	22	8			C 124.00
113	HALSEY	CITY	STP IMP	059501	3		10/87	636					C 113.72
114	ATHENA	CITY	STP IMP	063501	3		10/87	440					C 100.00
115	N. ALBANY C.S.D	AREA 1,2,3 &4	HICKORY PS/FM	069402	3		10/88	237					D 220.41
116	N. ALBANY C.S.D	AREA 1,2 &4	SP. HILL DR INT	069403	3		10/88	842					D 220.22
117	NEWBERG	CITY	RIVER RD INT	049405	3		10/88	55					D 199.19
118	NEWBERG	CITY	6TH ST REL SEW	049406	3		10/88	55					D 198.42
119	NEWBERG	CITY	HANCOCK REL SEW	049407	3		10/88	55					D 196.93
120	IRRIGON	CITY	SYSTEM	058202	4	FY 85	05/85	561	374	136			D 196.09
121	N. ALBANY C.S.D	AREA 3	N. ALB. RD INT	069404	3		10/88	215					D 189.01
122	TRI CITY S.D.	MYRTLE CREEK	STP IMP	067001	3		10/88	490					D 184.89
123	TRI CITY S.D.	MYRTLE CREEK	II CORRECTION	067002	3		10/88	73					D 181.89

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124	BORING	AREA	SYSTEM	067401	3		10/88	275					D 173.85
125	WESTFIR	CITY	II CORRECTION	069701	3		10/88	550					D 172.70
126	GRANTS PASS	CITY	SOLIDS HANDLING	066106	3		10/88	2,126					D 167.14
127	USA	DURHAM	SLUDGE	037102	3		10/88	4,620					D 165.89
128	SODAVILLE	CITY	SYSTEM	066201	3		10/88	371					D 161.65
129	NORTH POWDER	CITY	STP IMP	056402	3		10/88	59					D 154.29
130	WALLOWA	CITY	STP IMP	067501	3		10/88	330					D 150.66
131	YONCALLA	CITY	STP IMP	059701	3		10/88	421					D 149.86
132	DOUGLAS CO	CAMAS VALLEY	SYSTEM	066601	3		10/88	440					D 148.35
133	SISTERS	CITY	SYSTEM	054102	3		10/85	550	770	280			D 147.81
134	YONCALLA	CITY	II CORRECTION	059703	3		10/88	17					D 146.86
135	SEASIDE	CITY	P.S. IMP	068105	3		10/88	113					D 145.70
136	OAKLAND	UNION GAP	INTERCEPTOR	061703	3		10/88	94					D 144.35
137	NESKOWIN S.A.	DISTRICT	SYSTEM	060201	3		10/86	1,320	1,320	480			D 142.80
138	MILL CITY	CITY	SYSTEM	044701	3		10/88	512					D 141.73
139	JOSEPHINE CO	MERLIN/COL. V.	SYSTEM	045601	3		10/88	510					D 126.71

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140	BURNS	CITY	STP IMP	065001	3		10/87		220	80			D 116.44
141	TURNER	CITY	INTERCEPTOR	044302	3		10/88	481					D 103.30
142	PILOT ROCK	CITY	STP IMP	067101	3		10/88	660					D 100.50
143	PRINEVILLE	CITY	STP IMP	064501	3		10/88	413					D 97.06
144	LANE CO	MAPLETON	SYSTEM	044201	3		10/88	523					D 67.83
145	USA	HILLSBORO	EFF DISPOSAL	068201	3		10/88	1,302		473			E 203.73
146	CRESWELL	CITY	STP IMP	051303	3		10/88	636					E 197.69
147	USA	HILLSBORO	CORNELIUS INT.	068202	3		10/88	455					E 191.73
148	DALLAS	CITY	STP EXPANSION	059204	3		10/88	1,053					E 171.82
149	VENETA	CITY	STP EXPANSION	066001	3		10/88	376					E 161.42
150	CORVALLIS	AIRPORT	STP EXPANSION	045801	3		10/88	330					E 153.09
151	ST HELENS	CITY	STP IMP	053904	3		10/88	95		10			E 145.97
152	WARRENTON	CITY	STP EXPANSION	069202	3		10/88	257					E 144.96
153	CARMEL-FOUL. SD	DISTRICT	SYSTEM	054202	3		10/88	496					E 144.00
154	OAKLAND	DRIVERS VALLEY	INTERCEPTOR	061704	3		10/88	28					E 143.75
155	TWIN ROCKS	SAN DISTRICT	STP EXPANSION	064701	3		10/88	220					E 143.63

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156	SEASIDE	N WAHENA RD	FORCE MAIN	068104	3		10/88	281					E 143.39
157	SEASIDE	S WAHENA RD	FORCE MAIN	068103	3		10/88	470					E 143.19
158	WARRENTON	HARBOR & ENSIGN	FORCE MAIN	069203	3		10/88	25					E 136.05
159	WARRENTON	MERLIN & SECOND	FORCE MAIN	069204	3		10/88	4					E 135.85
160	GRANTS PASS	CITY	STP EXP	066107	3		10/88	1,017					E 127.14
161	WALLOWA LAKE SA	DISTRICT	SYSTEM	060101	3		10/88	330					E 110.67
162	ADAIR VILLAGE	CITY	STP IMP	067601	3		10/88	248					E 106.66
163	MARION CO	BROOKS	SYSTEM	063701	3		10/88	275					E 105.78
164	ALBANY	N.E. KNOXBUTTE	INTERCEPTOR	046001	3		10/88	523					E 102.27
165	MERRILL	CITY	STP EXPANSION	054001	3		10/88	495					E 91.91
166	LYONS-MEHAMA	REGIONAL	SYSTEM	067801	3		10/88	413					E 91.48
167	DETROIT	CITY	SYSTEM	047701	3		10/88	660					E 90.85
168	IDANHA	CITY	SYSTEM	067901	3		10/88	426					E 90.41
169	GATES	CITY	SYSTEM	068001	3		10/88	359					E 90.22
170	SANDY	CITY	STP EXPANSION	055101	3		10/88	693					E 85.36
171	PHILOMATH	EAST	INTERCEPTOR	062003	3		10/88	55					E 70.16

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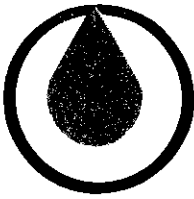
RANK	COMMUNITY	AREA	COMPONENT	PROJECT NUMBER	STEP	READY TO PROCEED	TARGET CERT.	GENERAL FUND	SMALL COMM. FUND	ALT. TECH. FUND	INNOV TECH. FUND	STEP1&2 ADVANCE	PRIORITY POINTS
172	SCAPPOOSE	CITY	STP EXPANSION	066301	3	FY 86	10/88	561					E 65.00
173	CORNELIUS	CITY	INTERCEPTOR	069901	3		10/88	220					E 63.38
174	CRESCENT S.D.	DISTRICT	SYSTEM	054601	3		10/87	66	122	44			E 56.08
175	GOLD BEACH	MYRTLE ACRES	INTERCEPTOR	069801	3		10/88	125					E 50.00

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Item H

Rec'd 8/10/84
EQC Mtg



BEAR CREEK VALLEY SANITARY AUTHORITY

PHONE (503) 779-4144 • 3915 SOUTH PACIFIC HWY. • MEDFORD, OREGON 97501

August 8, 1984

Environmental Quality Commission
Department of Environmental Quality
522 S.W. Fifth Avenue
Portland, OR 97207

Dear Commissioners:

Re: Agenda Item No. H, August 10, 1984, EQC Meeting,
Specifically Par. 5.1.a. Grandfathered Projects
and ATTACHMENT D(1) Inventory of Potentially
Grandfathered Projects:

This communication is an appeal to the Commission to add Project E060701, BCVSA WHETSTONE INT/PS/FM to the Inventory of Potentially Grandfathered Projects. Testimony given at the Public Hearing in Portland on June 20, 1984, included the following which summarizes pertinent information on the project:

"Grandfathering" of Whetstone Project: We request that the Whetstone Project be re-evaluated and given "grandfather" status because of the following reasons: The Bear Creek Regional Interceptor System construction was started in 1970 and the last segment of that system is the subject Whetstone Project. The central interceptor segment was completed in 1971 and received 75% funding with the last grant payments received in 1975. This segment tied in three cities outside the BCVSA and one city in the BCVSA. Subsequent segments have connected other BCVSA systems plus another city. These interceptor segments include the West Medford Project, South Medford Project, Westside Project, and the Jacksonville Intertie Project. All of these prior project segments have received 75% funding. The last project segment in the system is the Whetstone Interceptor Project. The segments noted above make the Regional Interceptor System truly operational and serving its intended purpose. Whetstone will complete the treatment works described in an approved plan, appropriate pages of which are attached. It should be emphasized that all interceptors presently serving areas described in this plan have received 75% funding which signifies approval of the original plan prior to October 1, 1984, and the Facilities Plan for the Whetstone Project was completed and forwarded for approval on May 3, 1984.

Environmental Quality Commission
August 8, 1984
Page Two

The DEQ staff has in its possession several plans for the Bear Creek Valley area dating back to the early 1960's, all of which refer to the Whetstone Creek area as a segment of the regional system. The Whetstone Project was scheduled for Step 1 funding in 1980 which was cancelled when President Reagan recalled all unobligated funds.


We understand from conversations with DEQ and EPA staffs that there is confusion on the criteria for designating projects to be "grandfathered" and that EPA will make the final determinations. All projects are theoretically eligible but we have become realists over the years and believe that if a project is not on the DEQ "Potential Projects" list that the project will not be seriously considered for "grandfathering" by the EPA.

In summary, we appeal to the Commission to cause the Whetstone Project to be reconsidered for inclusion on the "Potentially Grandfathered Projects" listing and forwarded to EPA with such a recommendation. We believe the project meets all known requirements.

Thank you for your consideration.

Yours very truly,

BEAR CREEK VALLEY SANITARY AUTHORITY


Richard O. Miller,
Manager

ROM:gj

Encl.

AN ENGINEERING STUDY
OF
SEWAGE COLLECTION
AND
TREATMENT FACILITIES
FOR THE
BEAR CREEK VALLEY AREA

JACKSON COUNTY
OREGON

ATTACHMENT 3

FEBRUARY 1965

CORNELL, HOWLAND, HAYES & MERRYFIELD

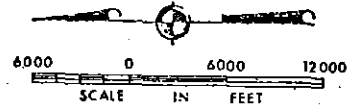
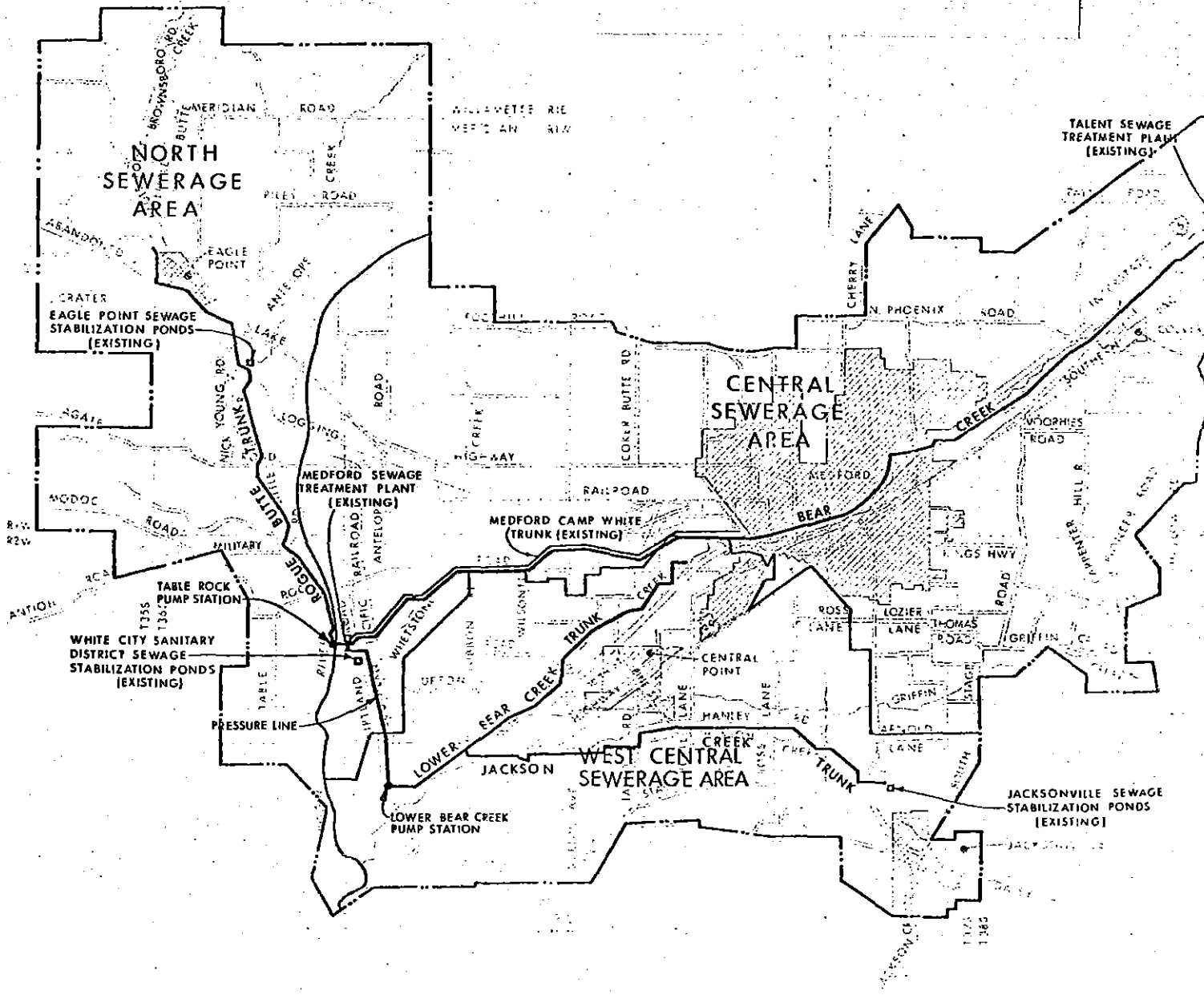
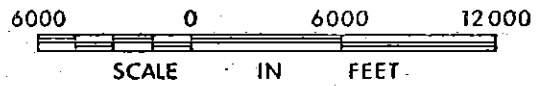


FIGURE IV-5
 JACKSON COUNTY SEWERAGE STUDY
 SEWERAGE AREAS
 ALTERNATE B





LEGEND

- PROPOSED SEWERS WITH COST ESTIMATE
- - - PROPOSED SEWERS WITHOUT COST ESTIMATE
- - - EXISTING SEWERS
- 48" • SEWER SIZE, PLAN 1
- 54" • SEWER SIZE, PLAN 2
- C-14 LOCAL SERVICE AREA
- LOCAL SERVICE AREA LIMITS

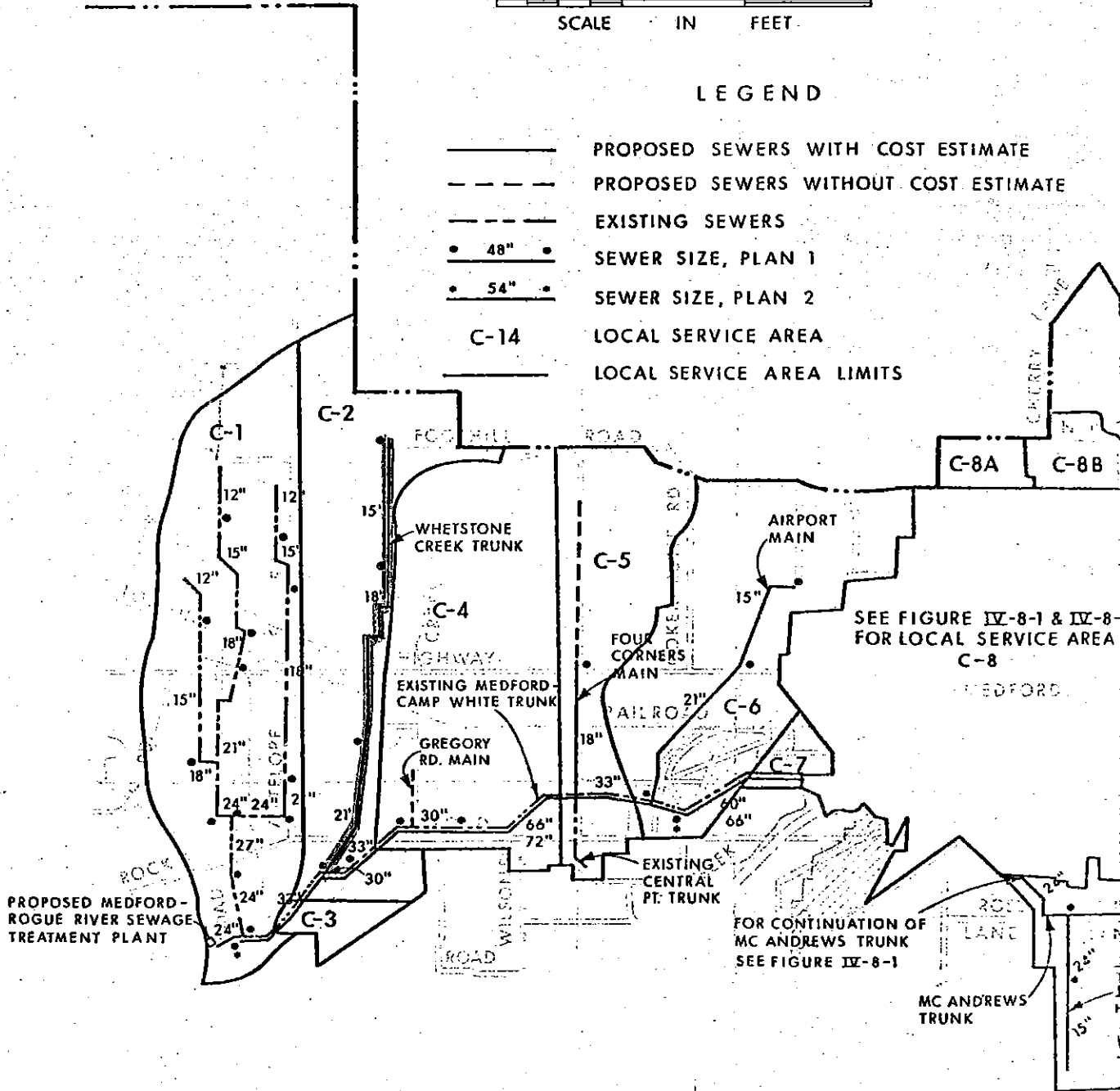
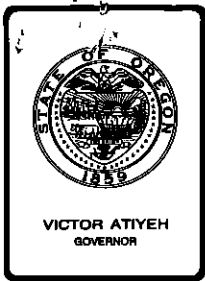


FIGURE IV-11
JACKSON COUNTY SEWERAGE STUDY
CENTRAL SEWERAGE AREA
ALTERNATE B



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Amendment to Item No. I, August 10, 1984, EQC Meeting

Proposed Adoption of Modifications to the Hazardous Waste Management Rules, OAR Chapter 340, Divisions 100 to 110

Revised Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the attached modifications to Divisions 100 to 110, excluding items 2 through 6 and 11 through 14 in the proposed Division 104 modifications (Attachment V, pages 29-35), but including the finding that modifying rule 340-102-010 to permit the Department to manage certain pesticide residues under Division 109 is not likely to either:

- a. Cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness; or
- b. Pose a substantial present or potential threat to human health or the environment.

Reason for Revision

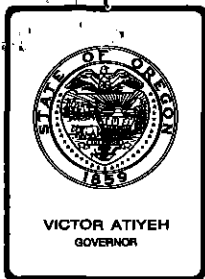
"Interim status" standards are facility standards that are self-implementing, that is, they are enforceable in the absence of a permit. They are an integral part of the federal hazardous waste program and are necessary to assure minimal regulation of hazardous waste facilities in the interim before a permit can be issued. Past EPA comments have indicated the lack of specific interim status standards to be a deficiency in the Oregon program. The deleted items were an attempt to adopt such standards by selectively integrating specific interim status standards into Division 104.

However, recent field experience has demonstrated this integration procedure to be impractical and that separate standards need to be adopted. The Department will request a public hearing on this action at the Commission's September 14, 1984 meeting.

In view of the decision to adopt separate standards, the modifications in items 2 through 6 and 11 through 14 of Division 104 are deleted as being redundant and unnecessary.

ZC1523.2

Fred Hansen



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, August 10, 1984, EQC Meeting

Proposed Adoption of Modifications to the Hazardous Waste Management Rules, OAR Chapter 340, Divisions 100 to 110

Background

Due to a high potential for human health and environmental damage, hazardous waste requires special management controls. This need has been recognized since 1971 when the Legislature initially adopted hazardous waste legislation so that today Oregon has a comprehensive hazardous waste management program that controls hazardous waste from the time of generation through transportation, storage, treatment and disposal.

Concurrently, the U.S. Environmental Protection Agency (EPA), under Subtitle "C" of the Resource Conservation and Recovery Act (1976), has developed a national program for the management of hazardous waste. The act places hazardous waste management in the federal province but includes provisions for EPA to authorize a state program to operate in lieu of a federally operated program.

On April 20, 1984, the Department adopted, as OAR Chapter 340, Divisions 100 to 110, a set of hazardous waste management rules based upon rules promulgated by EPA. These rules constitute the current state hazardous waste program. Adoption of these rules was a prerequisite to our applying for Final Authorization to manage hazardous waste in Oregon. The application for Final Authorization was made on June 1, 1984, and is pending. In it, the Department has accepted the obligation to operate a state program which is fully equivalent to and consistent with the federal program.

The Commission is now requested to make further revisions to its hazardous waste rules in order to:

1. Reflect changes made in the federal program subsequent to the last EQC action;
2. Incorporate requirements clarifying the state's authority to regulate hazardous waste facilities not yet under permit; and

3. Incorporate field staff suggestions developed in the early implementation of the program.

Specifically, EPA now requires use of a uniform national manifest. Proposed rules in Division 102 adopt a uniform national manifest requirement.

Second, under current rules, the Department manages hazardous waste facilities primarily through the mechanism of a permit. Proposed interim status modifications to Division 104 will allow the Department to regulate hazardous waste management facilities which have not yet been issued a permit. It is proposed to implement this authority through rules which, for example, prevent the overflow of uncovered tanks and surface impoundments, and regulate the depth of allowable leachate in leachate collection and removal systems for waste piles.

Third, in using the newly adopted rules, field staff identified a number of potential improvements. Significant among these are: requiring secondary containment for appurtenances attached to tanks; requiring a statement of compatibility with land use in hazardous waste permit applications; clarifying requirements for managing hazardous waste which is beneficially used, reused, recycled or reclaimed; and allowing certain pesticide wastes to be managed in accordance with Division 109 (Management of Pesticide Wastes) rather than as hazardous waste under Divisions 100 to 106.

With regard to the latter proposal, many unwanted pesticide residues are not defined as hazardous waste under federal law. For these residues, the Commission has the flexibility to regulate them as it deems best, guided only by state law.

Pursuant to ORS 459.410(6)(a), the Legislature has classified all discarded, useless or unwanted pesticide material or residue as hazardous waste. Useless or unwanted pesticide materials or residues consist of such things as pesticide concentrate (full strength) and wash water, container rinsings, and spray mixtures (substantially diluted).

Existing rules can be interpreted to require that all unwanted pesticide residues be regulated pursuant to Divisions 100 to 106 (including testing and disposal only at a licensed hazardous waste disposal site). The Department is of the opinion that unwanted pesticide concentrate warrants full regulation under Divisions 100 to 106. However, the Department is also of the opinion that unwanted diluted pesticide residues (such as wash water, container rinsings, and spray mixtures), although classified as hazardous pursuant to ORS 459.410(6)(a), do not warrant full regulation under Divisions 100 to 106. Rather, the Department believes that such residues can be safely regulated under the requirements of Division 109. ORS 459.445(3) provides the mechanism for accomplishing this by allowing the Commission to exempt certain classes or types of hazardous waste generators from regulation under the hazardous waste program, provided it can be shown that such an exemption is not likely to either:

- a. Cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness; or

- b. Pose a substantial present or potential threat to human health or the environment.

Most pesticide residues are poisonous. If allowed to be discharged into the environment in an uncontrolled manner, they could, under certain circumstances, pose a substantial potential threat to human health and the environment or possibly cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness.

Division 109 seeks to avoid these possibilities by requiring the use or reuse of pesticide residue, or the containment and detoxification of such residues. If a pesticide residue is used or reused or contained and detoxified as required by Division 109, it will, by definition, not come in contact with organisms in the environment and, therefore, cannot pose a substantial present or potential threat to human health or the environment, or significantly contribute to an increase in serious irreversible or incapacitating reversible illness.

Division 109 also allows generators in remote areas to spray unwanted diluted pesticide residue on the ground provided such spraying is controlled; for example, without saturating the ground, allowing run-off, endangering groundwater or surface water, or spraying where it is liable to come into contact with humans or animals. In this case, containment of the pesticide occurs by chemical adsorption onto soil particles and detoxification occurs through microbial degradation and exposure to ultraviolet rays. Thus, spraying unwanted pesticide residue on the ground in accordance with Division 109 will not pose a substantial present or potential threat to human health or the environment, or significantly contribute to an increase in serious irreversible or incapacitating reversible illness, because there is, in effect, containment and detoxification of the residue.

The rule proposal before the Commission incorporates these changes proposed by field staff.

On June 20, 1984, notice of the proposed rule modifications and of the scheduled hearing was published and mailed to interested persons and media. At the hearing conducted on July 16, 1984, the Department offered for consideration suggestions for further refinement and clarification of existing rules. These suggestions, incorporated in the proposal before the Commission at OAR 340-100-022, 340-101-005, 340-101-006, 340-101-031, 340-101-033, 340-102-011, 340-102-020, 340-104-222, 340-104-252, and 340-105-010, do not implement substantive changes.

Hearing testimony induced the revisions incorporated in the proposal before the Commission at OAR 340-101-011, 340-102-052, 340-104-191, 340-105-013 and 340-109-020. It is anticipated that the Department will be proposing future rule modifications as comments are received from the field and as EPA modifies the federal rules.

Alternatives and Evaluation

Adoption of the EPA-required and "interim status" rule modifications will enable the Department's hazardous waste management program to remain equivalent to the federal program. Failure to adopt those rules will jeopardize this equivalency and may preclude our obtaining Final Authorization.

Adoption of the state-proposed modifications, including the pesticide rule, will clarify our earlier intentions and result in a less burdensome program to small businesses and farmers.

Summation

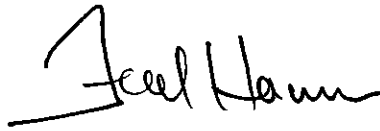
1. On April 20, 1984, the Department adopted hazardous waste management rules to make its program equivalent to the federal program.
2. Recently, EPA promulgated rules requiring use of a uniform hazardous waste manifest.
3. For the state program to remain equivalent to the federal program, we must also adopt rules requiring use of the uniform hazardous waste manifest.
4. Adopting the proposed "interim status" modifications will clarify the rules and also assure equivalency to the federal program.
5. Modifying the state rules will reflect current program implementation policy.
6. Allowing certain pesticide residues to be managed in accordance with Division 109 rather than as hazardous waste under Divisions 100 to 106 can be of significant economic benefit to affected persons without adversely impacting public health or the environment. Adoption of the proposed pesticide rules is not likely to either:
 - a. Cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness; or
 - b. Pose a substantial present or potential threat to human health or the environment.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the attached modifications to Divisions 100 to 110, including the finding that modifying rule 340-102-010 to permit the Department to manage certain pesticide residues under Division 109 is not likely to either:

- a. Cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness; or

- b. Pose a substantial present or potential threat to human health or the environment.

A handwritten signature in black ink that reads "Fred Hansen". The signature is written in a cursive style with a large, stylized initial "F".

Fred Hansen

- Attachments: I. Statement of Need for Rules
II. Statement of Land Use Consistency
III. Draft Public Notice of Rules Adoption
IV. Hearing Officer's Report
V. Proposed Rules

Fred S. Bromfeld:c
229-6210
July 24, 1984
ZC1523

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF MODIFYING)
OAR CHAPTER 340,)
DIVISIONS 100 to 110)

STATEMENT OF NEED FOR
MODIFICATIONS

STATUTORY AUTHORITY:

OAR 459.440 requires the Commission to:

- (1) Adopt rules to establish minimum requirements for the treatment storage, and disposal of hazardous wastes, minimum requirements for operation, maintenance, monitoring, reporting and supervision of treatment, storage and disposal sites, and requirements and procedures for selection of such sites.
- (2) Classify as hazardous wastes those residues resulting from any process of industry, manufacturing, trade, business or government or from the development or recovery of any natural resources, which may, because of their quantity, concentration, or physical chemical or infectious characteristics:
 - (a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - (b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (3) Adopt rules pertaining to hearings, filing of reports, submission of plans and the issuance of licenses.
- (4) Adopt rules pertaining to generators, and to the transportation of hazardous waste by air and water.

OAR 459.455 authorizes the Commission and the Department to perform any act necessary to gain Final Authorization of a hazardous waste regulatory program under the provisions of the federal Resource Conservation and Recovery Act.

NEED FOR THE RULES:

The management of hazardous waste is currently under both state and federal control but, by being authorized, a state may manage its own hazardous waste in lieu of a federally operated program. The proposed modifications will better enable the Department to demonstrate that its program is equivalent to the federal program as required for Final Authorization.

PRINCIPAL DOCUMENTS RELIED UPON:

Existing federal hazardous waste management rules, 40 CFR Parts 260 to 265 and 270, and existing State rules, OAR Chapter 340, Divisions 100 and 110.

FISCAL AND ECONOMIC IMPACT:

Adoption of the uniform hazardous waste manifest will tend to lower overall business costs because everyone will be required to use the same form regardless of waste origin or destination. This is more economical, both in manpower and direct outlay, than the present situation where every state may require a different manifest.

Adoption of the proposal to allow certain pesticide residues to be managed under Division 109 rather than under Divisions 100 to 106 can be of significant economic benefit to the affected parties.

The other rule modifications are generally clarifying in nature and will have no measurable fiscal or economic impact.

The small business impact is similar to that noted above.

FSB:c
ZC1523.A

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF MODIFYING) LAND USE CONSISTENCY
OAR CHAPTER 340,)
DIVISIONS 100 to 110)

The proposal described appears to be consistent with all statewide planning goals. Specifically, the rules comply with Goal 6 because they modify existing rules in a manner that ensures the safe management of hazardous waste transportation, storage, treatment and disposal, and thereby provide protection for air, water and land resource quality.

The rules comply with Goal 11 by clarifying rules that promote hazardous waste reduction at the point of generation, beneficial use, recycling, treatment, and by controlling disposal site operations. They also intend to assure that current and long-range waste disposal needs will be accommodated.

Public comment on this proposal is invited and may be submitted in the manner described in the accompanying Public Notice of Rules Adoption.

It is requested that local, state and federal agencies review the proposal and comment on possible conflicts with their programs affecting land use and with statewide planning goals within their jurisdiction. The Department of Environmental Quality intends to ask the Department of Land Conservation and Development to mediate any apparent conflicts thereby brought to its attention.

After public hearing, the Commission may adopt permanent rules identical to the proposal, adopt modified rules on the same subject matter, or decline to act. The Commission's deliberation should come on August 10, 1984, as part of the agenda of a regularly scheduled Commission meeting.

A CHANCE TO COMMENT ON...

Public Hearing on Amendments to the Hazardous Waste Rules

Date Prepared: June 8, 1984
Hearing Date: July 16, 1984
Comments Due: July 16, 1984

**WHO IS
AFFECTED:**

All persons who manage hazardous waste, including generators, transporters by air or water, and owners and operators of treatment, storage and disposal facilities.

**WHAT IS
PROPOSED:**

The Department of Environmental Quality (DEQ) proposes to amend hazardous waste rules that were adopted on April 20, 1984, to incorporate recently adopted federal rules on a national uniform manifest. The Environmental Protection Agency's rule on the manifest was not available for Oregon's April 20 adoption schedule. Additional rule amendments on interim status of hazardous waste facilities are also proposed as well as a few minor technical changes to the rules.

Equivalency to the federal requirements is necessary for Oregon to obtain Final Authorization to be solely in charge of the state program. An application for Final Authorization was submitted on June 1 to EPA, who has six months to review the application.

**WHAT ARE THE
HIGHLIGHTS:**

- o A national uniform manifest would be used by generators, transporters and facility operators to track the waste from "cradle to grave." In Oregon and other states, the proposed manifest would be used instead of different formats for each state. A uniform version would be more efficient and effective, especially for companies involved in interstate hazardous waste management.
- o The requirements for interim status facilities would be clarified. Interim status facilities are companies that have not yet been issued a permit for treating, storing or disposing of hazardous wastes. Facilities would be required to have a closure and post-closure plan even if not permitted.
- o Housekeeping changes cover secondary containment for underground piping where attached to tanks, requirements to prevent overflowing of uncovered tanks and surface impoundments, depth of allowable leachate in leachate collection and removal systems for waste piles, and requirements for statement of compatibility with land-use in hazardous waste applications.



P.O. Box 1760
Portland, OR 97207

8/10/82

FOR FURTHER INFORMATION:

Contact the person or division identified in the public notice by calling 229-5696 in the Portland area. To avoid long distance charges from other parts of the state, call ~~1-800-452-7813~~ and ask for the Department of Environmental Quality. 1-800-452-4011



**HOW TO
COMMENT:**

A public hearing is scheduled for oral comments on:

Monday, July 16, 1984
9:00 a.m.
DEQ Portland Headquarters
Room 1400
522 SW Fifth Avenue.

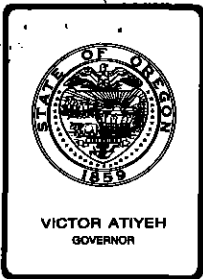
Written comments can be submitted at the public hearing or sent to DEQ, P.O. Box 1760, Portland, Oregon, 97207, by July 16, 1984.

For more information call Fred Bromfeld at 229-5913 or toll-free in Oregon 1-800-452-4011.

**WHAT IS THE
NEXT STEP:**

After the public hearing, DEQ will evaluate the comments, prepare a responsiveness summary and make a recommendation to the Environmental Quality Commission on August 10, 1984.

FD921



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: ^{FB} Fred Bromfeld, Hearings Officer
Subject: Agenda Item No. I, August 10, 1984, EQC Meeting

Summary of Public Testimony on Proposed Adoption of
Modifications to the Hazardous Waste Management Rules,
OAR Chapter 340, Divisions 100 to 110

Pursuant to notice, a hearing was conducted on July 16, 1984, in the offices of DEQ in Portland, Oregon, to receive testimony on the Department's proposal to modify the hazardous waste management rules, OAR Chapter 340, Divisions 100 to 110. Twenty-two persons attended. Other than the Department's submission, only Associated Oregon Industries formally testified. Another informal comment is recorded herein for completeness.

The Department opened the discussion by proposing some additional rule modifications to its original proposal. These are believed to be clarifying in nature and do not break any fresh ground. The modifications may be summarized as follows:

1. Rule 340-100-022 to improve grammar.
2. Rule 340-101-005(7)(d)(A)(v) to delete the reference to waste that is used, reused, recycled, or reclaimed since -005(3) states that such waste is not subject to rule -005.
3. Rule 340-101-006(2)(c) to include reclamation as requiring written authorization and set a quantity threshold for obtaining that authorization.
4. Rule 340-101-006(2)(d) to require using a manifest or shipping papers (formerly rule 340-102-020(5) which is deleted) and periodic reporting of those shipments, and to set a quantity threshold for using shipping papers or a manifest and reporting.
5. Rule 340-101-031 to delete the reference to mixture of solvents as these wastes are also classified under rule 340-101-033(3)(a).

6. Rule 340-101-033(3)(a) to include waste unused chemicals as well as process waste.
7. Rule 340-102-011(4) to clarify the steps a generator must follow to determine if he has a hazardous waste.
8. Rules 340-104-222(2)(b)(A) and 340-104-252(2)(b)(A) to require immediate removal of liquid from the leak detection system in a double-lined impoundment or waste pile in which the top liner is breached.
9. Rule 340-104-075(4) for grammatical consistency with the main rule statement.
10. Rule 340-105-010(5)(c) to clarify groundwater monitoring requirements.

These proposals were discussed in detail and did not elicit any comment.

THOMAS DONACA of Associated Oregon Industries commented on several of the proposed changes. See Appendix 1 to this Attachment.

JIM BROWN of Tektronix proposed that consideration be given to exempting precious metal sludges from classification as hazardous waste in rule 340-101-031 as does the federal program.

See Appendix 2 to this Attachment for the Response to Comments.

ZC1523.C

TESTIMONY OF ASSOCIATED OREGON INDUSTRIES

Public Hearing, Monday, July 16, 1984

Re: Proposed Amendments to the Hazardous Waste Rules Adopted April 20, 1984.

My name is Thomas C. Donaca, General Counsel of Associated Oregon Industries. The AOI Hazardous Waste Committee has studied and worked on various portions of the proposed rule for more than two years now. With our background on the rules, we offer the following request for change in the order in which they appear in the proposed rules.

1. Page 2, 340-101-006(2)(d). We believe that is the intention of the law to provide opportunity to reuse, though beneficial use, wastes that would otherwise be hazardous wastes. The reporting required by 340-102-041, upon which this proposed rule depends, is a requirement for hazardous waste shipments, not beneficial use wastes. In addition, new subsection (4) ^{and (5)} of 340-102-052 (page 8) places strong constraints upon a generator of beneficial wastes by specifying revocation of authorization for failure to supply relevant facts, such as estimated quantities to be shipped. We support the proposed new section (4) in 340-102-052 and believe it is adequate, together with other provisions of the hazardous waste rules to obviate the need for additional reporting in this instance. We request deletion of paragraph (d) from your proposed rules.

2. On page 4, 340-102-011, line 1, we recommend that the word "solid" be reinstated because "solid waste" is a defined term at 340-101-002 but "waste" is only defined in ORS 459.005(22) as "useless and discarded materials" which is not an adequate definition for this rule.

In line 2, we suggest deletion of "residue" because it is already included in the definition of "solid waste" as a "commercial, industrial wastes" in 340-101-002. Further, "residue" is not a defined term. Rather it is a finding of the Commission under 340-101-003(1)(b) based on the standards contained in that rule.

3. On page 7a, 340-102-052(2)(g) we recommend deletion of the new wording "and any intermediate handlers". We can understand that the beneficial user may develop wastes that could be further used or recycled by another organization and the chain of information should extend that far. However, we do not know what an "intermediate handler" is. This could mean that everytime a generator changed

transporters they would have to get a new authorization. Also, the rule, as written, is clear that the generator must receive authorization from the DEQ prior to shipment and we assume that authorization will require full disclosure from the generator as will now be required by subsection (5)(b) (page 8), as well as agreement by the beneficial user for site inspection. The rule creates a tight closed loop, and the addition of "intermediate handlers" only complicates the rule for both the DEQ and the generator and raises the question as to who else is in the loop. The rule as adopted clearly eliminates third parties.

If we have failed to fully understand the DEQ's need for this amended rule, we suggest that the following would clarify the situation for all concerned:

After "monitoring" in (2)(g) and before the semicolon add:

, except that intermediate handler does not include transporters who either do not store or who store at a transfer facility for a period of 10 days or less

4. On page 25, 340-104-191(2), we suggest the need either for a separate definition of "underground appurtenances" or a clear statement in the rule of what is intended. If you should choose the later course, we suggest the following addition:

"(2) Tanks and related underground appurtenances, including but not limited to pipes, valves, backflow prevention devices, gauges or pumps within ^(5 to 10) feet of the tank, installed after January 1, 1985, must have secondary containment that:"

5. Page 28, 340-105-013(j) relating to other "relevant approvals". There is an indication of intent relating to land use, but what other kinds of approvals might be considered relevant. This matter must be clarified and made specific or removed. Regarding land use compatibility, what if there have been no approvals but only an original zoning decision not changed by the enactment of the land conservation laws; or what if the later zoning laws caused the existing site to become a non-conforming use. How does one get a relevant approval from a local or state agency which never gave an official approval.

6. Page 30 and 31, 340-109-020. We agree with the intent of this change, but even though you have removed the specified containers from the hazardous waste designation we think you would be wise to insert somewhere in the rule that if the containers are decontaminated as required that they may be handled as ordinary solid waste.

Thank you for the opportunity to appear.

Appendix 2 to
Attachment IV

RESPONSE TO COMMENTS
PUBLIC HEARING -- JULY 16, 1984

The comments submitted by THOMAS DONACA of Associated Oregon Industries (see Appendix 2 to this Attachment) have all been accepted for incorporation into the subject rules, except no. 1 which requests that proposed rule 340-101-006(2)(d)(B) not be adopted. This rule requires that a generator report to the Department shipments of waste that are intended to be beneficially used, reused, recycled or reclaimed.

The Department feels that such a rule is necessary as it will indicate the actual flow of reused (for instance) waste as opposed simply to generator estimates. Also, it will allow us to monitor for changes that may occur in the reuse and otherwise go undetected. The reporting is not considered to be unduly burdensome to the regulated community.

JIM BROWN's proposal will be considered during our next rulemaking session.

ZC1523.D

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF MODIFYING)
OAR CHAPTER 340,)
DIVISIONS 100 to 110) PROPOSED MODIFICATIONS

DIVISION 100

1. 340-100-010 When used in Divisions 100 to 110 of this Chapter, the following terms have the meanings given below:

. . .

"Manifest" means the [form used for identifying the quantity, composition, and the origin, routing and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment or storage.] EPA Form 8700-22 and, if necessary, EPA Form 8700-22A, originated and signed by the generator in accordance with the instructions included in Appendix I to Division 102.

"Manifest document number" means the [serially increasing number assigned to the manifest by the generator for recording and reporting purposes.] twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the Manifest by the generator for recording and reporting purposes.

. . .

2. 340-100-022 (1) . . .

. . .

(4) If the waste is listed with code "T" in Subdivision D, the petitioner must demonstrate that:

(a) Demonstration samples of the waste do not contain the constituent (as defined in Appendix VII of Division 101) that caused the Department to list the waste, using the appropriate test methods prescribed in Appendix III of Division 101; or

(b) The waste does not meet the criterion of rule 340-101-011(1)(c) when considering the factors in rule 340-101-011(1)(c)(A) through (K).

(5) . . .

DIVISION 101

1. 340-101-005 (1) . . .

. . .

(7) . . .

(a) . . .

. . .

(d) If the quantity generated in a calendar month is equal to or less than the small quantity disposal exemptions indicated in Subdivisions C and D of this Division:

(A) Either treat or dispose of his hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which is:

(i) Permitted under Division 105;

(ii) In interim status under 40 CFR Parts 265 and 270;

(iii) Authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR Part 271; or

(iv) Permitted, licensed or registered by a state to manage municipal or industrial solid waste[; or].

[(v) A facility which:

(I) Beneficially uses or reuses, or legitimately recycles or reclaims his waste; or

(II) Treats his waste prior to beneficial use or re-use, or legitimate recycling or reclamation.]

(B) . . .

2. 340-101-006 (1) . . .
- (2) . . .
- (a) . . .
- (b) Accumulate the waste in accordance with rules 340-102-034(1)(a) to
- (c), except that the 90-day storage limitation does not apply; [and]
- (c) In all cases except recycle, if [If] he ships [waste] off-site more than 200 pounds of waste in a calendar month, obtain written authorization from the Department as required by rule 340-102-052[.]; and
- (d) If he ships off-site more than 2000 pounds of any waste under this section in a calendar month:
- (A) Use a manifest or shipping papers; and
- (B) Report the shipments to the Department as specified in rule 340-102-041.

3. 340-101-031 Hazardous waste from nonspecific sources.

EPA Hazardous Waste Number	Hazardous Waste	Hazard Code	Small Quantity Exemption (lb/mo.)
F001 The following spent halogenated solvents [or mixtures of those solvents] used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; and sludges from the recovery of these solvents [or mixtures of solvents] in degreasing operations.	T	200
F002 The following spent halogenated solvents [or mixtures of those solvents]: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, and trichlorofluoromethane; and the still bottoms from the recycle of these solvents [or mixtures of solvents].	T	200
F003 The following spent non-halogenated solvents [or mixtures of those solvents]: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recycle of these solvents [or mixtures of solvents].	I	25

- F004 The following spent non-halogenated solvents [or mixtures of those solvents]: cresols and cresylic acid, and nitrobenzene; and the still bottoms from the recycle of these solvents [or mixtures of solvents]. T 200
- F005 The following spent non-halogenated solvents [or mixtures of those solvents]: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, and pyridine; and the still bottoms from the recycle of these solvents [or mixtures of solvents]. I,T 25

...

4. 340-101-032 Hazardous waste from specific sources.

EPA Hazardous Waste Number	Hazardous Waste	Hazard Code	Small Quantity Exemption (lb/mo.)
----------------------------	-----------------	-------------	-----------------------------------

...

- K052 Tank bottoms (leaded) from the petroleum refining industry. T 200

...

5. 340-101-033 . . .

- (1) . . .
- (2) . . .

(3)(a) Any substance, including but not limited to manufacturing process waste, unused chemicals, or other residue [having], that has a 3% or greater concentration of any substance or mixture of substances listed in section (6) of this rule or a 10% or greater concentration of any substance or mixture of substances listed in section (7) of this rule for toxicity (T).

(b) Small quantity disposal exemption: 10 pounds per month.

(Comment: This rule shall be applied to a manufacturing process waste only in the event it is not identified elsewhere in this Division, but prior to application of rule 340-101-034.)

- (4) . . .

DIVISION 102

1. 340-102-010 (1) . . .

(2) A generator who treats, stores, or disposes of hazardous waste on-site must only comply with the following rules with respect to that waste: rule 340-102-011 for determining whether or not he has a hazardous waste, -012 for obtaining an identification number, -034 for accumulation of hazardous waste, -040(3) and (4) for record-keeping, -043 for additional reporting and, if applicable, -051 for farmers.

(3) . . .

(4) (a) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of rule 340-102-051 is not required to comply with other standards in this Division or Divisions 104 or 105 with respect to such pesticides.

(b) A person identified in subsection (c) of this section who produces a pesticide residue, excluding unused commercial pesticide, that is hazardous solely by application of rule 340-101-034, is exempt from compliance with Divisions 100 to 106 provided such person complies with the requirements of Division 109.

(c) Exemptions under subsection (b) of this rule: Any person who produces an unwanted pesticide residue from agricultural pest control (for example, on crops, livestock, Christmas trees, commercial nursery plants or grassland); industrial pest control (for example, in warehouses, grain elevators, tank farms or rail yards); structural pest control (for example, in human dwellings); ornamental and turf pest control (for example, on ornamental trees, shrubs, flowers or turf); forest pest control; recreational pest control (for example, in parks or golf courses); governmental (for example, for clearing a right-of-way, or vector, predator, and aquatic pest control); seed treatment; and pesticide demonstration and research.

(5) . . .

2. 340-102-011 A person who generates a solid waste, as defined in rule 340-101-002, must determine if that waste is a hazardous waste using the following method:

(1) He should first determine if the waste is excluded from regulation under rule 340-101-004.

(2) He must then determine if the waste is listed as a hazardous waste in Subdivision D of Division 101 excluding application of rules 340-101-033(3) and -034.

(Comment: Even if the waste is listed, the generator still has an opportunity under rule 340-100-022 to demonstrate to the Department that the waste from his particular facility or operation is not a hazardous waste.)

(3) If the waste is not listed as a hazardous waste [in Subdivision D of Division 101] by application of section (2) of this rule, he must determine whether the waste is identified in Subdivision C of Division 101 by either:

(a) Testing the waste according to the methods set forth in Subdivision C of Division 101, or according to an equivalent method approved by the Department under rule 340-100-021; or

(Comment: In most instances, t[T]he Department will not consider approving a test method until it has been approved by EPA.)

(b) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

(4) If the waste is not identified as hazardous by application of section (3) of this rule, he must determine if the waste is listed under rules 340-101-033(3) or -034, respectively.

3. 340-102-020 (1) A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal must prepare a [manifest before transporting the waste off-site.] Manifest on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in Appendix I to this Division.

(2) . . .

(3) . . .

(4) . . .

[(5) A generator may substitute shipping papers for the manifest for waste shipped off-site for beneficial use or reuse as permitted by rule 340-101-006(1).]

4. [Required information.] Acquisition of Manifests.

340-102-021 [(1) The manifest must contain all of the following information:

(a) A manifest document number;

(b) The generator's name, mailing address, telephone number, and identification number;

(c) The name and identification number of each transporter;

(d) The name, address and identification number of the designated facility and an alternate facility, if any;

(e) The description of the waste(s) (e.g., proper shipping name, etc.) required by regulations of the U.S. Department of Transportation in 49 CFR 172.101, .202, and .203.

(f) The total quantity of each hazardous waste by units of weight or volume, and the type and number of containers as loaded into or onto the transport vehicle.

(2) The following certification must appear on the manifest: "This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and the Oregon Department of Environmental Quality."

(Comment: For commercially printed certifications, the word "EPA" may be substituted for "Oregon Department of Environmental Quality.")]

(1) If the state to which the shipment is manifested (consignment state) supplies the Manifest and requires its use, then the generator must use that Manifest.

(2) If the consignment state does not supply the Manifest, the generator may obtain the Manifest from any source.

5. 340-102-034 (1) . . .

(a) . . .

(b) The waste is placed in tanks and the generator complies with Subdivision J of Division 104. [rules 340-104-197 to -199 and the following:

(A) Treatment or storage of hazardous waste in tanks must comply with rule 340-104-017(2);

(B) Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode or otherwise fail before the end of its intended life;

(C) Uncovered tanks must be operated to ensure at least 2 feet of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 2 feet of the tank;

(D) Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., a waste feed cutoff system or bypass system to a standby tank); and

(E) The owner or operator inspects, where present:

(i) Discharge control equipment (e.g., waste feed cutoff systems, bypass systems and drainage systems), at least once each operating day to ensure that it is in good working order;

(ii) Data gathered from monitoring equipment (e.g., pressure and temperature gauges), at least once each operating day, to ensure that the tank is being operated according to its design;

(iii) The level of waste in the tank, at least once each operating day, to ensure compliance with paragraph (C) of this subsection;

(iv) The construction materials of the tank, at least weekly, to detect corrosion or leaking of fixtures or seams; and

(v) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes), at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).]

(c) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container[s];

(d) . . .

6. 340-102-050 (1) . . .

(2) . . .

(a) . . .

(b) . . .

(c) Meet the requirements under rule [340-102-021 for the manifest,] 340-102-020(1) for the Manifest, except that:

(A) In place of the name, address, and EPA identification number of the designated facility, the name and address of the foreign consignee must be used;

(B) The generator must identify the point of departure from the United States through which the waste must travel before entering a foreign country.

(3) A generator must file an Exception Report if:

(a) He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter; or

(b) Within 90 days from the date the waste was accepted by the initial transporter, the generator has not received written confirmation from the foreign consignee that the hazardous waste was received.

(4) When importing hazardous waste, a person must meet all requirements of rule [340-102-021 for the manifest] 340-102-020(1) for the Manifest except that:

(a) In place of the generator's name, address, and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number must be used.

(b) In addition to the generator's signature on the certification statement, the U.S. importer or his agent must also sign and date the certification and obtain the signature of the initial transporter.

(5) A person who imports hazardous waste must obtain the Manifest form from the consignment state if that state supplies the Manifest and requires its use. If the consignment state does not supply the Manifest form, then the Manifest form may be obtained from any source.

7. 340-102-052 (1) A generator proposing to ship waste off-site for beneficial use or reuse or legitimate reclamation as permitted by rule 340-101-006(1) shall obtain written authorization from the Department prior to initiating such shipments.

(2) To request authorization, a generator shall submit to the Department, at least 30 days prior to the initial shipment, the following information:

(a) Name and address of facility at which waste is to be used;

(b) Type and quantity of waste;

(c) Why the waste is identified as hazardous;

(d) Management of waste [at the facility] prior to use;

(e) Use of waste;

(f) Rate or time of that use;

(g) A statement from the beneficial user, reuser, or legitimate claimer, and any intermediate handlers, agreeing to permit authorized representatives of the Department access to the site of waste management [and use] for the purpose of inspecting the site, the records of waste management [and use], and environmental monitoring. For purposes of this subsection, intermediate handlers does not include transporters who either do not store or who store at a transfer facility for 10 days or less; and

(h) Other information as may be requested by the Department.

(3) Generators shipping waste to beneficial users, reusers, or legitimate reclaimers before April 6, 1984, shall submit the required information by September 1, 1984.

(4) A generator shall submit a new request for authorization any time the information submitted under section (2) of this rule no longer accurately reflects the conditions under which authorization was granted.

(5) The Department may terminate the authorization for the following

causes:

(a) Noncompliance by the generator with the requirements of rule 340-101-006(2);

(b) The generator's failure in the request for authorization to fully disclose all relevant facts, or the misrepresentation of any relevant facts at any time; or

(c) A determination that the authorized activity endangers human health or the environment and can only be regulated to acceptable levels by the issuance of a permit.

8. Add the following Appendix to Division 102:

Appendix I: Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and their Instructions)

EPA FORM 8700-22

Read all instructions before completing this form.

This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used -- press down hard.

State regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage and disposal facilities to use this form (8700-22) and, if necessary, the continuation sheet (Form 8700-22A) for both inter- and intrastate transportation.

State regulations also require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage and disposal facilities to complete the following information:

GENERATORS

Item 1. Generator's U.S. EPA ID Number -- Manifest Document Number

Enter the generator's Oregon or EPA twelve digit identification number and the unique five digit number assigned to this Manifest (e.g., 00001) by the generator.

(Comment: The identification number granted by the Department will be identical to that granted by EPA.)

Item 2. Page 1 of ____

Enter the total number of pages used to complete this Manifest, i.e., the first page (EPA Form 8700-22) plus the number of Continuation Sheets (EPA Form 8700-22A), if any.

Item 3. Generator's Name and Mailing Address

Enter the name and mailing address of the generator. The address should be the location that will manage the returned Manifest forms.

Item 4. Generator's Phone Number

Enter a telephone number where an authorized agent of the generator may be reached in the event of an emergency.

Item 5. Transporter 1 Company Name

Enter the company name of the first transporter who will transport the waste.

Item 6. U.S. EPA ID Number

Enter the Oregon or EPA twelve digit identification number of the first transporter identified in Item 5.

Item D. Transporter's Phone Number

Enter a telephone number where an authorized agent of the first transporter may be reached in the event of an emergency.

Item 7. Transporter 2 Company Name

If applicable, enter the company name of the second transporter who will transport the waste. If more than two transporters are used to transport the waste, use a Continuation Sheet(s) (EPA Form 8700-22A) and list the transporters in the order they will be transporting the waste.

Item 8. U.S. EPA ID Number

If applicable, enter the Oregon or EPA twelve digit identification number of the second transporter identified in Item 7.

(Comment: If more than two transporters are used, enter each additional transporter's company name and Oregon or EPA twelve digit

identification number in Items 24-27 on the Continuation Sheet (EPA Form 8700-22A). Each Continuation Sheet has space to record two additional transporters. Every transporter used between the generator and the designated facility must be listed.)

Item F. Transporter's Phone Number

Enter a telephone number where an authorized agent of the second transporter may be reached in the event of an emergency.

Item 9. Designated Facility Name and Site Address

Enter the company name and site address of the facility designated to receive the waste listed on this Manifest. The address must be site address, which may differ from the company mailing address.

Item 10. U.S. EPA ID Number

Enter the Oregon or EPA twelve digit identification number of the designated facility identified in Item 9.

Item H. Facility's Phone Number

Enter a telephone number where an authorized agent of the facility may be reached in the event of an emergency.

Item 11. U.S. DOT Description (Including Proper Shipping Name, Hazard Class and ID Number (UN/NA))

Enter the U.S. DOT Proper Shipping Name, Hazard Class and ID Number (UN/NA) for each waste as identified in 49 CFR 171 through 177.

(Comment: If additional space is needed for waste descriptions, enter these additional descriptions in Item 28 on the Continuation Sheet (EPA Form 8700-22A).)

Item 12. Containers (no. and type)

Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

Table I. Types of Containers

DM = Metal drums, barrels, kegs

DW = Wooden drums, barrels, kegs

DF = Fiberboard or plastic drums, barrels, kegs

TP = Tanks portable

TT = Cargo tanks (tank trucks)

TC = Tank cars

DT = Dump truck

CY = Cylinders

CM = Metal boxes, cartons, cases (including roll-offs)

CW = Wooden boxes, cartons, cases

CF = Fiber or plastic boxes, cartons, cases

BA = Burlap, cloth, paper or plastic bags

Item 13. Total Quantity

Enter the total quantity of waste described on each line.

Item 14. Unit (wt/vol)

Enter the appropriate abbreviation from Table II (below) for the unit of measure.

Table II. Units of Measure

G = Gallons (liquids only)

P = Pounds

T = Tons (2000 lb.)

Y = Cubic yards

L = Liters (liquids only)

K = Kilograms

M = Metric tons (1000 kg.)

N = Cubic meters

Item I. Waste Number

Enter the EPA Hazardous Waste Number.

Item 15. Special Handling Instructions and Additional Information

Generators may use this space to indicate special transportation,

treatment, storage or disposal information or Bill of Lading information. For international shipments, generators must enter in this space the point of departure (city and state) for those shipments destined for treatment, storage or disposal outside the jurisdiction of the United States.

(Comment: The authorized disposal request number may be put in this space.)

Item 16. Generator's Certification

The generator must read, sign (by hand) and date the certification statement. If a mode other than highway is used, the word "highway" should be lined out and the appropriate mode (rail, water or air) inserted in the space below. If another mode in addition to the highway mode is used, enter the appropriate additional mode (e.g., and rail) in the space below.

(Comment: All of the above information except the handwritten signature required in Item 16 may be preprinted.)

TRANSPORTERS

Item 17. Transporter 1 Acknowledgement of Receipt of Materials

Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 18. Transporter 2 Acknowledgement of Receipt of Materials

Enter, if applicable, the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

(Comment: International Shipments -- Transporter Responsibilities:

Exports: Transporters must sign and enter the date the waste left the United States in Item 15.

Imports: Shipments of hazardous waste regulated by OAR Chapter 340, Divisions 100 to 108, and transported into Oregon from outside the United States must upon entry be accompanied by the Uniform Hazardous Waste Manifest. Transporters who transport hazardous waste into Oregon from outside the United States are responsible for completing the Manifest (OAR 340-103-010(3)(a)).

OWNERS AND OPERATORS OF TREATMENT, STORAGE OR DISPOSAL FACILITIES

Item 19. Discrepancy Indication Space

The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any significant discrepancy between the waste described on the Manifest and the waste actually received at the facility.

Owners and operators of facilities who cannot resolve significant discrepancies within 15 days of receiving the waste must submit to the Department a letter with a copy of the Manifest at issue describing the

discrepancy and attempts to reconcile it (OAR 340-104-072).

Item 20. Facility Owner or Operator: Certification of Receipt of
Hazardous Materials Covered by this Manifest Except as Noted in Item 19

Print or type the name of the person accepting the waste on behalf of the owner or operator of the facility. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved, OMB No. 2000-0404. Expires 7-31-86

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address			A. State Manifest Document Number		B. State Generator's ID	
4. Generator's Phone ()	5. Transporter 1 Company Name		6. US EPA ID Number	C. State Transporter's ID		D. Transporter's Phone
7. Transporter 2 Company Name		8. US EPA ID Number		E. State Transporter's ID		F. Transporter's Phone
9. Designated Facility Name and Site Address			10. US EPA ID Number		G. State Facility's ID	
					H. Facility's Phone	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)			12. Containers No.	Type	13. Total Quantity	14. Unit W/Vol
a.						I. Waste No.
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above				K. Handling Codes for Wastes Listed Above		
15. Special Handling Instructions and Additional Information						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations.						
Printed/Typed Name			Signature		Date Month Day Year	
17. Transporter 1 Acknowledgement of Receipt of Materials						
Printed/Typed Name			Signature		Date Month Day Year	
18. Transporter 2 Acknowledgement or Receipt of Materials						
Printed/Typed Name			Signature		Date Month Day Year	
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.						
Printed/Typed Name			Signature		Date Month Day Year	

Read all instructions before completing this form.

This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used -- press down hard.

This form must be used as a continuation sheet to EPA Form 8700-22 if:

- o More than two transporters are to be used to transport the waste;
- o More space is required for the U.S. DOT description and related information in Item 11 of EPA Form 8700-22.

State regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage and disposal facilities to use the uniform hazardous waste manifest (EPA Form 8700-22) and, if necessary, this continuation sheet (EPA Form 8700-22A) for both inter- and intrastate transportation.

GENERATORS

Item 21. Generator's U.S. EPA ID Number -- Manifest Document Number

Enter the generator's Oregon or EPA twelve digit identification number and the unique five digit number assigned to this Manifest (e.g., 00001) as it appears in Item 1 on the first page of the Manifest.

Item 22. Page ____

Enter the page number of this Continuation Sheet.

Item 23. Generator's Name

Enter the generator's name as it appears in Item 3 on the first page of the Manifest.

Item 24. Transporter ____ Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will be transporting the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 3 Company Name. Each Continuation Sheet will record the names of two additional transporters.

Item 25. U.S. EPA ID Number

Enter the Oregon or EPA twelve digit identification number of the transporter described in Item 24.

Item 0. Transporter's Phone Number

Enter a telephone number where an authorized agent of the transporter identified in Item 24 may be reached in the event of an emergency.

Item 26. Transporter ____ Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in

the order in which they will be transporting the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company Name. Each Continuation Sheet will record the names of two additional transporters.

Item 27. U.S. EPA ID Number

Enter the Oregon or EPA twelve digit identification number of the transporter described in Item 26.

Item Q. Transporter's Phone Number

Enter a telephone number where an authorized agent of the transporter identified in Item 26 may be reached in the event of an emergency.

Item 28. U.S. DOT Description Including Proper Shipping Name, Hazard Class and ID Number (UN/NA)

Refer to Item 11.

Item 29. Containers (no. and type)

Refer to Item 12.

Item 30. Total Quantity

Refer to Item 13.

Item 31. Unit (wt/vol)

Refer to Item 14.

Item R. Waste Number

Enter the EPA Hazardous Waste Number.

Item 32. Special Handling Instructions and Additional Information

Generators may use this space to indicate special transportation, treatment, storage or disposal information or Bill of Lading information.

(Comment: The authorized disposal request number may be put in this space.)

TRANSPORTERS

Item 33. Transporter ___ Acknowledgement of Receipt of Materials

Enter the same number of the Transporter as identified in Item 24. Enter also the name of the person accepting the waste on behalf of the Transporter identified in Item 24. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 34. Transporter ___ Acknowledgement of Receipt of Materials

Enter the same number as identified in Item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

OWNERS AND OPERATORS OF TREATMENT, STORAGE OR DISPOSAL FACILITIES

Item 35. Discrepancy Indication Space

Refer to Item 19.

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2000-0404. Expires 7-31-86

GENERATOR	UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)		21. Generator's US EPA ID No.	Manifest Document No.	22. Page	Information in the shaded areas is not required by Federal law.			
	23. Generator's Name				L. State Manifest Document Number				
					M. State Generator's ID				
	24. Transporter _____ Company Name		25. US EPA ID Number		N. State Transporter's ID				
					O. Transporter's Phone				
	26. Transporter _____ Company Name		27. US EPA ID Number		P. State Transporter's ID				
					Q. Transporter's Phone				
	28. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		29. Containers		30. Total Quantity		31. Unit Wt/Vol	R. Waste No.	
			No. Type						
	a.								
b.									
c.									
d.									
e.									
f.									
g.									
h.									
i.									
S. Additional Descriptions for Materials Listed Above					T. Handling Codes for Wastes Listed Above				
32. Special Handling Instructions and Additional Information									
TRANSPORTER	33. Transporter _____ Acknowledgement of Receipt of Materials						Date		
	Printed/Typed Name			Signature			Month	Day	Year
	34. Transporter _____ Acknowledgement of Receipt of Materials						Date		
	Printed/Typed Name			Signature			Month	Day	Year
FACILITY	35. Discrepancy Indication Space								

1. 340-104-075 . . .

(1) . . .

. . .

(4) A description and the quantity of each hazardous waste the facility received during the [year] period. For off-site facilities, this information must be listed by EPA identification number of each generator;

(5) . . .

2. 340-104-112 (1) The owner or operator of a hazardous waste management facility must have a written closure plan. The plan must be submitted with the permit application, in accordance with rule 340-105-014(2)(m), and approved by the Department as part of the permit issuance proceeding under Division 106. In accordance with rule 340-105-032, the approved closure plan will become a condition of any hazardous waste permit. The Department's decision must assure that that approved closure plan is consistent with rules 340-104-111, -113, -114, -115, and the applicable requirements of rules 340-104-178, -197, -228, -258, -280, -310 and -351. A copy of the [approved] closure plan and all revisions to the plan must be kept at the facility until closure is completed and certified in accordance with rule 340-104-115. The plan must identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must include, at least:

(a) . . .

(2) . . .

(3) The owner or operator must notify the Department at least 180 days prior to the date he expects to begin closure.

(Comment: The date when he "expects to begin closure" should be within 30 days after the date on which he expects to receive the final volume of wastes. If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or by order of the Department, to cease receiving wastes or to close, then the requirement of this [paragraph] section does not apply. However, the owner or operator must close the facility in accordance with the deadlines established in rule 340-104-113).

3. 340-104-113 (1) Within 90 days after receiving the final volume of hazardous wastes, the owner or operator must treat, remove from the site, or dispose of on-site, all hazardous wastes in accordance with the [approved] closure plan. The Department may approve a longer period if the owner or operator demonstrates that:

(a)(A) The activities required to comply with this section will, of necessity, take longer than 90 days to complete; or

(B)(i) The facility has the capacity to receive additional wastes;

(ii) There is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

(iii) Closure of the facility would be incompatible with continued operation of the site; and

(b) He has taken and will continue to take all steps to prevent threats to human health and the environment.

(2) The owner or operator must complete closure activities in accordance with the [approved] closure plan and within 180 days after receiving the final volume of wastes. The Department may approve a longer

closure period if the owner or operator demonstrates that:

(a) . . .

4. 340-104-115 When closure is completed, the owner or operator must submit to the Department certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the [approved] closure plan.

5. 340-104-117 (1) . . .

. . .

(4) All post-closure care activities must be in accordance with the provisions of the [approved] post-closure plan as specified in rule 340-104-118.

6. 340-104-118 (1) The owner or operator of a disposal facility must have a written post-closure plan. In addition, certain piles and certain surface impoundments from which the owner or operator intends to remove the wastes at closure are required by rules 340-104-228 and -258 to have post-closure plans. The plan must be submitted with a permit application, in accordance with rule 340-105-014(2)(m), and approved by the Department as part of the permit issuance proceeding under Division 106. In accordance with rule 340-105-032, the approved post-closure plan will become a condition of any permit issued. A copy of the [approved] post-closure plan and all revisions to the plan must be kept at the facility until the post-closure care period begins. This plan must identify the activities which will be carried on after closure and the frequency of these activities, and include at least:

(a) . . .

7. 340-104-147 (1) . . .

. . .

(4) Adjustments by the Department. If the Department determines that the levels of financial responsibility required by section (1) or (2) of this rule are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the Department may adjust the level of financial responsibility required under section (1) or (2) of this rule as may be necessary to protect human health and the environment. This adjusted level will be based on the Department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Department determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill, or land treatment facility, [he] it may require that an owner or operator of the facility comply with section (2) of this rule. An owner or operator must furnish to the Department, within a reasonable time, any information which the Department requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under rules 340-105-041(1)(e)(C) and 340-106-005.

8. 340-104-191 (1) . . .

(2) Tanks and related appurtenances, including but not limited to pipes, valves, backflow prevention devices, gauges, or pumps within 5 feet

of the tank, installed after January 1, 1985, must have secondary containment that:

(a) . . .

(b) . . .

(c) . . .

(Comment: It is intended that the appurtenance containment return any leakage to the main tank containment.)

9. 340-104-192 (1) . . .

(2) . . .

(a) . . .

(b) For uncovered tanks, maintenance of sufficient freeboard to prevent overtopping by wave or wind action or by precipitation. A minimum of 2 feet will be required unless otherwise approved by the Department.

10. 340-104-194 (1) . . .

(a) . . .

. . .

(e) The area immediately surrounding the tank, including discharge confinement structures (e.g., dikes), at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

(2) . . .

11. 340-104-221 (1) . . .

(2) . . .

(3) A surface impoundment must be designed, constructed, maintained and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on;

malfunctions of level controllers, alarms, and other equipment; and human error. A minimum of 2 feet freeboard shall be maintained unless otherwise approved in writing by the Department.

12. 340-104-222 (1) . . .

(2) If liquid leaks into the leak detection system, the owner or operator must:

(a) Notify the Department of the leak in writing within seven days after detecting the leak; and

(b)(A) [Within] Immediately or within a period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to be best of his knowledge and opinion, the leak has been stopped; or

(B) . . .

13. 340-104-251 (1) A waste pile (except for an existing portion of a waste pile) must have:

(a) . . .

(b) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained and operated to ensure that leachate depth does not exceed one foot and to collect and remove leachate from the pile. The Department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed one foot. The leachate collection and removal system must be:

(A) . . .

14. 340-104-252 (1) . . .

(2) If liquid leaks into the leak detection system, the owner or operator must:

(a) Notify the Department of the leak in writing within seven days after detecting the leak; and

(b)(A) [Within] Immediately or within a period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to be best of his knowledge and opinion, the leak has been stopped; or

(B) . . .

1. 340-105-010 (1) . . .

. . .

(5) Existing management facilities. (a) . . .

(b) . . .

(c) An owner or operator of an existing management facility that has [submitted a Part A permit application to the Department but has] not yet been issued a management facility permit shall comply with the regulations of Division 104, excluding Subdivision F, and 40 CFR Part 265, Subpart F[, until such permit has been issued].

(d) . . .

(e) If an owner or operator of an existing management facility has filed a Part A permit application but has not yet filed a Part B permit application, the owner or operator shall file an amended Part A application:

(A) No later than 15 days after the effective date of the adoption of rules listing or designating wastes as hazardous if the facility is treating, storing or disposing of any of those newly listed or designated wastes; or

(B) Prior to any of the following actions at the facility:

(i) Treatment, storage or disposal of a new hazardous waste not previously identified in Part A of the permit application;

(ii) Increases in the design capacity of processes used at a facility. The owner or operator must submit a justification explaining the need for the increase based on the lack of available treatment, storage or disposal capacity at other hazardous waste management facilities, and receive

Department approval before making such increase.

(iii) Changes in the processes for the treatment, storage or disposal of hazardous waste. The owner or operator must submit a justification explaining that the change is needed because:

(I) It is necessary to prevent a threat to human health or the environment because of an emergency situation, or

(II) It is necessary to comply with the requirements of Divisions 100 to 108.

The owner or operator must receive Department approval before making such change.

(iv) Changes in the ownership or operational control of a facility. The new owner or operator must submit a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of Subdivision H of Division 104 (financial requirements), until the Department has released him in writing. The Department shall not release the old owner or operator until the new owner or operator has demonstrated to the Department that he is complying with that Subdivision. All other duties required by these rules are transferred effective immediately upon the date of the change of ownership or operational control of the facility.

2. 340-105-013 Part A of the hazardous waste application shall include the following information:

(1) . . .

. . .

(14) A statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and

Development Commission's Statewide Planning Goals.

3. 340-105-014 (1) . . .

. . .

(3) . . .

(a) . . .

. . .

(d) . . .

(A) . . .

(B) Identifies the concentration of each Appendix VIII of Division 101 constituent [throughoutemhe] throughout the plume or identifies the maximum concentrations of each Appendix VIII constituent in the plume.

DIVISION 109

1. 340-109-001 (1) The purpose of this Division is to specify procedures for managing residues and empty containers produced by the use of pesticides.

(2) The requirements of this Division apply to any person [(including farmers)] who produces pesticide residue or empty pesticide containers [except as indicated in sections (3) and (4) of this rule.] if such residue or empty containers are not subject to regulation under Divisions 100 to 106.

(3) [Persons producing pesticide wastes identified as hazardous waste in Division 101 are subject to regulation under Divisions 100 to 108 (except farmers who are exempted under rule 340-102-051).] Pesticide residues and empty pesticide containers managed under this Division may alternatively be managed under Divisions 100 to 106.

(4) . . .

2. 340-109-010 (1) . . .

(2) . . .

(3) . . .

(4) A person who spills pesticide residue shall:

(a) Report spills in excess of 200 lb. (approximately 25 gal.) to the Oregon Emergency Management Division (telephone 800-452-0311); and

(b) Clean up such spill in accordance with rule 340-108-010.

3. 340-109-020 [(1) Empty containers are hazardous waste if they were used in the transportation, storage, or use of a pesticide.]

[(2)] (1) Empty rigid pesticide containers, including but not limited to cans, pails, buckets or drums constructed of metal, plastic, glass, or fiber may be managed as ordinary solid waste if they are decontaminated, verified and altered as follows:

(a) . . .

(A) . . .

(B) . . .

(C) Chemical washing methods such as those used to recondition metal drums; or

[(D) Removing the inner liner that prevented contact of the hazardous substance or hazardous waste with the container and managing the liner as hazardous waste; or]

[(E)] (D) Other methods that have been shown in the scientific literature, or by generator tests, to achieve equivalent removal.

(b) . . .

(c) . . .

[(3)] (2) Empty non-rigid pesticide containers, including paper, paper-laminated and paper-laminated foil bags, may be managed as ordinary solid waste [if they are] and disposed as follows:

(a) . . .

(b) . . .

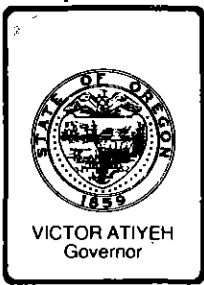
(c) . . .

[(4)] (3) Farmers may bury empty non-rigid or decontaminated rigid pesticide containers on their own property provided:

(a) . . .

(b) . . .

[(5)] (4) No person shall use or provide for use empty or decontaminated pesticide containers to store food, fiber or water intended for human or animal consumption.



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Steve F. Gardels, Manager
Eastern Region, Pendleton

Subject: Agenda Item No. J, August 10, 1984, EQC Meeting
Eastern Regional Manager's Report

Present Staff Levels.

On-Site Sewage Disposal Program.

1-2 FTE Waste Management Specialists (1.0 FTE = 1 staff member)
0.9 FTE Secretary

Air Quality Program
Water Quality Program
Solid Waste Program
Hazardous Waste Program.

2.0 FTE Technical (1 Environmental Consultant & Regional Manager)
0.1 FTE Secretary
1.0 FTE Clerical Assistant (temporary) added July 24, 1984 (for 2 months)

On-Site Sewage Disposal Program.

Nearly 40 percent of all applications statewide accepted by DEQ's direct service program are handled by the Eastern Region office. The Eastern Region does the on-site program in 8 out of the 9 regional counties.

Staff cutbacks, seasonal fluctuation in work-load, and the large geographical area has caused problems such as slow response to applications, low enforcement and a less than desirable pre-cover inspection record.

Innovative management and staffing strategies will have to developed to overcome these problems.

Solid Waste.

Higher than normal precipitation the last several years has caused water problems in at least two landfills. Leachate and springs have developed at the Union County landfill. Leachate and earth movement has occurred at the Grant County fill.

Union County Landfill.

Extensive excavation at the Union County fill has found the most probable source of water. Engineering plans are being developed now to eliminate the source and construction will begin soon.

Grant County Landfill.

A leaking diversion ditch has to be sealed or rerouted at the Grant County fill although no progress has been made to-date to solve this problem.

South Morrow County Landfill.

This landfill lease is up in February of 1985. There is the possibility that the owners may not renew the lease. The property owners are concerned about the possible water pollution of a nearby spring fed stock watering pond. The region recently sampled ponds near the landfill. The results should indicate if there is pollution of these ponds or not.

Water Quality Program.

Groundwater.

Groundwater contamination has been identified at Borden Chemical, Island City (nitrates); J. R. Simplot, Hermiston (nitrates); OreIda; Ontario (BOD, sulfides); and Amalgamated Sugar, Nyssa (BOD, minerals, aesthetics). Nitrates up to 600 milligrams per liter (mg/l) have been detected at Borden Chemical.

Monitoring programs are on-going at all of these facilities.

Underground Fuel Contamination.

Chevron, La Grande.

Chevron completed a fuel recovery and bio-degradation project of an underground fuel contamination area in La Grande. Over 30,000 lbs. of fertilizers were used to stimulate biological breakdown of gasoline and diesel that had caused restaurants to close down

from fumes that had degraded domestic wells. Monitoring in and downgradient of the contamination area has shown that low levels of fuel still exist, but that it not migrating downgradient. Nitrogen levels from the fertilizer injection operation are low.

Union Pacific Railroad (UPRR), La Grande.

Diesel spills and leaks over a 30-year period had caused diesel to accumulate up to 2 feet thick on the shallow groundwater. The contamination area covers about 15 city blocks. UPRR installed nine large oil-recovery wells along the center of the contamination area.

In 18 months only 20,000 of fuel has been recovered. UPRR asked that they be allowed to abandon the recovery project since very little fuel was being recovered, even though there was still diesel over 18 inches thick in some areas.

The Department has taken the position that fuel can still be recovered by other means and has directed UPRR to do more on-site systems testing and to design a more efficient fuel recovery system or combination of systems.

Union Oil and Shell Oil, Ontario.

Union Oil has installed a recovery system to recover 20,000 gallons of gasoline that was lost to the groundwater in early 1983. To-date about 10,000 gallons has been recovered. The sale of commercial property next to Union Oil fell through because of fuel contamination beneath the property. A limited investigation by the property owner and the Eastern Region indicates that another station (Shell Oil) is the most probable cause of the contamination from a much older spill. Contamination has also been found across a four-lane highway beneath other commercial properties. The concerned parties expect the DEQ to document the problem for resolution; but with limited funds and equipment, we cannot accomplish this.

There are other unresolved fuel leakage situations in Cove, Unity and Pendleton.

Animal Waste.

The region has stopped working directly on most animal waste sources or problems, since the Department of Agriculture and local Soil Conservation Services (SCS) have taken over the program. The notable exceptions are some large feedlots (J.R. Simplot - 32,000 head, Victoria Land and Cattle Co. - 30,000 head, Athena Cattle Feeders - 8,000 head).

The J.R. Simplot feedlot was developed in conjunction with a 28,000 acre farm. The animal waste was to be used as fertilizer for nearly 10,000 of the farm.

The feedlot and farm operation have split apart. Last year the feedlot attempted to put the animal waste on a much smaller, undeveloped farming area. Extreme odors, flies and runoff occurred. The feedlot has now installed a 100-acre pond to simply evaporate the liquid portion of the animal waste. The environmental problems have been solved, but the waste is no longer being used as a resource.

Gold Mining.

Gold mining activity fluctuates with gold prices. Last year and possibly this year most of the active mines are shut down. There are two cyanide leaching facilities operating now. One processes 300 tons per day by the cyanide heap leach method.

We have four types of mining operations which are:

1. Placer mining which usually takes place in or near streams.
2. Hard rock underground mines which usually discharge some water to streams.
3. Cyanide leaching of ore.
4. Small hobby placer mines.

NPDES Sources.

There is a fairly high level of compliance with both municipal and industrial discharging sources. Notable exceptions are usually small cities with mechanical sewage treatment plants (Fossil, Condon, Weston, Nyssa, among others). Lack of compliance assurance with these sources quickly results in non-compliance due to poor maintenance or operator changes.

Air Quality.

Wood Stoves.

Wood stove emissions have caused severe visibility and nuisance conditions in areas of Pendleton and La Grande. The McKay area of Pendleton appears to be the worst.

The Pendleton School District has asked DEQ to do special monitoring in this area next winter. If funding is available, a nephelometer and carbon monoxide samplers may be installed. The existing air monitoring station is located on the top of the State Office Building in Pendleton which is not the worst winter area by any means.

Nearly all of those who testified at the wood stove hearings from Pendleton and La Grande, including physicians, wanted stricter rules than what was proposed for wood stoves.

Portland General Electric (PGE) Coal Plant.

The PGE 550 megawatt coal fired plant located west of Boardman has operated very little the last two years. Higher than normal flows in the Columbia River have kept regional Bonneville Power Administration (BPA) power rates low enough to keep the coal plant shut down. The plant has met compliance when operating.

Small Co-generation Plants.

Three small wood-fired electric plants are being proposed in the region, all less than 10 megawatts. We have issued permits for plants located at Heppner and North Powder and will be getting an application for one in Prairie City.

Miscellaneous.

Problem sources for the region to maintain in compliance are asphalt plants. These sources are widely dispersed and operate intermittently, making inspections during operating time difficult.

Hazardous Waste.

Umatilla Army Depot.

The depot has a hazardous waste storage license for some select hazardous wastes. Nearly all of these wastes have been removed to-date. The Department may license the storage and disposal of waste munitions of which there are thousands of tons stored and disposed of by open burning (OB) and open detonation (OD). Currently the OB and OD activity is permitted with an air contaminant discharge permit.

The depot also plans to build a major new facility to destroy rockets and mortars, both of which contain nerve agents. Currently, the rockets and mortars are being stored. Under current rules, the Department will have to license this new nerve agent/munitions destruction facility.

Pesticide Applicators.

There are over 100 commercial pesticide application facilities in the region. We have had some of these facilities build containment systems to contain and treat or evaporate pesticide contaminated wastewaters. These facilities cannot meet the requirements of the new hazardous waste rules. Currently, the region is on hold and not doing anything with these facilities. The Hazardous Waste Section will be developing new strategies with the EPA for commercial pesticide applicator facilities.

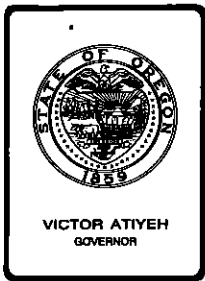
Wood Treating.

Joseph Forest Products treats lumber with arsenic, chromium and copper compounds. The facility is located above the city of Enterprise's water supply springs. The region has recently done extensive sampling near the facility. Additional wastewater control facilities will be needed. We do not have sample results back yet.

1983 Willow Creek Spill.

A 3,800 lb. spill of the insecticide Sevin into Willow Creek in June, 1983 completely sterilized the stream and a reservoir 22 miles below the spill site. A lime solution was added to the stream in a two-week flushing operation to neutralize the insecticide. DEQ's surveys has found the stream returning to normal and the stream and reservoir have been restocked with fish.

Steve F. Gardels:b
276-4063
July 24, 1984
GB3653



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: August 10, 1984

From: Administrator, Solid Waste Division

Subject: Amended Informational Report: Nu-Way Oil, Portland, Oregon--
An Update of the Department's Investigation

Background

Nu-Way Oil is located in Portland at 7039 N.E. 46th Avenue. The site is situated on river laid sediments (alluvial silt, sand and gravel) next to the Columbia Slough.

In 1949, Nu-Way Oil began re-refining used motor oil at its present location. The re-refining process produced two waste streams: oil-contaminated clay and acid sludge. The oil-contaminated clay was disposed of in an on-site lagoon. The acid sludge was mixed with soil and used as road base in Eastern Oregon.

In 1979, the Department began investigating the environmental impacts from Nu-Way Oil's Portland facility. Between 1980 and 1983, the Department collected and analyzed samples of clay sludge, liquid from the lagoon, soil from the used-oil loading and processing areas, and water from the slough. Tests of the clay sludge showed a maximum concentration of 21 parts per million (ppm) polychlorinated biphenols (PCB) (levels greater than 50 ppm PCBs are regulated). Subsequent testing showed a lesser concentration of PCBs. Total lead in the sludge ranged from 12,000 ppm to 33,600 ppm; however, only 2.74 ppm was extractable. (Levels greater than 5 ppm extractable lead are regulated. Extractability test indicates level of mobility.) The lagoon water exhibited concentrations of 1.7 ppm total lead and less than 0.002 ppm PCB. Total lead in the soils in the used oil loading and processing areas ranged from 470 ppm to 18,700 ppm. Extractable lead ranged from 0.1 ppm to 2.43 ppm. PCBs in the soils in the loading and processing areas ranged from 0.01 ppm to 5.2 ppm. No lead or PCB at the detection limits of 0.1 ppm and 0.001 ppm, respectively, were found in the slough water.

In 1982, the Department was asked by EPA to nominate candidate sites for inclusion on the Superfund National Priorities List. The nomination process consisted of evaluating a site to determine its impact on groundwater, surface water, and air quality and then showing its hazard on a national ranking system. One of the eight sites for which sufficient information was available to use the Hazard Ranking Model was Nu-Way Oil.

Nu-Way Oil was evaluated and received 15.21 points out of 100 (a score of zero suggests a low hazard, 100 suggests a high hazard). The 545 sites currently on the National Priorities List scored between 28.5 and 75 points. Thus, in a nationwide comparison, Nu-Way Oil presents a low hazard to public health or the environment.

In February 1984, Oregon Fair Share conducted what they referred to as a "neighborhood health survey" in a residential area near Nu-Way Oil. The survey concluded that the site was affecting people's health. In response, the Department requested the Multnomah County Disease Control Office and the Oregon Health Division to evaluate the report. In April, 1984, Multnomah County's Health Officer concluded that the Oregon Fair Share report appeared to be "more an exercise in journalism than an epidemiologic study" (Attachment I). Multnomah County could not validate the information in the report, but recommended that drinking water wells in the area be analyzed for contaminants.

In April, 1984, personnel from the Oregon State Health Division collected water samples from four area wells. Three wells contained less than the detection limit of 0.01 ppm lead. One well contained 0.04 ppm lead (the maximum concentration of lead allowed under the Federal Safe Drinking Water Act is 0.05 ppm). Lead, naturally found in most soils, is also present in most waters. Analysis also showed some organic chemicals to be present. However, the Health Division concluded that they are same ones found in groundwater elsewhere in East Multnomah County; thus, their detection was not significant (Attachment II).

In December, 1983, Oregon Fair Share asked EPA to investigate the site. In March, 1984, EPA, through a consultant, conducted a standard preliminary assessment and site inspection. Data is currently being evaluated and will be forwarded to the Department when the work is completed.

Conclusions

Test results show that PCB and the chemical element lead exist at the Nu-Way Oil site. However, the level at which these contaminants exist is below the concentration that would require the special handling as either a toxic substance or a hazardous waste. In addition, efforts to date have failed to document off-site migration of contaminants from the Nu-Way Oil site. Thus, the Department does not believe that the presence of hazardous contaminants at the site poses an imminent health hazard or is a threat to the environment at this time. The Department and EPA have not, however, closed the site investigation. Because the Department and EPA have other sites of higher priority at this time, our limited resources are being focused on those sites needing more immediate attention. When resources become available, EPA plans to conduct a more detailed site investigation, including the collection of ground water data. The Department will review new information as it becomes available and will work with EPA to conclude the investigation of the Nu-Way Oil site.

- Attachments I: April 12, 1984 Letter from Multnomah County Disease Control Office to the Department
- II: June 27, 1984 Memo from Doug Campbell, Oregon State Health Division, to Dave Leland



(Hw 9.5
Nuway Oil

MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
DISEASE CONTROL OFFICE
426 S.W. STARK STREET
PORTLAND, OREGON 97204
(503) 248-3406

DENNIS BUCHANAN
COUNTY EXECUTIVE

April 12, 1984

Fred Hansen, Director
Oregon Department of Environmental Quality
Box 1760
Portland, OR 97207

Dear Mr. Hansen:

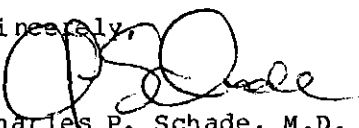
Thank you for your letter of February 29, 1984, regarding Oregon Fair Share's health survey conducted in the neighborhood of Nu Way oil.

We have attempted to obtain additional information on the survey from Fair Share but none has been forthcoming. I am therefore compelled to make my judgements on the face of the document.

As I noted in a previous letter to Janet Gillaspie, the report appears to be more an exercise of journalism than an epidemiologic study. It is not possible to determine the validity of the information generated, but it is extremely doubtful that the conclusions are valid because of small numbers, lack of documentation of exposure, lack of documentation of illness, and lack of a comparison group. Based on the information contained in the survey, I do not recommend more extensive health surveys in the vicinity of Nu Way Oil.

Because of information found in the EPA survey of the Nu Way site, it is my understanding that Dr. Doug Campbell of the Oregon State health Division has requested some additional water samples from the area to document that there has been no contamination of drinking water supplies. In addition, there are safety hazards related to Nu Way which need to be attended to as noted in the fire marshall's report of June 21, 1983. I would suggest that your agency, the State Health Division, the Portland Fire Bureau and our agency meet with Nu Way within the next month to determine what actions need to be taken to assure safety of the plant and its neighborhood.

Sincerely,


Charles P. Schade, M.D.

cc: Kristine Gebbie, Oregon State Health Division
Oregon Fair Share
Arlo Geary, Nu Way Oil
John Vlastelicia, Environmental Protection Agency
Larry D. Patterson, DEQ
Rich Reiter, DEQ
Tom Bispham, DEQ
City Commissioner Mike Lindberg
City Commissioner Margaret Strachan

Greg Baesler



STATE OF OREGON

INTEROFFICE MEMO

Drinking Water Systems

229-5226

~~GAB~~
~~CAC~~

Dept. of Environmental Quality

TO: Doug Campbell

DATE: 6-27-84

FROM: Dave Leland

RECEIVED
JUL 3 1984

SUBJECT: Nu Way Oil

NORTHWEST REGION

On April 26, 1984, Paul Berg and I collected water samples from private wells near the Nu Way Oil waste oil lagoon. The sampling was conducted at the request of Oregon Fair Share and local residents who were concerned about groundwater contamination from the site. The results were delayed considerably at the DEQ laboratory.

Four private wells were sampled and locations are shown on the attached map. The oil lagoon was shown by recent DEQ sampling to contain high concentrations of lead. Analyses conducted of private well water included gross hydrocarbon identification to detect oil or gasoline, purgeable organics to detect solvents or degreasers, lead as discussed above, and nitrate because of the location and depth of the wells and the proximity of septic drain fields.

The attached table summarizes the sample results. Nitrate levels were elevated but all were below the standard of 10 ppm. These levels are typical of those found in other areas of eastern Multnomah County. Lead levels were below the standard of 0.05 ppm. Oil and gasoline hydrocarbons were not detected at a level of 1 ppm. Two volatile organic compounds (VOC) were detected in several of the wells, trans-dichloroethylene and trichloroethylene, ranging from below the detectable level up to 0.003 ppm (3 parts per billion). These two VOC's have also been detected in other areas of eastern Multnomah County during the past year at the same concentrations. No national standards have been established for these compounds, however, the state of Florida recently established a standard for trichloroethylene of 0.003 ppm.

We conclude that the contaminants found in these wells are the same ones found in groundwater throughout the east county area, which probably result from on-site home sewage disposal. The results can not in our opinion be attributed to the Nu Way oil lagoon. Four copies of the results are enclosed for transmission to the individual residents.

DEL:do

cc: DEQ ATTN: Neil Mullane
EPA ATTN: Larry Payette
Multnomah County HD

Enclosures

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 28 1984

WATER QUALITY CONTROL

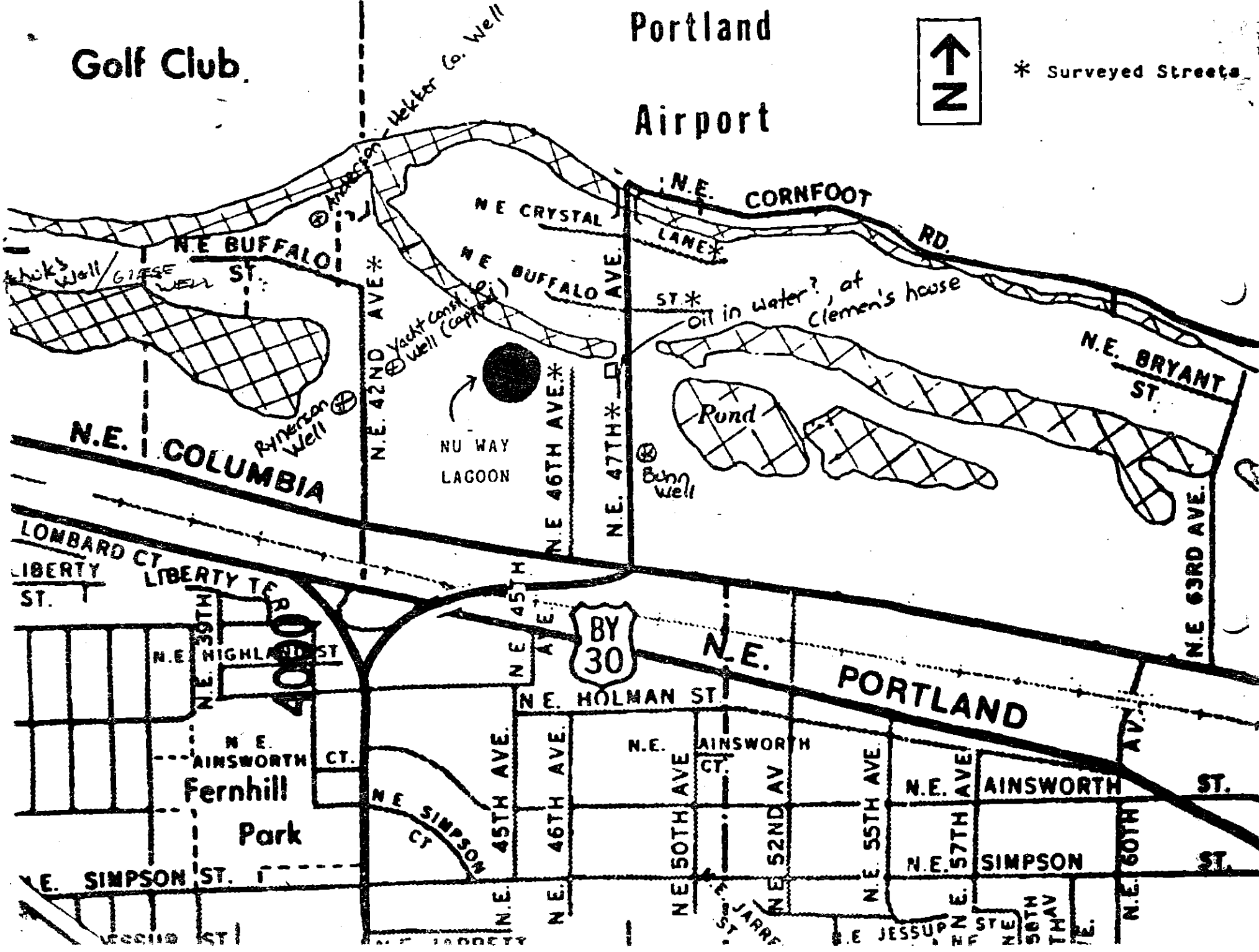


Golf Club

Portland
Airport



* Surveyed Streets



NU WAY
LAGOON

Pond

Bunn Well

Oil in water? at
Clemens house



PORTLAND

Fernhill
Park

Golf Club

SAMPLE RESULTS
PRIVATE WELLS NEAR NU WAY OIL

4/26/84

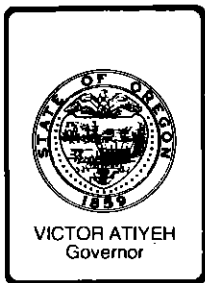
<u>Parameter</u>	<u>Well</u>			
	<u>Anderson Hekker Co.</u>	<u>Dutchuk</u>	<u>Giese</u>	<u>Rynearson</u>
<u>Oil and Gas</u>	ND ¹	ND	ND	ND
<u>Purgeable Organics (PPM)</u>				
1. Trans-Dichloroethylene	0.003 0.002	ND	ND	0.003
2. Trichloroethylene	0.001 0.001	0.001	ND	ND
3. Others	ND	ND	ND	ND
<u>Nitrate (PPM as N)²</u>	3.9	5.0	4.2	4.1
<u>Lead (PPM)³</u>	0.04	<0.01 ⁽⁴⁾	<0.01	<0.01

1 ND - Not Detected

2 Nitrate Standard - 10 ppm

3 Lead Standard - 0.05 ppm

4 < - Less Than



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission Date: August 10, 1984

From: Ernest A. Schmidt

Subject: Informational Report - Open Burning of Solid Waste at Disposal Sites

Wallowa County has submitted a request to allow open burning of solid waste at Troy and Imnaha. This would require a variance from the EQC. There may be additional disposal sites in rural eastern Oregon that also open burn that are presently not covered by variance. Instead of covering open burning variances on a one-at-a-time basis, the Department would like to review the entire issue.

Therefore, it was decided that before any more variances were brought before the EQC, a full report should be submitted to the Commission. The report will include an analysis of open burning at disposal sites, applicable federal laws and regulations, and possible non-burning alternatives. It is anticipated that the report will be prepared for the September 14, 1984 EQC meeting in Bend.

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