

4/19/1985

OREGON

ENVIRONMENTAL QUALITY

COMMISSION MEETING

MATERIALS



State of Oregon
Department of
Environmental
Quality

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

April 19, 1985

Autzen Senate Chamber
George Putnam University Center
Willamette University
900 State Street
Salem, Oregon

NOTE: Meeting
starts at
9:30 am

TENTATIVE AGENDA

9:30 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 March 8, 1985, EQC meeting.
- B. Monthly Activity Report for January and February, 1985.
- C. Tax Credits.

9:35 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 hold a public hearing on the Construction Grants Management System and Priority List for FY86.
- E. Request for authorization to hold a public hearing to amend OAR 340-25-315 (Veneer and Plywood Manufacturing Operations) to include emission standards for veneer dryers located in special problem areas.

ACTION AND INFORMATION ITEMS

Public testimony will be accepted on the following, except items for which a public hearing has previously been held. Testimony will not be taken on items marked with an asterisk (*). However, the Commission may choose to question interested parties present at the meeting.

- 9:45 a.m. F. Informational Report: Review of FY85 State/EPA Agreement and opportunity for public comment.
- G. Status report and proposed amendments to the Portland International Airport Noise Abatement Program.
- H. Proposed adoption of amendments to the Vehicle Inspection Program Operating Rules (OAR 340-24-300 through 24-350).

(over)

- I. Approval of amendments to the Lane Regional Air Pollution Authority Rules for air conveying systems, as a revision of the State Implementation Plan.
- J. Alleged Health Hazard, Connecticut Court, SE, Salem, Oregon.

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 9:30 a.m. to avoid missing any item of interest.

The Commission will not hold a breakfast meeting. The Commission will lunch in Dining Room No. 2, George Putnam University Center.

The next Commission meeting will be June 7, 1985, in Portland, Oregon.

Copies of the staff reports on the agenda items are available by contacting the Director's Office of the Department of Environmental Quality, PO Box 1760, Portland, Oregon 97207, phone 229-5395, or toll-free 1-800-452-4011. Please specify the agenda item letter when requesting.

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OREGON ENVIRONMENTAL QUALITY COMMISSION

April 25, 1986

BREAKFAST AGENDA

- | | |
|--|------------------|
| 1. Tax Credit Program | Maggie Conley |
| 2. Tillamook Meeting, June 13 | Fred Hansen |
| 3. Discussion of possible landfill tour | Stan Biles |
| 4. Discussion of landfill siting criteria | Fred Hansen |

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED SIXTY-FOURTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

April 19, 1985

On Friday, April 19, 1985, the one hundred sixty-fourth meeting of the Oregon Environmental Quality Commission convened in the Autzen Senate Chamber of the George Putnam University Center, Willamette University, 900 State Street, Salem, Oregon. Present were Commission Chairman James Petersen, Vice Chairman Arno Denecke, and Commission members Mary Bishop, Wallace Brill, and Sonia Buist. Present on behalf of the Department were 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 March 8, 1985 EQC Meeting.

It was MOVED by Commissioner Bishop, seconded by Commissioner Buist, and passed unanimously that the Minutes of the March 8, 1985 EQC meeting be approved.

AGENDA ITEM B: Monthly Activity Report for January and February 1985.

In reference to the hazardous waste disposal requests, Commissioner Denecke asked if it was normal that so many requests come from the State of Washington. Michael Downs of the Department's Hazardous and Solid Waste Division, replied that as one of the Northwest Compact states, Oregon has agreed to take hazardous wastes from the State of Washington in exchange for Washington taking Oregon's radioactive wastes for disposal at Hanford, as there is no disposal site for radioactive wastes in Oregon.

It was MOVED by Commissioner Denecke, seconded by Commissioner Brill, and passed unanimously that the Monthly Activity Report for January and February 1985 be approved.

AGENDA ITEM C: Tax Credit Applications.

It was noted that Boise Cascade asked that their request for solid waste preliminary certification for replacement of PCB-containing transformers be withdrawn. The Company will resubmit another time, claiming the project as a water quality facility.

Commissioner Buist asked why this project would be eligible under water quality. Director Hansen replied that if moving the transformer would remove a potential hazard to waters of the state, it would be eligible. However, the Company was originally applying for the replacement of transformers containing PCB's with transformers that did not contain PCB's. Neither state nor federal law mandate such replacement. Being required by state or federal law is one of the requirements for eligibility for pollution control tax relief.

In a related question, Chairman Petersen asked why PCB's were not identified as a hazardous waste under Oregon's rules. Director Hansen replied that PCB's are regulated federally under the Toxic Substance Control Act (TSCA) which by definition does not regulate hazardous wastes. Hazardous wastes are controlled only under RCRA, which gives only those wastes the technical definition "hazardous waste." The Department has applied to EPA for permission to regulate PCB's as a hazardous waste so they could come under RCRA requirements. EPA has not granted that request. Federal law does not clearly permit a state to adopt requirements that are more stringent than the federal standard and thereby potentially frustrate the removal of PCB's throughout the Nation.

In response to Chairman Petersen, Director Hansen replied that PCB's were hazardous and it was merely the technical terminology of which federal act they fall under. Chairman Petersen commented that this would tend to confuse the public and the Department needed to be careful so the public does not get the impression that PCB's are not hazardous.

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

PUBLIC FORUM:

No one appeared.

AGENDA ITEM D: Request for Authorization to Hold a Public Hearing on the Construction Grants Management and Priority List for FY86.

This item is a request for authorization to hold a public hearing on the priority system and list for allocating federal grants to construct sewage treatment facilities.

The draft priority list is presently being compiled and will be mailed to all cities and counties on May 8. The public hearing is planned to be held on June 10.

Although federal funds have not yet been authorized or appropriated by Congress, the Department expects that the funding level of approximately \$27 million for Oregon will be continued for FY86.

Director's Recommendation

Based on the summation in the staff report, the Director recommends that the Commission authorize a public hearing to solicit public comment on the FY86 priority list and management system to be held on June 10, 1985. All testimony entered into the record by 5 p.m. on June 12, 1985, will be considered by the Commission.

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

Chairman Petersen asked how this would affect any special funding for East Multnomah County. Harold Sawyer of the Department's Water Quality Division, replied that because of the federal deadline on this list, the Department proposed to prioritize needs as best it could at this time because the decision on the threat to drinking water in East Multnomah County would be made after the deadline. Depending on when the decision is made, a request could be made to either modify this list, or put the project on the next list.

Director Hansen emphasized the Department did not want to disrupt any smaller projects which had been moving up the list and waiting for funding.

In response to Commissioner Brill, Mr. Sawyer said he did not know at this time what effect the Federal sanctions in the Medford area would have on sewer funding.

Commissioner Denecke asked who traditionally appear at public hearings on this matter. Mr. Sawyer replied that it was mostly local governments commenting on either their position on the list, or asking to be put on the list. The hearing summary the Commission would receive would reflect any corrections made as a result of public comment, Mr. Sawyer said.

Commissioner Denecke said he assumed that Congress would not reduce below last year's funding. Mr. Sawyer said the Department had no reason to believe the amount would be reduced. He said the Clean Water Act was up for reauthorization by Congress, and some adjustment could be made at that time. One of the things Congress could do in this process, Mr. Sawyer continued, was to change the formula that is used for allocating dollars; taking the \$2.4 billion and dividing it differently among the states and territories. Therefore, there could be some adjustment in the dollars Oregon receives out of that, but the Department does not expect it at this point.

Director Hansen informed the Commission that President Reagan's administration had proposed phasing this program out but at the present time the program appears to be holding flat.

AGENDA ITEM E: Request for Authorization to Hold a Public Hearing to Amend OAR 340-25-315, Veneer and Plywood Manufacturing Operations, to include Emission Standards for Veneer Dryers Located in Special Problem Areas.

This requests authorization to hold a public hearing to amend the rules for veneer and plywood manufacturing operations. The proposed amendments would extend specific emission standards for veneer dryers to include dryers located in special problem areas. An additional part of the amendment would delete an outdated reference to implementation of veneer dryer air emission compliance.

Director's Recommendation

Based on the summation in the staff report, the Director recommends that the Commission authorize a hearing to consider modifying the Veneer and Plywood Manufacturing Operations Regulation to include veneer dryers located within special problem areas and to delete the dated requirement for submittal of a program and time schedule for emission control equipment installations.

Commissioner Buist commented that the "blue haze" emissions are carcinogenic, and inquired if the Department considered the emissions to be reactive hydrocarbons. She also asked how, and in what quantity they are emitted, and how controlled. Tom Bispham of the Department's Air Quality Division, replied that "blue haze" was volatile hydrocarbons--naturally occurring organics in the woods--and although he did not have specifics on the quantities with him, the Department did have data for every mill in the state. Lloyd Kostow of the Department's Air Quality Division, said emissions from uncontrolled veneer dryers were about 30 tons per year as opposed to about 10 tons per year for controlled dryers. Mr. Kostow said the visible opacity standard was an easy way to regulate. In order to control fugitive emissions, he continued, the Department needed to assure that the doors on the veneer dryers were properly sealed and a visible inspection was the best way to assure this. Stack emissions could be controlled with a scrubber system.

Commissioner Buist asked at what frequency someone was measuring the emissions from these dryers. Mr. Bispham said that monitoring frequency varied from plant to plant according to their individual permit requirements. Some plants may be required to monitor every shift. Mr. Kostow said wood-fired dryers were difficult to bring into compliance and may have more stringent regulations applied to them than others.

In response to Commissioner Denecke, Mr. Bispham said that the proposed standards were the same in special areas as in other areas.

Chairman Petersen asked what the difference was between Highest and Best Practicable Control Technology (HBPCT) and Best Available Control Technology (BACT). Mr. Kostow replied that BACT comes from the Federal Clean Air Act and applies to new sources, HBPCT is from the DEQ rules and can be the same as BACT--meaning the highest level of control presently available in common use. Chairman Petersen asked if companies have a good idea of what these terms mean. Mr. Bispham said the Department meets with companies to establish appropriate controls and the companies are well aware of what is required. Misunderstanding of terms has not been a problem, he said.

In response to a question from Chairman Petersen about the difference in cost between a baghouse and a scrubber, Mr. Kostow said that in looking for emission controls that will meet standards, companies may choose the most cost-effective method they want, as long as it is technically feasible. The Department does not recommend one method over another, but would advise if it thought a chosen control might not work. In any event, a company is free to choose whatever control technology they feel will do the job.

Mr. Kostow emphasized that at the present all types of controls for veneer dryers have problems; there is no perfect control system.

In a related matter, Commissioner Denecke asked if the new owners of Mt. Mazama were complying with standards. Mr. Kostow replied that The Murphy Company, the new owners, were purchasing the plant from Oregon Bank and have funding for pollution control equipment. However, they need to operate for awhile to get cash flow. The Department agreed to let them do that if controls were installed quickly. Mr. Kostow assured the Commission that the plant was on its way to compliance, but it may take several months, and the Department would be watching their progress.

Commissioner Buist asked if the Lane Regional Air Pollution Authority (LRAPA) rules were the same as DEQ's. Mr. Bispham replied that they were the same, or in some cases more stringent than DEQ rules. Mr. Bispham also informed the Commission that LRAPA was having some funding problems. They receive funding from the cities and county, along with the state, and their resources are gone and they are looking for increases from the cities and county. Even though LRAPA seems to have solved their problems, Mr. Bispham continued, if they should fold, DEQ would have to take over their air quality control efforts in Lane County.

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

AGENDA ITEM F: Informational Report: Review of FY86 State/EPA Agreement and Opportunity for Public Comment.

The State/EPA Agreement is the contractual document which outlines what work the state will perform during Fiscal Year 86 supported partially by federal dollars.

Identified interested parties were notified and the public was offered the opportunity to comment on the draft of the agreement at this meeting.

Director's Recommendations

It is recommended that the Commission:

1. Provide opportunity for public comment on the draft State/EPA Agreement; and
2. Provide staff its comments on the policy implications of the draft agreement.

No one appeared to testify on this matter.

Commissioner Bishop, referring to the charts in the document indicating sources of emissions in nonattainment areas which reflected 1981 data, asked what the current status was, especially for the Medford/Ashland area. Tom Bispham, of the Department's Air Quality Division, replied that woodheating was now a larger contributor to the particulate problem, and industry was a smaller contributor. Medford/Ashland was now in attainment for ozone. Mr. Bispham said the final document would contain data updated to 1983.

Commenting on news reports that there appears to be more of a problem with Superfund cleanup sites than originally thought, Commissioner Buist asked if Oregon had a larger problem than anticipated. Michael Downs of the Department's Hazardous and Solid Waste Division, replied that Superfund deals with past disposal practices, and based on staff surveys, Oregon was not in bad shape. Other than staff time, Mr. Downs continued, DEQ was not presently using state money for Superfund sites. At some future time the state will have to match EPA funds for them to proceed further. For example, with the United Chrome site in Corvallis which is on public property, the state will have to match approximately \$500,000 to \$1 million from some sort of supplemental funds for the cleanup to be completed.

The Commission accepted this informational report.

AGENDA ITEM G: Status Report and Proposed Amendments to the Portland International Airport Noise Abatement Program.

In August 1983, the Commission approved the noise abatement program for the Portland International Airport. In that approval, the Commission required a review of the program.

Staff evaluation of the program concluded that significant noise reduction (almost a 50% reduction of people exposed) has been achieved by the program. However, some aspects of the plan have been somewhat delayed. Therefore, the Department is recommending amendments to update the implementation schedule of these items.

Director's Recommendation

Based on the summation in the staff report, it is recommended that the Commission approve the amended implementation schedule dates for the following elements of the Portland International Airport Noise Abatement Program:

1. Visual River Approach to Runway 28R and 28L shall be implemented by October 31, 1985.
2. The revisions to the Portland Noise Overlay Zone ordinance shall be pursued by the Port of Portland.
3. The Lemon Island houseboat moorage shall be relocated by January 31, 1986.
4. The noise insulation program for homes within the Ldn 70 decibel contour shall be initiated by April 30, 1986, subject to federal grant approval.
5. The proposed legislation required in the plan shall be pursued by the Port of Portland with the 1985 Legislative Assembly.

The Commission noted they had received written testimony from Roger S. Parsons, member of the Noise Abatement Advisory Committee, Outer East Multnomah County, concerned with the implementation schedule for the "River Visual Approach" procedure in the Portland Airport noise abatement plan. When the Commission approved the plan on August 19, 1983, this procedure was scheduled to be implemented by mid-1984. The schedule has now slipped to a proposed October 1985 date. Mr. Parsons wants the airport to use an interim procedure until the final procedure is in place.

Mr. John Newell of the Port of Portland appeared in support of the staff report. He showed charts indicating reductions in noise affected areas since the plan had been implemented. Mr. Newell indicated they were ahead of schedule as noisy planes were being replaced sooner than anticipated. He said the impacted area was 13% smaller, and affected 87,000 less population--almost one-half.

Regarding the "River Visual Approach" procedure on the north runway, Mr. Newell said that presently pilots are instructed to intercept the final approach course beyond eight miles and make a straight-in approach, with the north runway being predominant for arrivals when landing to the west. The north runway pattern has very little direct community overflight, except from the eight to ten mile point. The "River Visual Approach" in the plan would bring the aircraft out much further beyond the residential areas to a point out in the Columbia River, intercept the River, then follow the river down to the airport. Mr. Newell said the FAA had cited three factors why they felt implementation of this procedure should be delayed. The first is a recent FAA air traffic control order which outlines specific requirements in order to achieve a charted visual procedure such as this. Secondly, he continued, the procedure, without using a navigational aid installed at the airport, cannot be flown at night because pilots must be able to visually identify the turn point, Reed Island in the Columbia River. This island is visible during the day but blends into the shoreline at night. However, the procedure will be able to be used at night once the navigational aid is installed. The third reason, Mr. Newell said, is the workload impact on the controllers because of the verbal instructions they would have to give.

Chairman Petersen asked what the impact would be if the aircraft were turned on approach closer in than eight miles. Mr. Newell replied that several years ago pilots were turning closer in, but it generated a lot of complaints because the area is so built up. At eight miles out they are not turning over heavily populated residential areas.

Commissioner Brill asked if there were any zoning ordinances that would prevent further population density in the area north of the runway. Multnomah County has an ordinance, Mr. Newell said, that would prohibit any rezoning of property in the area to residential without the builder granting a noise easement to the Port of Portland, and also requires the builder to file with the county a noise disclosure statement to warn buyers. He said the City of Portland was working on updating a similar ordinance.

Commissioner Buist said it had been her experience that most of the problem was caused by military aircraft. Mr. Newell said there was no federal noise standard for military aircraft as there is for commercial, however the military has cooperated with the noise abatement plan at the Portland Airport. In response to another question by Commissioner Buist, Mr. Newell said there was no phase-out planned for military aircraft at the Portland Airbase, however they do not fly after 10 p.m. unless it is a national emergency, or they are testing (which occurs a few times a year).

Chairman Petersen asked about Mr. Parsons' suggestion for an interim approach procedure. Mr. Newell replied that the Port is reevaluating the military flight patterns and it may be possible to shift them out of the south to the north. But it was doubtful that any interim River Visual Approach Procedure could be implemented because of the FAA review process. The Port would be in support of an interim procedure if one was possible.

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

AGENDA ITEM H: Proposed Adoption of Amendments to the Vehicle Inspection Program Operating Rules (OAR 340-24-300 through 24-350).

This item contains proposed amendments to the Vehicle Inspection Program rules.

1. The extension of a special test procedure, currently limited to 1981 through 1983 Ford vehicles to include through the 1985 model year and also to include 1984 through 1986 Honda Prelude automobiles.
2. The adoption of provisions to provide for alternative criteria for vehicle owners when factory pollution control equipment or acceptable alternatives are unavailable due to discontinuation of parts inventory.
3. A modification of the calibration frequency requirements for licensed self-inspecting fleets resulting in an increase over the once a month minimum.
4. A provision which would limit noise inspections to the Portland tri-county area.
5. The addendum to the report requests that the Director be given authority to establish specific noise test standards. This is similar to the structure used in the gaseous emissions standards section.

In addition to these proposed rule changes, the report contains the summary of the public hearing of February 19, 1985. Besides the rule amendments, testimony was received on the appropriateness of including both heavy duty diesel vehicles and motorcycles into the testing program. The staff will be conducting studies to develop appropriate test methods and estimate emission benefit for these vehicle classes. It is projected that the Department will report back to the Commission prior to May 1986 on these two subjects.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the proposed rule modifications be adopted. The effective date of these rule changes would be April 29, 1985.

Chairman Petersen asked why noise testing was excluded from the proposed program for the Medford area. Director Hansen replied that in the City of Portland, the Commission was specifically requested by citizens to include noise testing in the vehicle inspection program, and that the Department would expect to do the same if petitioned by the people in Medford. Commissioner Brill suggested it was appropriate to take one problem at a time in Medford.

Regarding the proposed amendment which would delegate to the Director the establishment of standards, Chairman Petersen asked what the legality of that would be. Arnold Silver, Assistant Attorney General, replied that authority could not be delegated to the Director to adopt standards that the law states the Commission should adopt. Chairman Petersen then asked why it was necessary to delegate to the Director the power to set specific standards as opposed to asking the Commission to set those standards. Director Hansen replied that there were certain classes of vehicles which were manufactured to be louder than Commission standards allow. When faced with such a factual situation, he continued, the Director would establish a procedure that basically allowed for the same policy direction the Commission had given the Department.

Director Hansen did not believe that all those classes of vehicles could be identified at this time so that the Commission could set those standards. Ron Householder of the Department's Vehicle Inspection Program, said that the Department was not sure at this time that these vehicles would not meet the existing standards, but if it was determined that they would not without some extraordinary action on the part of the vehicle owner, then the Department would be in conflict with the intent of the regulations, and the need to respond to the vehicle owner in a timely manner. Chairman Petersen said he understood the need for speed in some cases. However, the Commission had adopted interim emergency rules in other cases and was wondering why this would be different. Chairman Petersen was also concerned about the legal authority for such delegation, and even if the legal authority was there, if it was a good policy decision.

Director Hansen responded that ORS 467.060(2) does specifically say that the Commission may by rule delegate to the Department of Environmental Quality on such conditions as the Commission may find appropriate the power to grant a variance and to make findings required by ...". Even though the Commission may not choose to use it, the legal authority was there.

At the request of Director Hansen, Mr. Householder told the Commission the Department hoped under this procedure to handle the few vehicle cases that come up, but will have to be dealt with in a timely manner when they are discovered. Unfortunately, it is very difficult to discover these vehicle classes ahead of time. Once those problem vehicle classes are discovered, he continued, rule changes would be brought to the Commission.

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

AGENDA ITEM I: Approval of Amendments to Lane Regional Air Pollution Authority Rules for Air Conveying Systems as a Revision of the State Implementation Plan.

Lane Regional Air Pollution Authority has revised its air conveying system rule relating to particulate emissions. The Department has reviewed this rule change and has concluded that it meets all applicable state regulations. Therefore, the Department recommends approval of this rule change and direct the Department to submit the revised rule to EPA as a State Implementation Plan revision.

Director's Recommendation

It is recommended that the EQC approve LRAPA's rule revision for air conveying systems based on a finding that they are equal to or more stringent than state rules, and further, that the EQC direct the Department to submit the revised rule to EPA as a SIP revision.

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

AGENDA ITEM J: Proposed Facilities and Time Schedule to Remove or Alleviate Condition Alleged Dangerous to Public Health at 842-952 Connecticut Court, SE, near Salem, Marion County, Oregon; Certification of Approval to Health Division in Accordance with ORS 431.720.

In this item the Commission is requested to review a preliminary plan, specifications and time schedule from Marion County and determine if they are adequate to remove or alleviate conditions alleged dangerous to public health near Salem.

The Commission's approval is needed before the Health Division holds hearings and makes a finding as to whether a health hazard actually exists. (This procedure differs with city health hazard annexations where the Commission's approval is requested after health hazard findings are made.)

Director's Recommendation

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

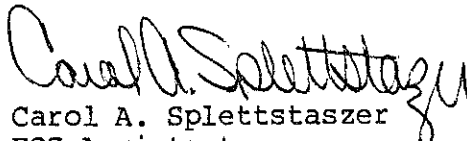
Commissioner Brill asked if the City also needed to approve this. Harold Sawyer of the Department's Water Quality Division, replied that in this case the applicable agency was a service district which contracts with the City of Salem for waste treatment. Under the forced annexation proceedings in general, he continued, this can occur without the consent of the City.

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

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

After the formal meeting Director Hansen reviewed for the Commission the status of legislative activity. The Commission then had lunch with several members of the Legislature.

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

March 22, 1985

On March 22, 1985, a special meeting of the Oregon Environmental Quality Commission convened in room 1400 of the Department of Environmental Quality offices at 522 SW Fifth Avenue in Portland, Oregon. Present were Commission Chairman James Petersen, Vice Chairman Arno Denecke, and Commission Members Mary Bishop, Wallace Brill and Sonia Buist. Present on behalf of the Department were Michael Downs, acting for Director Fred Hansen, and several members of the Department staff.

The purpose of this special meeting was to continue deliberation and reach a decision in the matter of the denial of 401 Certification to the Lava Diversion Project, Federal Energy Regulatory Commission No. 5205, Deschutes County.

The Commission's Order and a verbatim transcript of this meeting are made a part of the record in this matter.

For the record, Chairman Petersen disqualified himself. One of Chairman Petersen's partners in his law practice is the Bend City Attorney. Subsequent to the Commission's May 8, 1985 meeting when this item was originally discussed, Chairman Petersen discovered that the City of Bend had joined with Deschutes County in the FERC proceeding and was supporting Deschutes County's position in delaying the application on this particular item. While Chairman Petersen did not believe there was a conflict, in the interest of avoiding any appearance of impropriety and questions because of that relationship to the City of Bend, he decided not to vote or to participate in the argument or deliberations. The rest of the Commission agreed with Chairman Petersen's decision.

The following decisions were made by the Commission.

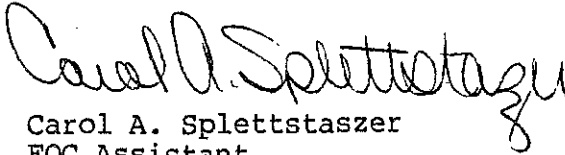
1. Sustain the Department's decision to deny 401 Certification under the Clean Water Act for failure to comply with the requirements of Oregon land use law.
Vote: Commissioners Bishop, Brill, Buist - yes
Commissioner Denecke - no
Chairman Petersen - abstain
2. Deny Deschutes County intervenor status.
Vote: Commissioners Bishop, Brill, Buist, Denecke - yes
Chairman Petersen - abstain

3. The Commission will not rule one way or the other on the allegation that, as a matter of law, Deschutes County erred in failing to grant a statement of land use compatibility.
Vote: Commissioners Bishop, Brill, Buist, Denecke - yes
Chairman Petersen - abstain

4. The Department did not violate the consistency standard of Oregon Administrative Procedure Act, Section 183.484, by not requiring previous 401 applicants to obtain a Statement of Compatibility.
Vote: Commissioners Bishop, Brill, Buist, Denecke - yes
Chairman Petersen - abstain

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Spletstaszer
EQC Assistant

CAS:y

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In Re:)
)
LAVA DIVERSION PROJECT) STIPULATED FACTS,
FERC No. 5205) CONCLUSIONS OF LAW,
Deschutes County, Oregon) AND FINAL ORDER

BACKGROUND

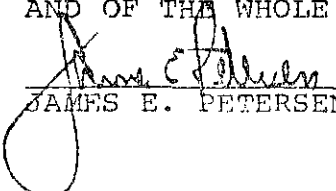
A hearing in the above case was held before the Environmental Quality Commission on March 3, 1985 in Portland, Oregon. Oral argument was heard at that time. The appellant, Arnold Irrigation District, was represented by Neil R. Bryant, and the respondent, the Department of Environmental Quality (DEQ) was represented by Michael B. Huston. Just prior to the hearing, Deschutes County submitted a memorandum to the commission raising additional issues and requesting intervenor party status. The commission continued deliberation on these matters to a meeting on March 22, 1985. The decisions reached by the commission at that time are set forth below.

STIPULATED FACTS

General Energy Development, Inc. (GED) holds Permit No. 5205 issued by the Federal Energy Regulatory Commission (FERC) to plan and design the Lava Diversion Hydro Project on the Deschutes River south of Bend, Oregon. Arnold Irrigation District is involved with GED in the development of this project. By letter of November 23, 1983, GED applied to DEQ for water quality compliance certification pursuant to § 401 of the Clean Water

Page 1 - STIPULATED FACTS

I HEREBY CERTIFY THAT THE ABOVE IS
A FULL AND TRUE COPY OF THE ORIGINAL
AND OF THE WHOLE THEREOF



JAMES E. PETERSEN, Chairman

Act. 33 USC 1341. Before FERC may issue a license to construct, GED must provide FERC this certification of compliance.

By letter of November 27, 1984, DEQ denied issuance of certification on two bases. First, eight areas of potential technical water quality impacts were not adequately addressed by GED. These areas were addressed to the satisfaction of DEQ prior to the commission's hearing and were not at issue. Second, GED did not supply DEQ a statement of compatibility with the Deschutes County comprehensive plan and land use ordinances. Oregon law requires that any state agency decision which affects land use be made in accordance with local comprehensive plans and ordinances. DEQ's land use procedures provide the statement of compatibility shall be issued by the appropriate local government. Since GED did not supply DEQ this statement of compatibility, § 401 certification of compliance was withheld.

In December of 1983, Deschutes County passed ordinance Nos. 83-058 and 83-066. These ordinances limit hydroelectric development on the Deschutes River pending the completion of a study assessing the cumulative impacts upon the environment of the numerous planned projects. Until the study is completed (expected to occur in July of 1985), any project must meet the special standards of the ordinance and obtain a conditional use permit. GED requested a statement of compatibility from Deschutes County, but the request was denied.

By letter of December 14, 1984, Arnold Irrigation District appealed DEQ's denial of certification to the commission pursuant

to OAR chapter 340, division 11. To meet obligations with FERC, the appellant requested that expedited procedures be used in this case. Appellant agreed to limit the case to the three issues discussed below and to waive all rights to contested case procedures, except the right to appeal any final commission decision to the courts. With the agreement of the department, the case was briefed and submitted to the commission under such expedited procedures.

CONCLUSIONS OF LAW

For the reasons stated below and in the department's brief, the commission adopted the following conclusions:*

1. DEQ properly denied § 401 Clean Water Act certification for failure to comply with the requirements of Oregon land use law.
2. DEQ did not violate the consistency standard of ORS 183.484 by not requiring previous § 401 certification applicants to obtain statements of compatibility.
3. The commission will not rule one way or the other on the allegation that, as a matter of law, Deschutes County erred in failing to grant a statement of land use compatibility.
4. Deschutes County's petition to intervene is denied. Therefore, it is not necessary or appropriate to rule on the additional issues raised by the county.

*Chairman Petersen abstained from all voting in this matter to avoid any appearance of conflict resulting from his law firm's representation of the City of Bend in related matters.

The first conclusion was adopted by a 3-1 vote. Commissioner Denecke did not agree with the majority's opinion that DEQ properly denied GED's § 401 certification for failure to comply with the requirements of Oregon land use law, and therefore he voted "no." All other conclusions were adopted by a 4-0 vote.

OPINION

The commission holds the DEQ correctly denied GED § 401 compliance certification for failure to comply with the requirements of Oregon land use law.

§ 401(d) provides that § 401 certification shall set forth limitations and requirements necessary to assure compliance with appropriate requirements of state law. Oregon land use law requires DEQ to consider comprehensive plans and land use ordinances when making decisions affecting land use. DEQ's coordination agreement with the Land Conservation Development Commission (LCDC), required by statute, lists § 401 certification as a decision affecting land use. Thus, § 401 allows states to consider "other appropriate requirements of state law", and in Oregon, land use considerations have been directly linked to water quality considerations.

DEQ did not violate the consistency standard of ORS 183.484. In this case, DEQ adequately explained by letter to GED the reasons for its change in procedure. The change in procedure was designed to correct prior inadequate or erroneous procedures.

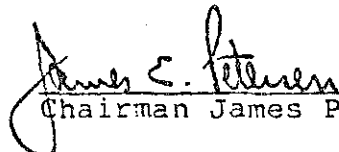
The commission will not decide whether Deschutes County erred in failing to grant GED a statement of compatibility. The commission has no basis in this case to question the county's interpretation of its own plan and ordinances. Appellant's concerns are more appropriately addressed to the county or other forums.

Deschutes County's petition to intervene is denied. The county's interests were adequately represented by DEQ and the outcome sought by the county has been achieved. Therefore, the county's interests have not been prejudiced by denial of party status. Because the county is denied party status, it is not necessary or appropriate to rule on the additional issues raised by the county.

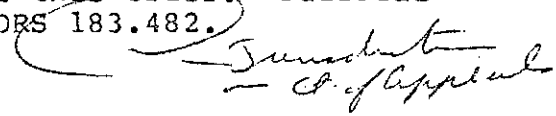
ORDER

The decision of DEQ to deny issuance of certification of compliance with § 401 of the Clean Water Act to GED for failure to obtain a statement of compatibility with the Deschutes County comprehensive plan and ordinances from Deschutes County is hereby affirmed.

DATED April 16, 1985.


Chairman James Petersen

NOTICE: You are hereby entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review is pursuant to the provisions of ORS 183.482.


C. of Appeals

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Stipulated
Facts, Conclusions of Law, and Final Order on:

Neil Bryant
Gray, Fancher, Holmes & Hurley
Attorneys at Law
P. O. Box 1151
Bend, Oregon 97709-1151

Richard L. Isham
Deschutes County Legal Counsel
Deschutes County Courthouse Annex
Bend, Oregon 97701

Michael Huston
Assistant Attorney General
500 Pacific Building
520 S.W. Yamhill
Portland, Oregon 97204

on the 17th day of April, 1985, by mailing to them
true and correct copies thereof, certified by me as such.

/s/ James E. Petersen

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED SIXTY-THIRD MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

March 8, 1985

On Friday, March 8, 1985, the one hundred sixty-third meeting of the Oregon Environmental Quality Commission convened in room 1400 of the Department of Environmental Quality offices at 522 SW Fifth Avenue in Portland, Oregon. Present were Commission Chairman James Petersen, and Commission members Mary Bishop, Wallace Brill, Sonia Buist, and Vice Chairman Arno Denecke. Present on behalf of the Department were Director Fred Hansen and several members of the Department staff.

The staff reports presented at this meeting, which contained 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

Commissioner Denecke was absent from the Breakfast Meeting.

1. Legislative Update

Stan Biles, Assistant to the Director, updated the Commission on legislative issues. He said that for the first few weeks of the Legislative Session, staff had been quite busy responding to Legislators' questions about a proposal by Chem-Security, Inc. to construct an incinerator to burn PCB's at their hazardous waste disposal site near Arlington, Oregon. The Senate had passed a bill, with a vote of 26 to 3, which would put the Department in control of the size, siting, wastes to be burned, etc. The House was now considering their own bill. In response to Commissioner Buist, Mr. Biles said that the most anxiety about the project was in the areas of transportation, safety of the incinerator, size of the service area, and the operation of a hazardous waste disposal facility in Oregon in general. Director Hansen said the Department strongly supported the provisions in the Senate Bill.

Mr. Biles gave the Commission packets of bills they might be interested in.

2. Coastal Landfills

Ernest Schmidt of the Department's Solid Waste Division, filled the Commission in on the history of coastal dump closure demonstrating that progress had been made mostly culminating in 1980 when a majority of the dumps were closed. The Department had been working steadily on the remaining open dumps since then. Briefly summarizing, Mr. Schmidt said that the South Coast had elected to go to incineration and the Department would like them to have the best incinerator for their needs; Reedsport and Florence landfills have been significantly upgraded; Tillamook converted most sites to transfer stations and upgraded their landfill. In Clatsop County, Mr. Schmidt continued, the Seaside and Cannon Beach dumps closed in September 1984 and now haul to a landfill in Raymond, Washington, about 70 miles from Seaside. Astoria was considering the same solution and was trying to locate a transfer station. Janet Gillaspie, Manager of the Department's Northwest Region, said that the dump at Warrenton, in the Clatsop Plains area, has been found to be a major contributor to the groundwater contamination there. She said the Region had been working since May of 1983 for closure of the dump, but that Warrenton had been unwilling. This matter would most likely come before the Commission at their next meeting. Regarding Astoria, Ms. Gillaspie said they were trying to get a closure plan but have been unsuccessful so far. Their permit expires the end of March 1985 and the Department has told them they will close the dump if plans are not submitted.

3. Report on Status of Initiating Development of Noise Inspection Procedures and Standards for Heavy Trucks and Buses.

William Jasper of the Department's Vehicle Inspection Program reviewed, with the Commission, a written status report which is made a part of the record of this meeting. Mr. Jasper agreed to send the Commission copies of the U.S. General Accounting Office report on "Vehicle Emissions Inspection and Maintenance Program is Behind Schedule," dated January 16, 1985.

FORMAL MEETING

AGENDA ITEM A: Minutes of the January 25, 1985 EQC Meeting.

It was MOVED by Commissioner Bishop, seconded by Commissioner Buist, and passed unanimously that the Minutes of the January 25, 1985 EQC meeting be approved.

AGENDA ITEM B: Monthly Activity Report for December 1984.

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

AGENDA ITEM C: Tax Credit Applications.

It was MOVED by Commissioner Bishop, seconded by Commissioner Buist, and passed unanimously that the following Tax Credit Applications be approved:

T-1711 ESCO Corporation
T-1717 ESCO Corporation
T-1719 Nicolai Company

PUBLIC FORUM:

Jeanne Orcutt, member of United Citizens in Action, asked for the answer to a question she raised at the last meeting regarding whether the government entities listed had complied with OAR 340-71-335(2) (b).

She said the Department had supplied her with the information on this matter but she did not see where the rule was complied with. Ms. Orcutt asked that the Department assess civil penalties to noncomplying governments. Ms. Orcutt also read into the record a letter she had found from a company which offered a solution to the groundwater contamination problems.

Harold Sawyer, Administrator of the Department's Water Quality Division, acknowledged that the Department had supplied Ms. Orcutt with what information they had on file. He noted a letter from the City of Troutdale which said the City was sewerred. Mr. Sawyer said the Department accepted that information, and did not believe a further plan was required. Regarding Clackamas County, Mr. Sawyer said that an area exists in Clackamas County where sewers were needed--primarily to correct surface failing on-site sewage disposal systems, but also to phase out existing cesspool systems. New cesspool systems have not been installed in Clackamas County since 1982. Thus, the problem, although not corrected, has not been made worse by continued installation of systems. Clackamas County had not yet submitted a plan, but the Department was aware of progress and felt no enforcement action was necessary.

In response to Chairman Petersen, Mr. Hansen said the Department would seek a formal compliance schedule or variance request from Clackamas County.

Regarding the letter Ms. Orcutt read, Mr. Sawyer said the Department reviewed the information submitted by the company. Their treatment process does not prevent pollutants from reaching the groundwater. Instead, it would treat the water prior to use. Since it would not alleviate the degradation of the groundwater, it would not meet the requirements of the statute. Therefore, the Department did not pursue it further as an alternative. Mr. Sawyer further commented that the Department had unanswered questions regarding whether the treatment unit actually removed nitrate or whether the ozone used in the treatment process interfered with the colorimetric testing method used to test for nitrates in the effluent. In any event, Mr. Sawyer said the Department did not view this as an acceptable solution to the problem.

John Wujak, resident of Bend and member of the Coalition for the Deschutes, which monitors hydro development in the Deschutes Basin, spoke regarding the 401 Certification process for hydroelectric development projects. He stressed the need for sound planning from the various government entities to make decisions which would benefit the community's interest.

Larry Tuttle, Deschutes County Commissioner, asked to be allowed to comment on upcoming Agenda Item F, the appeal of 401 Certification Denial for the Lava Diversion Project, Deschutes River. Chairman Petersen replied that the Commission would limit comment on that agenda item to legal arguments, but Commissioner Tuttle was welcome to comment during this public forum time. Commissioner Tuttle read a prepared statement which he asked to be accepted into the hearing record. Chairman Petersen agreed.

Commissioner Tuttle said the County had not signed off on the Land Use Consistency Statement as the proposed project would not be in conformance with the comprehensive plan and implementing ordinances.

Commissioner Tuttle also said the County had questions about the standing of General Energy Development (GED). GED was unable to utilize the waters of the state because the waters of the upper Deschutes River have been withdrawn from appropriation. Therefore, he continued, GED was unable to build any project on the upper Deschutes River. GED has entered into a joint venture agreement with Arnold Irrigation District whereby the District will supply GED the municipal preference for the project for a share of the revenue. Commissioner Tuttle said that two Attorney General opinions have concluded that the agreement is insufficient to qualify GED's application to the Water Resources Department as a municipal application.

Commissioner Tuttle also asked that the County be permitted party status in this case. Of concern to the County, he continued, was the information that the Department had continued to work on eight deficient areas after the November 27, 1984 decision by the Director to deny 401 Certification to the project, without additional notice to the public that more information would be considered by the Department after the decision was made.

Chairman Petersen asked the legal counsel for the State and for the applicant to comment on Commissioner Tuttle's remarks during their presentation on Agenda Item F.

J. D. Smith, representing Oregon Shores Conservation Coalition, and Northwest Environmental Defense Center, spoke in regard to the 401 Certification process. Mr. Smith reiterated his testimony at the Commission's January 25, 1985 meeting, saying he felt Section 303 of the Clean Water Act clearly required a consideration of the impact projects would have not only on water quality, but on other beneficial uses of the water.

This ended the public forum.

AGENDA ITEM D: Proposed Adoption of Pollution Control Tax Credit Rule Amendments.

This item asks for adoption of proposed amendments to the Pollution Control Tax Credit Rules which would address problems raised by Legislative Counsel related to refunding fees and problems found by the staff in administering the rules.

Director's Recommendation

Based on the summation in the staff report, it is recommended that the Commission adopt the proposed Pollution Control Tax Credit Rule amendments, Chapter 340, Division 16.

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 a Variance from OAR 340-61-040(5) (a) (Discharge of Pollutants into Public Waters) for Weyerhaeuser Company, Springfield--Truck Road Landfill.

This agenda item proposes to allow the Weyerhaeuser Company a variance from the state solid waste rules to allow the discharge of leachate from the Truck Road Landfill. The variance would require that the leachate be discharged to the Eugene-Springfield regional wastewater treatment plant, or equivalent control, by November 1, 1985.

Director's Recommendation

Based on the findings in the summation in the staff report, it is recommended that the Commission grant a variance to the Weyerhaeuser Company, Springfield, Oregon, from OAR 340-61-040(5) (a) for the discharge of pollutants from the Truck Road Landfill into public waters, until November 1, 1985, subject to the following compliance schedule:

1. By May 15, 1985, complete design study to discharge leachate to the regional wastewater treatment plant.
2. By June 1, 1985, submit an alternative treatment and disposal plan to Department staff for review and approval if discharge to the regional wastewater treatment plant is not feasible.
3. By June 15, 1985, submit for Department approval complete engineering design specifications to eliminate the discharge of leachate from the Truck Road Landfill.
4. By October 1, 1985, complete construction of the approved leachate disposal system.
5. By November 1, 1985, eliminate the discharge of leachate to public waters from the Truck Road Landfill.

Commissioner Buist asked if the City of Springfield was in agreement with the proposal. Larry Lowenkron, of the Department's Willamette Valley Region, replied that the City had given preliminary indications they were.

Noting there was no impact on the river, Commissioner Bishop MOVED, and Commissioner Denecke seconded, that the Director's Recommendation be approved. The motion passed unanimously.

AGENDA ITEM F: Lava Diversion Project, Deschutes River--Appeal of 401 Certification Denial.

General Energy Development, Inc. (GED) applied to the Department of Environmental Quality for Water Quality Standards Compliance Certification for the Lava Diversion Project, a planned hydroelectric project on the Deschutes River. Compliance certification is required by Section 401 of the Clean Water Act.

DEQ denied certification for failure to adequately address certain potential water quality impacts and for failure to provide a statement of land use compatibility. The water quality information has been provided and is no longer an issue.

GED continues to dispute DEQ authority to condition certification on submission of a statement of compatibility with the Deschutes County Comprehensive Plan and land use ordinances. GED asks the Environmental Quality Commission to find it meets the requirements of law and is entitled to certification.

For the record, Chairman Petersen acknowledged receipt of the Department's brief, the applicant's brief, and also receipt of the Deschutes County memorandum that was read by Commissioner Tuttle into the public record of this proceeding during the Commission's public forum. He said the parties had, in an effort to expedite a decision, stipulated to the facts, and testimony would consist of attorney arguments on the legal merits. Neil Bryant was present representing the applicant and Michael Huston was representing the Department. A verbatim transcript of their arguments are made a part of record of this meeting.

At the conclusion of the legal arguments, Commissioner Denecke MOVED and Commissioner Buist seconded, that the Commission take this matter under advisement. The motion passed by unanimous consensus. The Commission agreed to meet on March 22, 1985 to deliberate and make their decision.

AGENDA ITEM G: Informational Report on the Vehicle Inspection Program, 1983-84.

This is an informational report providing a summary and update on the operation of the Vehicle Inspection program during 1983 and 1984. This report contains an overview summary followed by various appendices. These appendices describe the program operation, emission

characteristics of vehicles, air quality benefits, and other support documentation.

Among the highlights of this report are:

1. During 1983 and 1984, over 800,000 emission tests have been conducted and over 513,000 Certificates of Compliance have been issued.
2. Computer modeling projections estimate that the inspection program has achieved an emissions reduction of 30% for carbon monoxide and 10.5% for hydrocarbons.
3. Technical compliance with ambient CO standards was measured at the Continuous Air Monitoring (CAM) station in 1984, but not at the other Portland monitoring sites. Technical compliance with the ozone standard was measured at the Carus monitoring site near Canby in 1984.
4. Construction is underway on upgrading the inspection station on Northeast Portland Highway. Construction is scheduled to be completed by mid-May.
5. Compliance with ambient air quality standards is still projected to be achieved by the deadline date of 1987.

Director's Recommendation

It is recommended that the Commission accept this informational report.

Chairman Petersen commented that he was very pleased with the program, and it was considered one of the best in the Nation.

Commissioner Buist asked what vehicles were exempted from the test. William Jasper of the Department's Vehicle Inspection Program replied that basically vehicles which were 20 years old and older, fixed load vehicles, vehicles with farm plates, first-response emergency vehicles, and long-haul trucks used in interstate commerce.

Chairman Petersen asked if this report had been made a part of the record during the legislative hearings on the proposed Medford auto testing program. Director Hansen replied that it had not, but the Department intended to use parts of it in their testimony.

The Commission noted the report and thanked the staff.

AGENDA ITEM H: Status Report--Development of Noise Emission Inspection Agreement for Tri-Met Diesel Bus Fleet.

Noise emission inspection rules for autos, light-duty trucks, and motorcycles were approved by the Commission on November 2, 1984. The Commission then directed the Department to develop, with Tri-Met, an agreement that would ensure that all of Tri-Met's buses are maintained to appropriate noise limits.

It was originally anticipated that a proposed inspection agreement would be completed by this time. Although a new test procedure has been developed, and noise reducing measures identified, additional engineering work must be completed prior to proposing a final agreement. It is now believed a proposed agreement will be ready at the June Commission meeting.

Several nonengineering issues remain in the development of an agreement with Tri-Met. At this time, it is hoped the Commission would comment and provide guidance on these issues identified in the report.

The following items are believed by staff as needing identification or resolution prior to submitting a proposed agreement:

1. Proposed standards for each bus subfleet should be established based upon test data of representative buses of each subfleet. Tri-Met believes this task will be completed by May 1, 1985.
2. An inspection schedule must be established. Tri-Met proposes to test all buses within a 90-day period beginning April, 1985. A schedule of periodic testing must be established to ensure buses are maintained within standards. The Department believes each bus must, at a minimum, be tested annually after the initial test and compliance schedule.
3. A compliance policy must be established. Tri-Met proposes that "generally," noncompliant buses will be repaired within a 60-day period following initial noise testing. The Department believes any bus found in excess of standards during the annual inspection should not be operated until compliance work is completed.
4. Certificate of compliance requirements and fees, if any, must be determined. Tri-Met proposes that this program be of a voluntary nature and neither certificates nor fees are necessary.
5. An audit policy must be established that adequately ensures buses are tested and quieted within the provisions of the agreement.

Director's Recommendation

It is recommended that the Commission concur with the above outline of remaining issues that must be resolved before a final Tri-Met bus noise inspection agreement is proposed. It is anticipated that a proposed agreement will be available for formal Commission consideration at the meeting scheduled for June 7, 1985.

Linore Allison, Livable Streets Coalition, testified that bus noise was a real issue in the neighborhoods. They agreed with the staff report that an official consent agreement with Tri-Met was needed which included fleet inspection monitored by DEQ with official certificates and assessment of fees.

John Charles, Oregon Environmental Council, said they had no objection to a delay in program startup, but would want no further delay after that time. Once the program was operating, then noncompliant vehicles should be taken off the road until they were in compliance. They also agreed with the need for an official agreement with Tri-Met and the audit procedures. Mr. Charles said they would object to anything less than a state-monitored program.


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

In an unrelated matter, John Charles, Oregon Environmental Council, asked if the record would be open on the appeal of the 401 denial for the Lava Diversion Project. Chairman Petersen replied that he was not inclined to open the matter for nonparty participation, and that the appropriate time for Mr. Charles to comment would be during the 401 rulemaking process.

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

The Commission then agreed to meet at 1:30 p.m. on Friday, March 22, 1985 in Portland to deliberate and make a decision on the 401 Certification denial appeal for the Lava Diversion Project. They asked that the attorneys be present for questions, but they would not take additional testimony.

Respectfully submitted,


Carol A. Spletstaszer
EQC Assistant

CAS:d

TRANSCRIPT - MARCH 8, 1985 EQC MEETING - Agenda Item F

Petersen Agenda Item F, which is appeal of DEQ denial of Clean Water Act, Section 401, Certification to the Lava Diversion Project, FERC No. 5205, Deschutes River, Oregon. I think we will ask counsel to both come up to the table. For the record, acknowledge receipt of the briefs--the Department's brief, the applicant's brief, and also receipt of the Deschutes County memorandum that was read by Commissioner Tuttle into the public record of this proceeding. The parties have, in an effort to expedite a decision, have stipulated as to the facts. This is the first time I've read two opposing briefs where the introductory factual statements are identical, so we can get down to the legal merits of the case and call on attorney Neil Bryant.

Bryant Thank you Chairman Petersen. I'm Neil Bryant. I'm the attorney for Arnold Irrigation District which, as Commissioner Tuttle described, has entered into a joint venture agreement with GED to develop a small hydro project on the Deschutes called Lava Diversion. With me today, although he hasn't testified, is Don McCurdy. He is President of GED and lives in Medford, Oregon. It is my understanding, Mr. Chairman, that the record for this matter is the record that the DEQ has, as far as its file, the applications and the documents that have gone into that file. Is that correct?

Petersen Correct. Plus the materials submitted here today.

Bryant

I would like to supplement that record here today with two things. The first is the minutes of the Board of Commissioners, which Mr. Tuttle referred to, stating that GED did make an application for a Certificate of Compatibility and was denied. Those are the minutes of October 10, 1984. And the second thing I'd like to add to the record would be the House and Senate and Conference Committee statements dealing with 401(d) in 1971. This is the Federal legislation. When the amendment was adopted that added language under for 401(d), the Pollution Control Act of 1972. I have copies for all the Commissioners and also for Mr. Huston.

I'd also like to thank the Commission's staff for expediting this hearing. You may or may not be aware of that, but because of our license application is presently pending before FERC, and that's just the acceptance of the application for a license, it doesn't mean they will grant the license. They have given us a time limitation that we must comply with and of course one of the things they are waiting to receive is the 401 Certificate from the state.

Congress has adopted a national energy policy in regards to hydroelectric. The Federal Power Act constitutes a complete and comprehensive plan for development, transmission, and utilization of electric power. It does this through the Commerce

Bryant

(continued)

clause and it covers all navigable and in some cases nonnavigable streams. This, naturally, includes the Deschutes River. Both the cases cited in my brief and Mr. Huston's brief acknowledge this national plan. Today we do have agreement on the facts. The water quality issues have been resolved, and the question is whether or not we should be required to get a Certificate of Compatibility, and secondly, whether or not one should have been issued by Deschutes County. GED has not, or Arnold has not applied with Deschutes County for a Conditional Use Permit at this time. It's premature for us to do so. We think that we comply and should be entitled to the Compatibility Statement from Deschutes County because they have adopted an ordinance that under a conditional use allows for a small hydro development in Deschutes County. To be compatible does not mean we must obtain a Conditional Use Permit. Nothing in the legislation.....

(TAPE ENDS)

(NEW TAPE BEGINS) ... compatibility means you must require a Conditional Use or some permit from the County. And that statute says that DEQ and the other state agencies must carry out their planning duties in a manner compatible with the Comprehensive Plan. If the Legislature wanted that to read that we had to comply and obtain a permit through the normal planning process before the 401 Certificate or before it wouldn't be considered compatible or coordinated, they could have certainly said so.

Bryant

(continued)

And I think they left the door open too for when the DEQ or other agencies found that they had to act possibly inconsistent with the Statewide Plan. In ORS 197.640(2)(d), it states that an agency can go ahead and not follow the local jurisdiction's plan if in fact a state or federal statute doesn't allow it.

Turning to the real question though, we're talking about 401(d) and the language that's there. And the staff has interpreted this small section of the statute to allow the state to apply other requirements in hydro licensing. Those words are "and with any other appropriate requirement of state law." This phrase is just a small part of the entire legislation. If you take the plain meaning of this section, you have to read not only that little part that's taken out of context, but all of Section (d). And Section (d) refers only to water standards and water quality issues, effluent limitations, requirements necessary to assure compliance with any effluent limitations. And then it cites the other sections of the Act which all deal with water quality issues. Nothing mentioned but water quality issues. Then, if you just look at the word "appropriate" and how it modifies the word "requirement" in Section (d), you see that "requirements" refers only to water quality issues. There is a doctrine that is used by attorneys and courts in trying to interpret language in statutes, and unfortunately it's in Latin and Commissioner Denecke probably knows this pronunciation

Bryant

(continued)

better than I, but I'll try it--ejusdem generis. The staff's interpretation of 401(d) would permit a state to consider almost any factor and issue a water quality certification, contrary to the doctrine of ejusdem generis. Our own 9th Circuit, this is the Federal court system, says, and I quote, "Under the rule of ejusdem generis, the general words which follow the specific words in the enumeration of prohibited acts must be construed to embrace only acts similar in nature to those acts enumerated by the preceding specific words." Those preceding specific words all deal with water quality standards and issues. That's from the case of Haili v. United States, 260 F2d 744 (1958). The second thing you look at in helping you determine what these words mean is the legislative history. I've introduced today the Senate, House, and Conference Committee reports from the United States Congress. In 1971 the House and Senate passed different bills and they went to a conference committee. This legislation talks about the purpose of the Act and the changes and says its to allow the Certification from the state in which the discharge occurs, that any such discharge will comply with Sections 301 and 302. Again Sections 301, 302--water quality. It goes on to say the Act was amended to assure consistency with the bill's changed emphasis. Water quality standards to effluent limitations based on elimination of any discharge or pollutants. Nothing about land use. They're concerned about water quality. The additional purpose, also, was to allow states to impose more

Bryant

(continued)

stringent water quality standards than the federal act. William Ruckelshaus, and in that there is a letter from him, who was the EPA Administrator at that time, talks about the purpose and again emphasizes the water standards. But finally, when it went to the floor of the Senate, one of its chief sponsors, Senator Muskie from Maine, described the intent of the bill and the change, again this change came out of the conference committee that he was on. He states, "Secondly, the conferees agreed that a state may attach to any federal license or permit such conditions as may be necessary to assure compliance with water quality standards in the state." So when he explains that change that says "appropriate requirements of the state," he is saying to assure compliance with water quality standards, water quality requirements, not other requirements.

In summation on this point. If you allowed it to mean anything else you'd lose your federal energy policy and the power that the Federal Power Act gives to FERC to make the decision on issues that are not delegated specifically to the state. This is called the preemption and it has been recognized by the Supreme Court of the United States in the cases I've cited. The DEQ erroneously contends that Section 401 provides the agency with a veto power over FERC's hydro project licensing authority. I cite that from page 7 of the staff's brief. In fact, the Supreme Court has specifically held that no state shall have

Bryant

(continued)

veto power over federal hydro projects. This is a quote from the Iowa case, from the U.S. Supreme Court, to require the petitioner to secure the actual grant to it of a state permit as a condition precedent to securing a federal license for the same project under the Federal Power Act would vest in the Executive Counsel of Iowa (who was trying to assert you had to get a state license too) a veto power over the federal project. Such a veto power easily could destroy the effectiveness of the Federal Act. It would subordinate to the control of the state the comprehensive planning that the Act provides and it shall depend on the judgment of the Federal Commission or other representatives of the Federal government to make the decision.

Denecke

Excuse me Mr. Bryant. Doesn't the state have a veto power though in the area--you would argue that the state does have the right to withhold certification based on water quality standards. Isn't that really a form of veto as well, only you're saying it's a limited veto.

Bryant

That's exactly right.

Denecke

And not a broad form veto, but it isn't that the state doesn't have any veto at all.

Bryant

No. In the Federal plan, in the Federal Power Act, in the Pollution Control Act as passed in '72, Congress has said, out of the entire pie, let's consider it a pie for hydro development licensing, we will cut out a section where the state will make the determination, and that determination will be made in the area of water quality. They are very specific in just that area. And any attempt of states to attach other restrictions based upon the 401 Section has been denied by other federal courts and state courts. And in fact there is a suggestion in the brief from the staff that maybe the First Iowa case has been weakened. But as late as 1982 in New England Power Company v. New Hampshire, 455 U.S. 331, they have again said that the Federal Power Act gives the federal government that right to control the policy and the licensing.

Denecke

Mr. Bryant, is that case cited in the brief--this last one.

Bryant

No.

Denecke

Would you give me that again.

Bryant

Yes, I'd be happy to. New England Power Company v. New Hampshire, 455 U.S. 331 (1982).

Petersen

Did that case talk about Section 401?

Bryant No. That case--it talked about--it involves the city in New Hampshire that was attempting to place some restrictions on the development of hydro and requiring them to get a license. And, in particular, they were in part trying to bootstrap an argument from the California case which is cited in the appellant's brief as stating that that is a weakening of the First Iowa case, and that maybe now the states did have more of a say in other areas. And the same Supreme Court that gave the U.S.-California case, said no, that is not the case.

Petersen Has 401(d) been interpreted by any of the federal courts?

Bryant No.

Petersen So this issue is ...

Bryant Only the New York Court of Appeals.

Denecke Was the Campobello case, that's not the full name of it, did that interpret 401(d)?

Bryant Yes. The Campobello case involved 401. In the Campobello case--but the question did not arise whether or not the state could impose additional nonwater quality issues. In that case it affirmed an Administrative Law Judge--said he lacked authority

Bryant

(continued)

to review the conditions imposed by the state in a 401 Certificate. That review could only be obtained in the state court. Again, as Commissioner Petersen has said, if the issue is 401 and the standards, and say we were denied our Certificate because we didn't meet the DEQ's requirement on water quality, FERC takes the position, and the court upheld it, that we could only appeal in the state court on the issue of whether or not we met that standard or whether or not that standard was fair. That's what the Campobello case stood for. That case does not hold that a state may impose nonquality concerns in 401. The issue is not addressed. There the state had already issued a Water Quality Certificate and someone didn't like the issuance of it so they challenged it in a nonstate proceeding, and the court said no, the proper way to challenge that is to go to the state court.

The other case that is cited by the staff in their report is California v. U.S. In fact, this did not modify the First Iowa case. In California we have a fight between two federal agencies. FERC who was licensing a small hydro project and the Department of the Interior, as it was on, in fact, an Indian reservation and the Department of the Interior controls the Indian reservations. Justice Renquist in writing the decision found that FERC had to listen to the other federal agencies as it pertained to the Indian reservation. But in that same case,

Bryant they did not allow the Indian reservation to impose restrictions
(continued) and standards on the grant of the permit. Renquist went on to
say, and this is his reasoning for why he found in this manner,
"The history of the relationship between the federal government
and the state and the reclamation of arid lands of the Western
States is both long and involved. But through it runs a
consistent thread of purposeful and continued deference to state
water law by Congress." Thus the Court's opinion turns on the
history of water rights in the arid western states in the
Reclamation Act. That's the Act that they were interpreting
and discussing in reaching that decision. You asked, Judge
Denecke, about a case that might talk about California and First
Iowa. There is only one case that I've been able to find that
discusses the impact that the California decision might have
on First Iowa, and that's the town of Springfield, Vermont v.
McClaren. It's at 549 F2d 1134 (1982).

Denecke 549, what was the other number?

Bryant 1134. In this case, the Vermont public service board said, now
that California's been decided, we have the right to pose some
other standards on the licensing of a hydroelectric project.
And they cited California as their basis for doing this--the
California decision. The court said, "Notwithstanding some
similarity in the wording of the state statute"--excuse me, let

Bryant

(continued)

me start again. "Notwithstanding some similarity in the wording of the statutes"--we're talking about the two federal statutes, the FERC statute and the Arid and Dry Land Reclamation Act statute--"They serve different objectives, relate to federal actions fundamentally dissimilar in nature." And the court found, and this is the federal court in Vermont, "that it does not overrule First Iowa."

The other case that is cited by the staff is the Escondido case. To me this has no impact on the federal preemption question. It involved--you know what--I apologize. When I discussed the California case I said it involved the Indian rights. That was not true. You were probably going to correct me. The Escondido case affected the Indian rights, where the Department and the Secretary of the Interior and the FERC commission were at odds as to who could set standards, whether or not the Secretary of the Interior could set standards on a hydro project on the Indian lands. And the decision was between the two federal agencies, where Congress had acted. Apparently there is a little inconsistent law that the Secretary of Interior could set some restrictions on the FERC license. Solely a question of division of authority between the two federal agencies.

The cases directly in point I've cited in my brief and they come out of New York, I believe they are both 1982 cases, it's very

Bryant

(continued)

analogous to what we're doing here today. The Commissioner of the environment in the State of New York tried to impose some additional restrictions other than water quality issues, and he based his decision on the same language, the same cases, that the staff have stated in their brief. And the New York court stated that they just couldn't do this--that the Federal Power Act has vested the Federal Power Commission with broad responsibility for development of the national policies in the area of electrical power. The Commission's jurisdiction with respect to such projects preempts all state licensing except where specifically allowed to address specific issues, i.e., water quality. The Federal Pollution Control Act, which is the one now that you have the legislative history on adopted in 1962, relinquishes only one element of the otherwise exclusive jurisdiction to the states. And that is that the project will violate applicable water standard quality of the state. I'm quoting, "Congress did not empower the state to consider or reconsider matters unrelated to their quality, water quality standards," like land use planning. "It is equally clear that the Commissioner has neither the authority nor the duty to delve into the many issues which have been investigated and decided by the Federal Power Commission in the course of the extensive proceedings it has conducted." The matter of de Rham case which is also cited gives the legislative history of 401. And they talk about the extensive and the exhaustive proceedings that

Bryant

(continued)

are conducted by FERC. Right now, we're dealing with 27 different state and federal agencies in the consultation requirements of FERC.

Finally, I think that the Oregon Attorney General's opinion, which I've cited in my brief, recognizes the preemption of FERC. And the DEQ in the past has recognized that you can only deal with water quality issues on the 401 Certificate because you haven't required Statements of Compatibility in the past from county or local government, simply because you weren't allowed to. You have to follow the federal scheme and the federal government. So I think, in conclusion, that when you review the plain meaning of the language, 401(d), review it by reading the other sections and the full paragraph. Don't take the words out of context. When you review the legislative history, and the ejusdem generis doctrine, you'll see that that language can only mean that the requirements you can add have to deal with water quality. The First Iowa case has not been watered down and weakened, and if you have an opportunity to review the cases that are in the briefs of both parties, and the ones that I have cited today, I think you'll see that you have no recourse but to grant the 401 Certificate if the water quality standards are met.

Thank you.

Petersen Questions?

Denecke Mr. Bryant, I'd like you to comment on Commissioner Tuttle's remarks. As I understand him, he is raising three points. GED has no standing as they can't use any water. That may be a pretty loose general statement. Secondly, that Deschutes County should be a party to this. And thirdly, that evidence was taken between the decision on this case by the Department and now that show that GED had satisfied--I think there were eight things where--on water quality which were absent at the time of the Department's decision, first decision. Would you comment on those.

Bryant Beginning with the last matter first. When the letter from Mr. Hansen, which I think was dated November 27, 1984, in addition to the compatibility question there were eight issues dealing with water quality and the responses to those eight issues were made in December. When the staff of the DEQ reviewed the answers they were satisfied. And so, as stipulated between the parties, the factual matters dealing with water quality have been answered. As far as whether or not that process was appropriate or not, I don't know. To me it seems like it would be. That's kind of the way that things were handled in the past, and if someone had some additional information that they wanted to submit to DEQ they certainly could have done so.

Bryant

(continued)

Concerning the standing of GED. The Attorney General's opinion that he has referred to, first of all, which said that the first two agreements between Arnold Irrigation and GED--by the way these agreements--it's a contract where we're cooperating with GED in allowing them to use our water rights to generate electricity and then we receive compensation for it that we will use to improve our water canals and conserve water, etc. The first two agreements were rejected by the Attorney General saying that according to what is called the Winchester Decision, it didn't give Arnold sufficient rights. This is delightful for Arnold because now we have rewritten the agreement that allows more rights to go to Arnold and more money. That has been submitted to Water Resources and to the Attorney General's office for review. It has not been rejected or accepted. We haven't gotten a decision on that.

Concerning the other matter about our municipal preference and the ability to do this project. Attorney General's opinion was issued approximately a month or so ago, which said that the Deschutes River, for purposes of that section of law allowing municipal preference was not part of our irrigation system. Now, this confused the Irrigation District because, I don't know if you're familiar with the Deschutes, but we have a reservoir up above at Crane Prairie and then we run the water down the river and take it out about 5-6 miles above Bend. If it wasn't

Bryant

(continued)

for the River we couldn't get the water to our canals. So we feel the Deschutes is part of our system. The AG's opinion said it was a very close question. They based it upon the legislative history of the Act, and that's been submitted to Water Resources. Water Resources still has not acted on our joint application-- the joint application between Arnold and GED. They have not turned us down. So formally they haven't rejected it, and I can assure you that if they do it's our intent to appeal that decision because we think it's in error and we would be entitled to the license from the State Water Resources. So that at the moment is up in the air.

Concerning the standing of the county. I don't really understand that. I guess my answer to that would go back to the point that it's not really an issue here because FERC and the Federal Power Act has given you a specific slice of the pie to make a decision on dealing with water standards. The Deschutes County in making that determination really isn't involved. DEQ does that analysis. Unless there is something that gives, under the Federal Law, and the 401 Certificate, gives Deschutes County the right to become a party, it wouldn't appear that they would be a party. But I have not had an opportunity to review what has been submitted by the County, and the first time I heard it was when Commissioner Tuttle testified today.

Petersen I know I've read this but I can't put my hands on it. The eight objections--water quality objections that have been overcome. Could you run through those really quickly for me?

Hansen Mr. Chairman, number 56 almost to the very back of that package. That identifies those issues that have not yet been addressed. Eight items.

Bryant Mr. Chairman, also there is an interoffice memo dated February 13, 1985 to Mr. Hansen from Glen Carter dealing specifically with those eight items. If you'd like to I could run through them very quickly.

Petersen Let me just take a minute and read them. I think I've got them here. The potential water quality impacts not adequately addressed.

Hansen Those are the problems, and then the memorandum is the answer to those problems.

Petersen To what extent did the Department get involved in minimum streamflow? Was that part of the--something the Department had to determine in connection with this also--this certification?

Huston I don't believe that was an issue in this case, Mr. Chairman.

Petersen But was that something that the Department would have to pass on in addition to specific water quality.

Hansen Minimum streamflow, Mr. Chairman, minimum streamflow refers to state law requiring 75 points to be identified for minimum streamflows. This minimum streamflow points being identified by Fish and Wildlife or by DEQ for our respective responsibilities. I don't believe that that relates at all to the particular situation here.

Bryant Mr. Chairman, DEQ did testify at the minimum streamflow hearings in Bend concerning the proposed minimum streamflow and water quality issues. I attended those hearings, and this is just from recollection, but I think the testimony was that they didn't find serious water pollution problems or something like that on the Deschutes in regards to these proposed projects.

Petersen Any more questions for Mr. Bryant at the present time?
Mr. Huston.

Huston Thank you Mr. Chairman.

Denecke Excuse me Mr. Chairman just a moment. Do you have any comment to make on Mr. Smith's statement that 303 was not complied with.

Bryant I couldn't hear him very well when he spoke, but from what I did grasp of it I believe it has been complied with and again the same arguments that are raised in my oral presentation and brief, it is very specific as to what states may do and what the DEQ can do, and those other uses, again, simply wouldn't apply in this forum--if I heard him correctly.

Denecke I think, Mr. Bryant, that you stated that the requirements of 303, which the state has to find are complied with, where there was no evidence that they had been complied with--that's what I understand he was talking about.

Bryant Oh. Okay. That's the first I've heard of that.

Denecke ???? wasn't specific about the ????

Bryant I know know of no deficiencies. It is my understanding they were all complied with.

Bishop Wasn't he speaking about the uses of the water, so it would be the fish and the recreation use--the other uses of water and we should be considering those.

Denecke I'm not sure what 303 refers to--do you recall?

Huston

I think I can help just a little bit Mr. Chairman, members of the Commission. 303--I'm not sure of the specifics of 303 either. There is a general reference in there to the beneficial uses of the water. Mr. Smith's contention, basically, and it's one that you particularly have to grapple with in your rulemaking on 401, although we view this as a precedent-setting case toward that end, Mr. Smith's basic contention is regardless of what 401 specifically says about your ability to go beyond water quality standards, that the water quality standards themselves encompass beneficial use considerations.

Hansen

Rather than the more narrow, limited water quality issues.

Bryant

I guess then if that was his point, my response to that would be if it did get into that then you're defeating the purpose of the Federal Power Act decisions by the court saying that we can't allow any local or state vetos other than the specific areas that are described, otherwise you could have the counties or the cities put requirements there that couldn't be met or simply not allowing hydro to be developed, and that's not the purpose of the Act.

Petersen

Mr. Huston, excuse me, I think the Commission probably would appreciate your remarks a lot more if we could take a brief, five minute recess.

----- BREAK -----

Bryant The cases that we have cited in our briefs and in our oral argument, and he has no objection if the Commission would like I'll give you just Xerox copies of those cases.

Petersen I appreciate that. Since Commissioners Bishop, Buist, and Brill's legal library is rather limited. I don't know, do you have the U.S. Supreme Court reports in your house?

Buist Oh indeed yes.

Petersen This is just one set of all the cases?

Bryant Right.

Bishop That's sufficient.

Petersen These aren't duplicate sets of all the cases?

Bryant No. You'll find in most of them only 10% of the case applies to what we're talking about.

Petersen Okay. Mr. Huston.

Huston

Thank you Mr. Chairman, members of the Commission. I'm Michael Huston, Assistant Attorney General, representing the Department of Environmental Quality.

With respect to some of the procedural issues that have arisen. I understood the county to be in part requesting that they be granted party status in this case and have a formal involvement. The county, as you will see if you haven't already, has an obvious stake in the outcome of this decision. We would like to think that the Department's position is parallel enough to their concerns that we will indirectly represent their concerns today. And we would also like to think that the case can be easily resolved on a narrower issue than many of those that other people would like to have you deal with today. At the same time, the Department has no reluctance at all to suggest to you that if you prefer to have those additional parties involved, and prefer to have those additional issues briefed, we would support that. I think the proper vehicle for doing that would have to be referring the case back to your Hearings Officer to entertain those requests for party status and to establish a new briefing schedule for those additional parties and additional issues.

I would like to discuss all three of the legal issues that Mr. Bryant has raised in his brief. Dealing rather quickly with issue number 1--the land use compatibility issue--the county's

Huston interpretation. Also briefly with the third issue--the alleged
(continued) inconsistency in the agency practices. And saving for last the
most important issue, the breadth of 401.

The first issue, it is the appellant's position, Mr. Bryant's clients' position that the county's plan gives general recognition to the possibility of hydroelectric development in the county, and that is simply all that the land use laws require. The Department respectfully begs to differ. ORS 197.180 says that state agencies have to act compatibly with both local plans and ordinances. The and, the conjunctive and, is in that statute. The number of Oregon court decisions that have reversed state agency and local decisions for failure to comply with ordinances as opposed to plans, are virtually too numerous to cite. In this particular case, the county offered its interpretations to the Department in a pair of letters. What the county said, and those letters are attached as part of the appendices to our brief, what the county said was very simple. It said the county had adopted an ordinance that allowed hydro project development subject to a Conditional Use Permit process. Particularly pending completions of a longer-range study on the cumulative effects of projects being proposed for the Deschutes River. The very purpose of that review is to determine whether any project will indeed comply with the county's ordinances. Until that review is completed, any

Huston

(continued)

determination of compatibility with the ordinance is simply impossible and I think there is no legal question that any project constructed with the absence--in the absence of a permit, would simply and boldly violate the county's land use ordinances. No such review has been completed. Indeed, the appellant has not even sought a conditional use permit from the county to date. That, in our judgment, both for the land use issue as well as a number of the other legal issues we'll be discussing today, simply makes the appellant's position premature. They have not even sought that necessary approval from the county.

Moving then to the appellant's third issue, the issue of consistency. The appellant, I think this is important although Mr. Bryant didn't spend much time on it today, I'm sure it's of some concern to the Commission. The appellant's position is, in effect, because DEQ has not assured compliance with the land use laws in past 401 decisions, it cannot do so in this case. Mr. Bryant bases that legal argument on a provision of the state Administrative Procedures Act which allows state agency decisions to be reversed by a court in some limited circumstances for acting inconsistently with prior agency practice. The Department's response is simple. I think clear. Fortunately, the state Administrative Procedures Act does not bar agencies from ever changing their practices. In particular it does not bar an agency from recognizing the error of their past ways and

Huston

(continued)

improving on those errors. What the APA does say is that a court may remand an agency decision if the court finds that the agency decision to be quote, "inconsistent with an agency rule, an officially agency stated position, or a prior agency practice," and I emphasize "if the inconsistency is not explained by the agency." End of quote of the statutory provision from the APA. Thus, the law simply requires that an agency explain in a rational fashion its departure from its prior practice. That is precisely what the Department did so in this case. Precisely what the Department did in this case. In a letter, in the letter denying the 401 certification to the appellant, the Department included the following information. It rather candidly admitted that in the past it had overlooked the requirements of its own land use coordination agreement and of the state's land use laws, which specifically list 401 as a land use decision for which land use compatibility will be assured. It also said that the agency had consulted with its legal counsel, we expressed concerns about the failure to do so in the past, and it also noted several factual distinctions in this case. This is the first case in which the issue had ever arose. It's the first case in which a local government had specifically advised the Department that there was a conflict, or that there was even any potential for the conflict. Of course in this case it actually ended up going one step further with the county to taking a definitive position that its ordinances had not been

Huston

(continued)

satisfied. Legally, we think this is very parallel to the court decision in Oregon, particularly the Roth v. LCDC case. That was a case in which LCDC decided to admit that it had been interpreting the statewide planning goals incorrectly and to change that interpretation. When challenged, the court disposed of the argument by saying, we do not remand a valid determination before us on review for inconsistency with the erroneous position previously taken by the agency. That administrative law principle was confirmed as recently as this week in a second LCDC case, 1000 Friends of Oregon v. LCDC and Benton County. In short, agencies may see the error of their ways and correct them. And even if prior procedures are not necessarily legally erroneous, agencies can decide to change those procedures and improve upon them providing they explain why they are doing so.

Thirdly, finally, deal with the admittedly more complicated issue in the case--the issue of the breadth of the state's authority under Section 401. This issue, in the Department's judgment merits more attention for at least two reasons. While the Department submits that the law--truly believes that the law favors its position, the law is admittedly less clear on this issue. Secondly, as a matter of policy, and as a representative of the Department's position on this case it is incumbent upon me to convey this, it is your Department's view that this case is of the utmost importance. It touches upon no less than the

Huston

(continued)

basic issues of the integrity of the state's land use laws and this Department's good track record in the past of trying to adhere to those, and perhaps more importantly, it touches upon the basic issue of the State of Oregon's view of its role in hydro development projects within our state borders.

401 presents the only clear, under the current law, state authority--authority for state involvement in hydroelectric development issues. Thus, you have the broad public interest that you've seen not only today during the comment--public comment period, but also in your initial hearing on the 401 rulemaking. Fortunately, you need not resolve all those broader policies in the context of this particular case. This case is much more narrowly attuned, in our judgment, to the minimal question of whether you can enforce requirements that this agency already has on the books, which the State Legislature has required that you have on the books. Those requirements simply being that when you make a water quality decision, that it is in effect in tandem a land use decision and that that decision has to be assured to be compatible with both state and local land use standards.

I think it is important on this last issue to distinguish between what the District is arguing and what they are not arguing. They are not arguing that the state land use laws do not have

Huston

(continued)

clear application to this case. You have not heard Mr. Bryant make that argument. They do argue, however, that federal law preempts this agency's ability to apply the state land use laws as well as your own adopted rules and agreements on application of those laws. In short, appellant's argument amounts to a contention that federal law requires you to violate or at least ignore state law and your own law. The Department's response can be simply capsulized with three points. We think the appellant is wrong in the reading of the Clean Water Act, because they give no effect to the clear language that allows this body to determine other appropriate requirements of state law beyond water quality considerations. Secondly, and we will contend that to try to separate the land use considerations, both of concern to the county and encompassing state law, from water quality situations is virtually impossible. In this case you are not really confronted with the ultimate question of how far you can go, but rather you face a situation where the State Legislature simply said, in essence, land use is relevant to your water quality determinations. Much as in every water quality permit you issue you assure land use compliance, you should in a 401 Water Quality Certification. The second basic point the Department offers is that we believe the appellant's are wrong in in their statement of preemption law. You need not even get to the question of preemption law if you determine that 401 at least itself allows you room for operation. If

Huston that's the case, there is no preemption question at all. It's
(continued) only if you read 401 and the other appropriate state requirement
language out of 401 that you then have to confront the issue
of whether the Federal Power Act prevents you from operating
in this particular case.

Denecke Mr. Huston, could you reiterate that in perhaps different
language because I'm not quite following you.

Huston I think Commissioner Denecke--I'll sure try. Section 401(d)
says quite literally that in addition to water quality standard
considerations required by the Clean Water Act, that you can
apply and should apply other appropriate requirements of state
law. If that language means what it appears to say, that is
the end of the issue. It's only if that language is read out,
then we confront the general preemption question of whether a
federal law, most relevantly the Federal Power Act, prevents
you from operating in this realm.

Petersen Mr. Huston, what state statute says that this body must consider
the land use considerations.

Huston 197.180(1) says that all state agencies that make land use deci-
sions have to make those decisions in compliance with statewide
planning goals and with local comprehensive plans and ordinances.

----- END OF TAPE -----

Huston (NEW TAPE BEGINS) ... to make those compatible with local plans.
(continued) You have adopted such an agreement required by law. You have submitted it to LCDC for their approval. They have approved it. It is attached in the appendices. What it says, is water quality decisions of this agency including 401 are land use decisions. They clearly impact the use of the land. Therefore, this agency concedes that it has a responsibility to assure land use compatibility. The means you've chosen to do that is that when an applicant submits a request for certification or request for a permit of virtually any form do you--your Department writes the local government or advises the applicant that the local government has to make a determination that its ordinances are complied with. That's precisely what happened in this case.

Petersen That's what I thought. The requirement is not in the statute, it's the statute sets out the general requirements and then the Agreement is what actually adopts the 401 connection with land use. That's what I thought.

Huston Exactly Mr. Chairman. I'm sorry I've misled. The general requirement for state agencies in taking land use decisions in compliance with ordinances is in the statute. Your determination

Huston of what is and is not a land use decision and how you accomplish
(continued) that is in your Agreement.

Petersen That's ours. The Legislature has not said that water quality
decisions are land use decisions.

Huston The third basic point the Department would offer is in large
part a policy argument and in lesser part also a legal argument.
It is the Department's simple position that when confronted with
a case of legal uncertainty that the agency should comply with
the clear requirements of its state law and the own agency's
rules, and simply opt for the broader view of its state
authority. There is little question that federal law is
increasingly pervasive in the environmental field. You will
probably discover that there are few arenas in which you operate
where there is not at least a reasonable contention that Congress
has preempted the field. It is the Department's judgment that
the proper way to respond to those contentions is to analyze
them on a case-by-case basis. Not as a general principle,
certainly, to react with timidity because of possible legal
problem with preemption.

That sort of policy consideration also folds into the legal
calculus, though, for at least two reasons. One, this agency's
opinion carries legal weight on this sort of issue. You are

Huston

(continued)

the agency charged by ORS Chapter 468 by the Legislature with implementation of the Federal Clean Water Act on the state level, as well as charged with meeting your responsibilities under the state land use laws. The Oregon courts have established strong principles of deference to agencies interpretation of the statutes that they are responsible for enforcing. The Court of Appeals has recently established the test that your interpretation is entitled to definitive deference unless it is plainly inconsistent with the purpose and language of the applicable law. There may be room for legal doubt in this case, and we're going to talk a little bit more about exactly how much doubt there may be, but it is the Department's position that certainly their case, or their position in this case is not plainly inconsistent with the applicable law.

Secondly, the Department's preference to opt for a broader rather than a narrower view of their authority is also relevant to the preemption issue. It is a basic tenet to the preemption issue. It is a basic tenet, the preemption doctrine, that state laws are presumed valid until the reverse is clearly shown. The burden, quite frankly, is on Mr. Bryant to establish that your authority is preempted. We submit that while there may be a possibility of preemption in the future, at a minimum that case has not been established yet. Mr. Bryant's client has not even applied for the conditional use permit that the county's

Huston

(continued)

ordinances require. We have no--we don't know that Mr. Bryant wouldn't be successful in that effort or we certainly don't know what grounds the county might use to act upon that decision. In that case, any attempt to conclude preemption would appear to be significantly premature.

With respect to the tricky issue of the breadth of legal authority. It's an occupational hazard of attorneys that they like to talk about cases. Although often the inquiry is not very helpful. I'm going to engage in it out of occupational necessity, if for no other reason. What we have, and I'll try to be as candid as possible. We have two courts in the country that have opined on the meaning of 401 and cases that are very factually and legally different from one that we have in front of us. In short, they are not real helpful, but we'll talk about them. You have the 11th Circuit Court of Appeals, mid-level, second to the highest federal court, the 11th Circuit, the Northeast, that involved an oil refinery case. With all due respect to Mr. Bryant, I think he's got his facts reversed on the two cases. This is indeed a case where the State of Maine chose to take a broad view of its 401 authority. It quite boldly said, we're looking beyond water quality. We're going to condition our 401 approval of this 401 refinery on state siting law. A siting law very parallel in its considerations to Oregon land use law. What happened in that case is that it was EPA's

Huston jurisdiction to issue an NPDES permit. So that's how it got
(continued) in federal court, because EPA refused to give credence to to
the State of Maine's conditions under the siting laws, saying
401 doesn't allow you to go that far. What the federal court
held is that it wasn't going to decide the issue. That it was
not the federal court's business to tell the state how far it
can go. It then proceeded to opine--to offer the unnecessary
opinion that, in the court's judgment 401 would allow the state
to do that by virtue of the specific language that we referred
to--to determine what the other appropriate requirements of state
law.

Denecke That's Campobello.

Huston That's the Roosevelt Campobello case. For the lawyers on the
Commission, that's dictum, for the nonlawyers that means the
court said more than they absolutely had to.

The other court that has addressed the issue is, indeed the New
York Court of Appeals. Most recently in the Power Authority
v. New York case. A case which I think the appellant relies
upon wrongly as being definitive and on point. The facts refute
that. Again, facts that I believe Mr. Bryant had wrong. The
New York agency in that case did not choose to go beyond water
quality considerations. It chose to take the narrow view of

Huston

(continued)

its authority. It was challenged by the power company that wanted to build the dam. The power company contended that the state agency should have considered a broad range of other considerations, particularly energy considerations, and that your counterpart agency in New York should have decided that although water quality standards were violated, that the prevailing energy needs were such that they could verify 401 nonetheless. Thus, there are some very critical distinctions between that New York case and this case. It's a minimum case. All the court was faced there was with issue of whether at a minimum the agency has to meet water quality standards. And there is no serious question about that at all. In the Clean Water Act there is an entirely distinct provision, Section 1309 of the USC cite, that says states can't go below the minimum.

Secondly, energy considerations are, in our judgment, very different from land use considerations. If the Department in this case or in other cases were purporting to directly duplicate the energy considerations that FERC makes the preemption case or issue would become a lot harder. That's not what anyone is purporting to do here. Secondly, the case is, of course, completely different, or I guess exactly parallel in the sense, and the New York court was simply deferring to the judgment of its expert agency's narrow view of their 401 authority. That is in that sense the case precedent would support the principle

Huston

(continued)

that a court is likely to defer to to whatever position you take of your authority in this case. It is, indeed, somewhat ironic that the New York case is argued as one taking a restrictive, definitive restrictive view of the state's 401 authority.

Because I am advised now that the State of New York itself, your counterpart agency, has joined a group of several states--Maine, State of Washington to the north, and others--in taking a broader view of 401. And they do not view that case as dispositive or prohibitive of that issue.

I think, for beginning to wrap up here, that the Commission faces the unfortunate situation where you're going to get a lawsuit regardless of what you decide. And perhaps it's a--be somewhat instructive to walk through exactly how that is going to work and what you will face in that situation. I'm sure if you rule in favor of the Department today that Mr. Bryant will be glad to fulfill my prophecy and give you a lawsuit. If you decide in Mr. Bryant's favor, I don't think the Department appeals Commission's decisions, but we know well that the county or other folks would. What would face, I think, is as follows. The Federal courts have said they won't decide it. They won't substitute their judgment for yours on the breadth of your authority under 401. FERC has held the same. They won't second-guess your authority under 401. So it's very likely that if you send your denial of 401 for this project to FERC that they

Huston

(continued)

will not second-guess that. Thus, the remedy if you rule in the Department's favor for Mr. Bryant will be exclusively on the critical substantive issues in state courts. In state courts, what we think you will face is a very strong state court recognition of our land use laws and a consistent literal enforcement of those land use laws. You will face a Court of Appeals which very recently had ruled in your favor on a very parallel land use case, Schreiner's Gardens v. DEQ, in which the Court of Appeals upheld your water quality permit, your air permit, and your solid waste permit for the garbage disposal north of Salem. That was a case where the Department behaved exactly like it's behaving in this case. It insisted that the applicant obtain a conditional use permit from the county. The applicant went to the county. Obtained it. The Department then in turn relied upon those land use findings. The court said, yup, you're right. Those were land use decisions. You had to do that and the way you did it was perfectly appropriate. Your reliance on the local government's determination was specifically acceptable. The inevitability of a lawsuit I don't think has swayed the Department's posture at all in the case. It has simply, I think, reinforced their judgment that if you are going to be involved in litigation, the proper role of the state is to be advocating in favor of its own authority rather than against it.

Huston

(continued)

There are many ways that this case can get resolved. Mr. Bryant can have his client seek a conditional use permit and perhaps obtain it. No one knows whether that is impossible until he has tried. Congress can, with a stroke of a pen, rewrite the 401(d), the Clean Water Act, and eliminate all this doubt about whether it means what it says. Or they can in any other fashion make a clear preemptive ruling. They have not done so. Finally, a court, some other court or a court in direct ruling of your decision, can give us a definitive judgment that 401 does not allow us to comply with state land use laws. Until any of those things happen, it is simply the Department's belief that at a minimum, you should apply state land use laws and your own rules that are already on the books. And respectfully recommends that you endorse that position by affirming the Department's denial of the 401 certification in this case.

Thank you.

Petersen

Questions for Mr. Huston? Mr. Bryant, would you speak to--we're going to give you a chance to rebut--could you speak to the question of why your clients have not pursued the Conditional Use Permit.

Bryant

Several reasons, some factual and some you would consider political. The way the Conditional Use Permit is written, and

Bryant

(continued)

it's attached, in order to obtain it while the study period is proceeding--by the way the study period will probably conclude in approximately a year--the task force has the right to ask for a continuance for additional six months. And they plan on doing that, as I understand it, in August of this year. So it would be February before they issue their report, theoretically. During that interim you can apply for Conditional Use if you meet certain standards which are set out in Section 3 of the ordinance, which is attached. Those uses we feel are impossible to meet. For instance, maintain the streamflow. Any small hydro development will affect the streamflow. So that's impossible. And it talks about other restrictions are there. It says, rather than using words like "will not significantly impact," that give you some room to determine if it is a reasonable use, it is just a blanket statement that you shall maintain certain things. And of course, during construction--and what these projects are is you take water out of the river, run it through a pipe and back into the river after they go through a penstock and a power house. So, it does take water out of the river for awhile and then put it back in. For that reason we don't think it's possible to get a Conditional Use. Secondly, our time restrictions and what we're doing with the Federal Regulatory Commission would not allow us the time necessary to go through the process with Deschutes County to obtain the Conditional Use. Thirdly, to a large extent the FERC determines the scope and

Bryant
(continued) the design and the implementation of the actual project from construction to how it is going to operate. And until they tell us exactly what they are going to require--you know we make proposals but until they tell us what they are going to require as a condition to granting our application, we wouldn't be able to tell Deschutes County precisely what is going to happen as far as the design and implementation. We can give them a real good idea of what we think it is going to be and what we're proposing, but we don't have the Federal Power Act stamp of approval. So it would be premature for us to go ahead and apply for that permit now, for those reasons.

Petersen So essentially you're arguing it's kind of a "Catch 22."

Bryant That's exactly right.

Petersen You can't learn how to land until you've had a few takeoffs under your belt type thing. Okay, I think I understand that issue.

Denecke Mr. Huston, see if I can phrase the question I have correctly. Suppose that instead of a land use matter, suppose that the Department refused to issue the certification because issuance would violate the state's policy on preservation and protection of wildlife and fish? Would your argument be the same that the laws on the protection and enjoyment of wildlife and fish is

Denecke an appropriate requirement of state law? Do you understand my
(continued) question?

Huston I'm afraid I do Commissioner. I wish I understood my answer. The problem is those are precisely the broader policy issues that you are going to be confronted with in your further rulemaking on 401. And you already know, I believe it was either Fish and Wildlife or an environmental group sharing their interest, that have already been in front of you and said they are likely to contend that precisely those considerations ought to be and can appropriately be made a part of 401. You also are going to face a contention raised by Mr. Smith's suggestions today about how far even the narrow view of 401 goes. And you had Mr. Bryant, I think, taking the position this morning that even considerations apparently expressly incorporated within the water quality standards may be arguably preempted by the federal power legislation. So, I guess an answer is lots of tough issues to come, more appropriately resolved by the Commission in its policy setting function of rulemaking. We think you've got a narrow question here of whether you enforce laws already on the books, both yours and the State Legislature's, and that the significance of the case simply is that if you take the narrow view here you really seem to have resolved the broader policy issues down the road.

Denecke

I suppose what irritates me basically is that here Oregon has been a leader in environmental protection, and yet the Federal Government feels that because other states have not been a leader they've got to come in and effect take over and tell the states that they really don't have much to say about this. It appears in this case that, well, I don't think there is any question, it not only appears that federal legislation says the Feds are decide everything except the question of water quality.

Petersen

Mr. Huston, is it your position that this Commission can decide what other appropriate requirements of state law are?

Huston

Precisely.

Petersen

By rulemaking? That's your position?

Huston

By rulemaking in the future, Mr. Chairman, it is our contention that you have really already decided that, or the State Legislature has decided that for you with respect to at least land use. You get to decide some other tough ones down the road, but at least with respect to land use, our basic contention is the Legislature said that is an appropriate requirement with respect to water quality decisions really. Basic contention is that it may well be beyond your judgment. At least the Department--

Petersen

Well, but really we talked about that. The State Legislature didn't say that. We said that by virtue of our agreement with LCDC. Isn't that true? The State Legislature didn't say that.

Huston

The State Legislature didn't say that 401 Certification of the land use decision. What they said is, first of all they did create a general definition of what is a land use decision and the courts have as well. And basically that test is any time it has a significant impact on the present or future land uses. That principle is established by the Supreme Court in the Petersen case. Secondly, I don't think there is any question that that test is not met in this case. I don't believe Mr. Bryant has even attempted to argue that it wouldn't be. Secondly they have also directed each state agency to try to make their own rough cut of what is and is not a land use decision. I'm not sure that you've done that. You have said 401 is. I'm not sure that's binding, but probably is, and even if it isn't I think it meets the generic legal test for land use decision anyway.

Petersen

Mr. Bryant, would you like to have some time for rebuttal?

Bryant

I'll be very brief. First of all on Justice Denecke's comment and the question to Michael. You're exactly right. If you open the door here on other appropriate requirements to say it

Bryant

(continued)

includes land use, then it can include a whole bunch of other things, not just for the State of Oregon but for every state in the Union. And so you try to have a National Energy Policy with that kind of an open door. I think when you review the cases, especially the Supreme Court cases, you will see that's not what they intended. When you review the legislative report and the testimony of Senator Muskie, a sponsor of the bill, you will see that is not intended. The people that want to tighten up water control and do it for the Country, they didn't intend to change our National Energy Policy or the Federal Power Act in doing it.

One thing that is hard for me to address here is, I've come and my client has come to ask for a different opinion than what your staff is recommending. I'm presuming that when you became Commissioners that you took an oath and that in it there is something about supporting the laws of the United States and the State of Oregon, and that you will not make a decision in this particular case because you have an obligation on behalf of the State of Oregon to stand up to the federal government. That is not the issue. The question is the interpretation of 401(d) and the preemption and whether or not preemption applies. And if you determine after your research in reviewing the file that it in fact does apply, whether or not you are on a state commission should not enter into your decision. To do so would

Bryant

(continued)

be denying us a fair hearing, if that is one of the things you weigh in making a decision. And I just can't believe that is intended. Otherwise, it doesn't really make sense to go through this process. So certainly--Michael used the word timidity--I don't want you to be timid on the other side of the coin either. And so the fact that if you find in our favor, and that makes it more difficult for the state on appeal, well so be it. That is our system, that is our process. That is the way it should work.

On the Schreiner Gardeners decision, I agree with that case. It doesn't have any application here. They weren't talking about 401 or federal preemption. So I would--and you have one other opportunity, which the Chairman has alluded to a couple of times. You can define compatibility. It has never been defined before. And if you define compatibility as stating that the plan allows for small hydro, which it does, then you have technically have met your coordination agreement. That part of your decision. And as I mentioned in my other argument, that section ORS 197.640(d)(2), does permit an out to a state agency when they can't follow the plan. Where it is inconsistent with a state or federal law. It is unfortunate that by what I think you need to do in following the federal legislation and the Constitution, you may be in fact violating a state law. But you do belong to the United States of America and it is a

Bryant National Energy Policy, and I think that is what you are
(continued) obligated to do if you interpret the law the way I have asked
you to. Thank you.

Petersen Thank you. Further questions.

Bryant I don't know, Michael, if 401 has actually been, a copy of it
is in the record.

Denecke It is not.

Bryant I've got a copy of it here, and with permission I'd like to
submit that to the record so you'll know what we've been talking
about.

Petersen Also, it would be handy to have a copy of Section 303, I think
since that has been--some inquiries from the Commission have
come from that.

Hansen Would you like that now?

Petersen Well, maybe we ought to decide as a Commission how we are going
to proceed, before we start making Xerox copies of things. I
think it is clear to me that we have two or three very, very
complex legal issues. I'm not sure this Commission is even

Petersen
(continued)

capable of fully grappling with the technical legal arguments. And therein lies perhaps one of the problems. However, it is our responsibility, and I think we're going to do the best job we can. Not ever having before an opportunity to either be affirmed or reversed on appeal. I want my first shot--I don't want to get reversed. So I think that in view of that and in view of the new material that was submitted today, I think it would be appropriate for us to certainly take this under advisement. As a lawyer, when a judge tells me that, I always kind of cringe and wonder how long that is going to take. Sometimes that is used as an excuse for not being able to bite the bullet and make a decision. But I think that under the circumstances that would be appropriate so that we can do the best job possible for the parties. It is an important decision. It is going to have precedent-setting characteristics to it. It is going to be appealed no matter what we decide. So I think it would be appropriate, and I would entertain a motion to take it under advisement and then make a commitment to parties that we will do that as expeditiously as possible, and decide on the most appropriate way to do that. I suspect it will require some other meeting, work session, where we can talk amongst ourselves, and of course whenever we get together it is a public meeting unless it qualifies for Executive Session, which I don't think this would. So people would be able to be present in that process. As far as scheduling that is concerned, we haven't

Petersen talked about that and I don't know when people would be
(continued) available, how long you would like to consider the record and
digest some of these things. Maybe some of you wouldn't like
to consider it at all. I don't know. I know Arno and I would.
What are the thoughts of the Commission?

Denecke I'll move along the lines which you suggested Mr. Chairman.

Bishop Second.

Petersen Okay. Everybody agreeable with that? Our next meeting, Carol,
is scheduled for when?

Hansen It's in Salem at--

Splettstaszer April 19.

Hansen April 19.

Petersen I'm thinking we probably ought to do it before then. Maybe in
a couple of weeks from now. I will be out of town, or out of
the state the last week in March. But perhaps the week before
that we can set a time. It is the week of the 18th I believe.
Are you going to be around?

Buist I'll be out of town Monday, Tuesday, Wednesday.

Petersen Why don't we do this. Why don't we just get our heads together right after our Commission meeting is adjourned and then we'll make that decision and obviously let everybody know where and when and what the procedures are going to be. Are there any other questions or comments on this particular agenda item before we move on to the next.

Bishop We need to take a vote on that.

Petersen It was kind of a consensus, I think. Everybody agreed--everybody nodded this way, which is--Chair took judicial notice of the up and down--thank you very much gentlemen for excellent presentations.

Petersen Are there any further items? Yes?

John Charles Not having the Commission's rules in front of me regarding
(OEC) appeals of Departmental actions--on the 401 issue that you are taking under advisement--what does that mean in terms of the public record? Is the record closed, or is it open, or what. The issues raised today--some of the arguments I would be

Charles interested in commenting on. So I guess my question to you is,
(continued) whether you are going to allow any other comment.

Petersen I'm inclined not to. I think that is consistent with prior
Commission--we've got two parties and we're not going to--I
understand how that bears on the other issue that you've
addressed us on.

Charles That's what I mean--the rulemaking process that is coming up.

Petersen Right. Very appropriate at that point in time. But I think
we have a more confined contested case situation here and I'd
rather not open it up to public comment.

Brill Jim, does that mean at this time or at our future meeting?

Petersen Any--at this time and the future meeting. I'm not going to close
the record because we may request additional information as a
Commission to consider and help us make our decision. So I'm
not going to close the record, but I'm not going to open it for
nonparty participation, unless I'm overruled by the four people
sitting up here with me.

Alright, then I will adjourn the meeting at this time.

TRANSCRIPT - PUBLIC FORUM - March 8, 1985 EQC Meeting

Subject: Lava Diversion Project

Wujack

Good morning. My name is John Wujack, I'm a resident of Bend. I'm a member of the Executive Committee of a group called the Coalition for the Deschutes. We're a natural resource planning group in the Bend area. We charge ourselves with monitoring hydroelectric development in the Deschutes river basin. There is a project which is going to be judged here later on this morning and that project will be judged on its own merits. What I'd like to talk to you about this morning is the need for sound planning from federal agencies, state agencies, city and county governments, so that very specific problems can be eliminated, sound planning can go into effect which will really benefit community interests. What's going to serve one community in the eastern agricultural sections may not be working in a community such as Bend where we have limited agricultural resources but we have a growing tourist industry. And we feel as though the compatibility between all government agencies working on this is the only way we're going to have sound planning in what is really becoming a burden on the state, and that is in the burgeoning hydroelectric industry. I just thank you for your time this morning.

Petersen Thank you. Questions for Mr. Wujack? Thank you. Larry Tuttle, Deschutes County Commissioner.

Tuttle Thank you very much Chairman Petersen. It appears that we see each other more in Portland than we do in Bend. My name is Larry Tuttle, I'm a Deschutes County Commissioner. For the record, my address is Courthouse, Bend, Oregon. The purpose for requesting this time on the public forum section today is to request that I be allowed to make comments in the public hearing at the time that you take up number F on the agenda.

Petersen Why don't you go ahead and make your comments now, Commissioner Tuttle. I think the time span between now and then is very brief and the impact probably the same. I think we as a Commission decided that we want to limit that agenda item to just legal arguments and yet we do want people to feel free to talk with us on this subject.

Tuttle Would you be willing then, because the issue that I particularly want to address in my comments is the party status, may I submit a written memorandum into the record of the hearing?

Petersen Sure.

Tuttle I would like to go ahead and make the comments at this time.

Petersen Fine.

Tuttle I'll basically be reading from a prepared statement, so this statement will be the same as the one to be submitted into the record.

Petersen Okay.

Tuttle Today, of course, I'm speaking about Lava Diversion Project No. FERC 5205 on the Deschutes River. On November 28, 1983, General Energy Development Inc. (GED), through their consultant, Campbell-Craven Environmental Consultants, submitted a letter requesting Water Quality Standards Compliance Certification or waiver for the project I just previously described, pursuant to Section 401 of the Federal Clean Water Act. By letter dated September 7, 1984, the Department of Environmental Quality informed GED that it was circulating public notice of its application and that the application required statement of land use compatibility from Deschutes County, in accordance with the Agency's coordination program adopted pursuant to ORS 197.180.

Deschutes County received the public notice of GED's application from the Department on September 17, 1984. Deschutes County also received a letter from GED on October 2, 1984 requesting, and I quote, "a statement of compatibility with the Deschutes

Tuttle

(continued)

County Comprehensive Plan." Deschutes County responded directly to the Department by letter dated October 10, 1984, saying in part that it was impossible for Deschutes County to find that the proposed hydroelectric project near the Benham Falls on the Deschutes River south of Bend is in conformance with the Comprehensive Plan and implementing ordinances with respect to the requested certification under Section 401 of the Federal Clean Water Act, without reviewing the whole of the project in accordance with the standards and procedures applicable to such a request. And further, that until such time as an application has been made by General Electric Development, Inc., and that application has been found in conformance with the comprehensive plan and implementing ordinances, Deschutes County opposes the issuance of 401 Federal Clean Water Act Certification. End of quote.

GED's application for Water Quality Standards Compliance Certification was denied by the Department by letter dated November 27, 1984. The Department identified eight activities associated with the project construction and operation whose potential for water quality impairment had not been adequately addressed in environmental report, and that GED had failed to obtain a Land Use Compatibility Statement from Deschutes County. Deschutes County learned that the November 27, 1984 denial of GED's application had been appealed to the Environmental Quality

Tuttle Commission on February 27, 1985--that is, we learned it on that
(continued) day.

Questions about the standing of GED. GED was the applicant for the Water Quality Standards Compliance Certification. GED, however, is unable to utilize the waters of the state because the waters of the upper Deschutes River have been withdrawn from appropriation. Therefore, GED is unable to build any project on the upper Deschutes River. Arnold Irrigation District has entered into a joint venture agreement where the District will supply GED the municipal preference for the project for a share in the revenue of the project. Two Attorney General opinions have analyzed the agreement between the District and GED. The opinions conclude that the agreement is insufficient to qualify GED's application before the Water Resources Department as municipal application because the District has retained sufficient beneficial interest and control to make it appear that the proposal is other than, I quote, "a subterfuge to allow a private developer to use the municipal application process." And that's a quote from the Attorney General's Department. This was an opinion of Larry D. Thompson, Assistant Attorney General, dated October 24, 1983. GED is precluded from appropriating water for the project and the District does not have an agreement which will allow GED to utilize your municipal powers. This District is not an applicant in this proceeding. Under these

Tuttle circumstances GED does not have standing to apply for the Water
(continued) Quality Standards Compliance Certification.

Two. On the District's appeal. Deschutes County was not made a party to the proceeding today but was allowed to comment pursuant to the public notice, excuse me, Deschutes County was not made a party to the entire proceeding but was allowed to comment pursuant to the public notice as a member of the public and was a necessary party to the proceeding before the Department. To Deschutes County's knowledge, GED has not participated in this appeal of the Department's decision to the Commission. It appears that the District has received some special status and was allowed to stipulate to a briefing schedule and file a brief with the Commission raising legal arguments. Because of Deschutes County's role in determining compatibility with the Statewide Land Use Goals, the local Comprehensive Plan and implementing ordinances, Deschutes County should be given equal status with the District and be entitled to participate in the Commission's hearing in at least the same capacity as the District--and by the District I mean Arnold Irrigation District. The District was kind enough to supply Deschutes County with copies of the briefs on the afternoon of Tuesday, March 5, 1985--that's Tuesday of this week, about 5 o'clock. Given such a short period of time from the date of receipt of that information and the hearing before the Commission

Tuttle

(continued)

today, March 8, there was insufficient time to respond to the legal issues raised on behalf of GED by the District. Deschutes County does, however, concur with the Department's position set forth in their brief as to the legal issues under consideration.

Three. Evidence outside the record. The Department and the District acknowledge in their briefs that the Department continued to work on eight deficient areas after November 27, 1984, after the November 27, 1984 decision. No additional notice was given to the public that additional information would be considered by the Department after the decision was made. It is of great concern to Deschutes County, who has attempted to participate in the entire process but has not been given party status or considered necessary to the proceedings, that factual issues could be determined after the public hearings process had been closed by the Department. We believe that if the eight issues are to be resolved by subsequent evidence submitted by GED, at a minimum a new notice should be issued with an opportunity for the public to review and participate in the application as amended relating to those eight items. The appeal from the decision to the Commission should not consider new evidence developed outside of the record.

Tuttle

(continued)

Four. New hearing. Evidence was considered by Department outside the scope of the review process. We believe that, if the evidence is to be considered, it should not be considered as an appeal of the November 27, 1984 decision, but should be considered as a refiled or amended application. GED's application should be returned to the Department for new proceedings on the application as supplemented. It is our conclusion that the application of GED for Water Quality Standards Compliance Certification pursuant to Section 401 of the Federal Clean Water Act, should be denied. In the alternative, Deschutes County should be made a party with at least the same status as Arnold Irrigation District, and be entitled to participate in the rehearing of the supplemental application on remand before the Department.

Respectfully submitted, Richard L. Isham, Deschutes County Legal Counsel.

I have copies for each of the Commissioners and staff.

Petersen

Are there questions for Commissioner Tuttle?

Tuttle

So I'm clear. It is my understanding that this will be made a part of the public hearing record.

Petersen Yes.

Tuttle Thank you very much.

Petersen Thank you Commissioner Tuttle. I think it might be appropriate for legal counsel for the State and for the applicant to maybe comment on Commissioner Tuttle's remarks during your presentation, if you have one. Further public forum participation--Mr. J. D. Smith wants to talk to the Commission about Section 401.

Smith Thank you Mr. Chairman and members of the Commission. My name is J. D. Smith representing Oregon Shores Conservation Coalition and Northwest Environmental Defense Council, or Northwest Environmental Defense Center, pardon me.

I wanted to comment on the matter of the Lava Diversion Project.

Brill Get a little closer to the mike there.

Smith I and several others testified at the last month's meeting about the 401 certification process. Primarily to the extent that the certification of compliance with Section 303 of the Federal Clean Water Act seemed to us fairly clearly to require a consideration of the impact of projects to be certified under

Smith

(continued)

Section 401, that they be consistent with not simply water quality criteria, but also the uses of the water. Amongst the issues to be argued during the formal hearing on this project, that particular consideration does not exist. I simply want to reiterate the same comments that we made last month that the Commission is missing a fairly key tool in making these kind of evaluations by not considering the impact of the Lava Diversion Project on the other uses of the water, primarily fish, recreation, etc.

Petersen

Isn't that the land use issue? I mean, isn't that the point that the state is making?

Smith

I think the point, Mr. Chairman, is not that it is or is not a land use issue, but what is clearly in the Federal law under Section 303 is the requirement of compliance or consistency with water uses. If that clearly appears under the land use law, that's probably fine, but it seems an unnecessarily circuitous route to make a determination under what is clearly in the Federal law.

Petersen

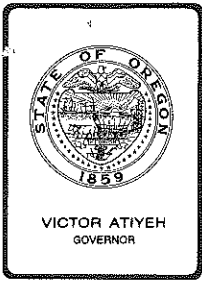
Therein lies one of the problems that we're dealing with is the Federal law versus the State law and how the two may or may not overlap or preempt one another. It's not as clear as it could be.

Smith My point, Mr. Chairman, is that the Federal law, without arguing about whether local, state--without arguing about the relationship between local, state and federal law--the federal law itself allows this Commission, or perhaps better, requires this Commission to consider compatibility with water uses.

Denecke Do I restate it correctly--your contention is that the evidence does not show compliance with 303 of the Federal law?

Smith That is correct.

Petersen Are there other people on the public forum? Then I'll close it at this time.



Environmental Quality Commission

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MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. B, April 19, 1985, EQC Meeting
January and February 1985 Program Activity Report

Discussion

Attached are the January and February 1985 Program Activity Reports.

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

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

The purposes of this report are:

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

SChew:y
MD26
229-6484
Attachment

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

January and February, 1985

Table of Contents

| <u>Air Quality Division</u> | <u>January Page</u> | <u>February Page</u> |
|---|-------------------------|--------------------------|
| Summary of Plan Actions | 1 | 23 |
| Listing of Plan Actions Completed | 2 | 24 |
| Summary of Permit Actions | 3 | 25 |
| Listing of Permit Actions Completed | 4 | 26 |
| <u>Water Quality Division</u> | | |
| Summary of Plan Actions | 1 | 23 |
| Listing of Plan Actions Completed | 5 | 28 |
| Summary of Permit Actions | 7 | 30 |
| Listing of Permit Actions Completed | 8 | 31 |
| <u>Hazardous and Solid Waste Management Division</u> | | |
| Summary of Plan Actions | 1 | 23 |
| Summary of Hazardous and Solid Waste Permit Actions | 10 | 32 |
| Listing of Solid Waste Permit Actions Completed | 11 | 33 |
| Listing of Hazardous Waste Disposal Requests | 12 | 34 |
| <u>Noise Control Section</u> | | |
| Summary of Noise Control Actions | 19 | 39 |
| Listing of Noise Control Actions Completed | 20 | 40 |
| <u>Enforcement Section</u> | | |
| Civil Penalties Assessed | 21 | 41 |
| <u>Hearings Section</u> | | |
| Contested Case Log | 43 | 43 |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality, Water Quality,
Hazardous and Solid Waste Divisions
(Reporting Unit)

January 1985
(Month and Year)

SUMMARY OF PLAN ACTIONS

| | Plans Received | | Plans Approved | | Plans Disapproved | | Plans Pending |
|---|-------------------|-----------|-------------------|-----------|----------------------|-----------|------------------|
| | <u>Month</u> | <u>FY</u> | <u>Month</u> | <u>FY</u> | <u>Month</u> | <u>FY</u> | |
| <u>Air</u> | | | | | | | |
| Direct Sources | 7 | 51 | 12 | 50 | 0 | 0 | 25 |
| Small Gasoline Storage Tanks Vapor Controls | - | - | - | - | - | - | - |
| Total | 7 | 51 | 12 | 50 | 0 | 0 | 25 |
| <u>Water</u> | | | | | | | |
| Municipal | 4 | 82 | 10 | 86 | 1 | 4 | 9 |
| Industrial | - | 40 | 3 | 41 | 0 | 0 | 12 |
| Total | 4 | 122 | 13 | 127 | 1 | 4 | 21 |
| <u>Solid Waste</u> | | | | | | | |
| Gen. Refuse | 4 | 26 | 1 | 22 | - | - | 13 |
| Demolition | - | - | - | - | - | - | 1 |
| Industrial | 6 | 20 | 3 | 18 | - | - | 9 |
| Sludge | - | 1 | - | 2 | - | - | - |
| Total | 10 | 47 | 4 | 42 | - | - | 22 |
| <u>Hazardous Wastes</u> | 1 | 6 | 1 | 6 | - | - | - |
| <u>GRAND TOTAL</u> | 22 | 226 | 30 | 225 | 1 | 4 | 68 |

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

| COUNTY | NUMBER | SOURCE | PROCESS DESCRIPTION | DATE OF ACTION | ACTION |
|--------------------------------------|--------|--------------------------|------------------------------|----------------|----------|
| LANE | 005 | DOW-CORNING CORP. | BIN DUST COLLECTOR | 08/02/84 | APPROVED |
| LINN | 018 | TELEDYNE WAH CHANG | EMISSION COLLECTION SYSTEM | 01/22/85 | APPROVED |
| MULTNOMAH | 025 | ESCO CORPORATION PLANT 3 | BAGHOUSE & COLLECTION SYSTEM | 01/22/85 | APPROVED |
| LANE | 032 | WILLAMETTE INDUSTRIES | NEW CONTROL FOR CYCLONE | 12/28/84 | APPROVED |
| LANE | 039 | PREMIER PLYWOOD CORP | BOILER | 01/03/85 | APPROVED |
| LANE | 040 | ROSSBORO LUMBER CO | CARTER DAY AIR FILTER | 12/28/84 | APPROVED |
| WASHINGTON | 044 | DAELCO, INC. | PB OXIDE PRODUCTION INCREASE | 01/16/85 | APPROVED |
| BENTON | 046 | BRAND-S CORPORATION | VENEER DRYER CONTROLS | 01/24/85 | APPROVED |
| JACKSON | 050 | BOISE CASCADE CORP | BOILER REPLACEMENT | 01/22/85 | APPROVED |
| LINN | 926 | TELEDYNE WAH CHANG | BAGHOUSE INSTALLATION | 09/12/83 | APPROVED |
| LINN | 965 | ALBANY TITANIUM INC | TITANIUM PILOT PLANT | 03/20/84 | APPROVED |
| POLK | 969 | WILLAMETTE INDUSTRIES | VENEER DRYER SCRUBBER | 07/25/84 | APPROVED |
| TOTAL NUMBER QUICK LOOK REPORT LINES | | | 12 | | |

DEPARTMENT OF ENVIRONMENTAL QUALITY
MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

January, 1985
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

| | Permit Actions Received | | Permit Actions Completed | | Permit Actions Pending | Sources Under Permits | Sources Reqr'g Permits |
|-------------------------|-------------------------------|-----------|--------------------------------|-----------|------------------------------|-----------------------------|------------------------------|
| | Month | FY | Month | FY | | | |
| <u>Direct Sources</u> | | | | | | | |
| New | 1 | 20 | 2 | 22 | 11 | | |
| Existing | 3 | 19 | 2 | 22 | 17 | | |
| Renewals | 11 | 108 | 18 | 101 | 117 | | |
| Modifications | <u>0</u> | <u>16</u> | <u>0</u> | <u>44</u> | <u>10</u> | | |
| Total | 15 | 163 | 22 | 189 | 155 | 1212 | 1240 |
| <u>Indirect Sources</u> | | | | | | | |
| New | 0 | 3 | 0 | 3 | 1 | | |
| Existing | 0 | 0 | 0 | 0 | 0 | | |
| Renewals | 0 | 0 | 0 | 0 | 0 | | |
| Modifications | <u>0</u> | <u>1</u> | <u>0</u> | <u>1</u> | <u>0</u> | | |
| Total | <u>0</u> | <u>4</u> | <u>0</u> | <u>4</u> | <u>1</u> | <u>227</u> | <u>228</u> |
| <u>GRAND TOTALS</u> | 15 | 167 | 22 | 193 | 156 | 1439 | 1468 |

Number of
Pending Permits

Comments

| | |
|----------|--|
| 32 | To be reviewed by Northwest Region |
| 9 | To be reviewed by Willamette Valley Region |
| 8 | To be reviewed by Southwest Region |
| 6 | To be reviewed by Central Region |
| 7 | To be reviewed by Eastern Region |
| 16 | To be reviewed by Program Operations Section |
| 75 | Awaiting Public Notice |
| <u>2</u> | Awaiting end of 30-day Public Notice Period |
| 155 | |

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 |
|-------------|---------------------------|------------------|-------------------|---------------|------------------|---------------|------|
| PORT.SOURCE | CLACKAMAS CNTY ENVIR SVCS | 37 | 0245 / / | PERMIT ISSUED | 12/26/84 | RNW | Y |
| CLACKAMAS | MOLALLA SAND & GRAVEL CO | 03 | 2628 / / | PERMIT ISSUED | 01/10/85 | RNW | Y |
| HOOD RIVER | HOOD RIVER MEMORIAL HOSP | 14 | 0020 / / | PERMIT ISSUED | 01/10/85 | RNW | N |
| WASHINGTON | L H COEB CRUSHED ROCK INC | 34 | 1925 / / | PERMIT ISSUED | 01/10/85 | RNW | Y |
| MULTNOMAH | LAURELHURST ELEMENTARY | 26 | 2048 / / | PERMIT ISSUED | 01/15/85 | RNW | N |
| MULTNOMAH | FRANKLIN HIGH SCHOOL | 26 | 2715 / / | PERMIT ISSUED | 01/15/85 | RNW | N |
| MULTNOMAH | GRANT HIGH SCHOOL | 26 | 2716 / / | PERMIT ISSUED | 01/15/85 | RNW | N |
| MULTNOMAH | JACKSON HIGH SCHOOL | 26 | 2717 / / | PERMIT ISSUED | 01/15/85 | RNW | N |
| MULTNOMAH | JEFFERSON HIGH SCHOOL | 26 | 2718 / / | PERMIT ISSUED | 01/15/85 | RNW | N |
| MULTNOMAH | LINCOLN HIGH SCHOOL | 26 | 2719 / / | PERMIT ISSUED | 01/15/85 | RNW | N |
| MULTNOMAH | MADISON HIGH SCHOOL | 26 | 2720 / / | PERMIT ISSUED | 01/15/85 | RNW | N |
| MULTNOMAH | MARSHALL HIGH SCHOOL | 26 | 2721 / / | PERMIT ISSUED | 01/15/85 | RNW | N |
| MULTNOMAH | ROOSEVELT HIGH SCHOOL | 26 | 2723 / / | PERMIT ISSUED | 01/15/85 | RNW | N |
| DOUGLAS | AGRICULTURAL LINE CO | 10 | 0127 / / | PERMIT ISSUED | 01/16/85 | EXT | N |
| JOSEPHINE | SOUTHWEST FOREST INDUSTR. | 17 | 0007 / / | PERMIT ISSUED | 01/16/85 | RNW | Y |
| LINCOLN | YAQUINA VENEER PTR | 21 | 0054 / / | PERMIT ISSUED | 01/16/85 | EXT | N |
| MARION | FAIRVIEW HOSPITAL | 24 | 5842 / / | PERMIT ISSUED | 01/16/85 | RNW | Y |
| MARION | WALLING SAND & GRAVEL CO | 24 | 5946 / / | PERMIT ISSUED | 01/16/85 | RNW | Y |
| MULTNOMAH | PORTLAND RENDERING CO | 26 | 1800 / / | PERMIT ISSUED | 01/16/85 | RNW | Y |
| MULTNOMAH | PORTLAND PROVISION | 26 | 2402 / / | PERMIT ISSUED | 01/16/85 | RNW | Y |
| PORT.SOURCE | ELTE INC. | 37 | 0198 / / | PERMIT ISSUED | 01/16/85 | NEW | Y |
| PORT.SOURCE | TEECO CORP | 37 | 0329 / / | PERMIT ISSUED | 01/16/85 | NEW | Y |

TOTAL NUMBER QUICK LOOK REPORT LINES

22

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

January 1985
(Month and Year)

PLAN ACTIONS COMPLETED - 13

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

Municipal Waste Sources 10

| | | | | |
|------------|--|---------|-----------------------------|--|
| Clackamas | Lake Oswego Quarry Road (Minorland Partition) | 1-7-85 | Provisional Approval | |
| Deschutes | Larry Grayson (Sportsman Motel) | 1-8-85 | Provisional Approval | |
| Multnomah | Ray Residence Sand Filter Structure | 1-11-85 | Comments to Engineer | |
| Jackson | City of Eagle Point Preliminary Report | 1-15-85 | Approval with Comments | |
| Deschutes | Sunriver Tract "A" River Village Condos River Village III | 1-30-85 | Provisional Approval | |
| Douglas | City of Drain Kilburn Project | 1-30-85 | Provisional Approval | |
| Klamath | City of Klamath Falls Knights of Columbus Extension | 1-30-85 | Provisional Approval | |
| Clackamas | Gladstone Oatfield Road Sanitary Sewer Extension | 1-31-85 | Provisional Approval | |
| Douglas | Winston Green STP Screenings Conveyor | 1-31-85 | Approval | |
| Washington | USA (Banks) Banks STP Modifications | 2-8-85 | Provisional Approval | |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division

(Reporting Unit)

January 1985

(Month and Year)

PLAN ACTIONS COMPLETED 13

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

INDUSTRIAL WASTE SOURCE 3

| | | | |
|------------|--|--------|----------|
| Polk | Portland General Electric Oil Spill Containment System Grand Ronde | 1-8-85 | Approved |
| Washington | Portland General Electric Oil Spill Containment System Beaverton | 1-8-85 | Approved |
| Clackamas | Portland General Electric Oil Spill Containment System Brightwood | 1-8-85 | Approved |

SUMMARY-F

SUMMARY OF ACTIONS TAKEN
ON WATER PERMIT APPLICATIONS IN JAN 85

12 FEB 85

| SOURCE CATEGORY & PERMIT SUBTYPE | NUMBER OF APPLICATIONS FILED | | | | | | NUMBER OF PERMITS ISSUED | | | | | | APPLICATIONS PENDING PERMIT ISSUANCE (1) | | | CURRENT TOTAL OF ACTIVE PERMITS | | |
|-------------------------------------|------------------------------|------|-----|-------------|------|-----|--------------------------|------|-----|-------------|------|-----|--|------|-----|---------------------------------------|------|-----|
| | MONTH | | | FISCAL YEAR | | | MONTH | | | FISCAL YEAR | | | NPDES | WPCF | GEN | NPDES | WPCF | GEN |
| | NPDES | WPCF | GEN | NPDES | WPCF | GEN | NPDES | WPCF | GEN | NPDES | WPCF | GEN | | | | | | |
| DOMESTIC | | | | | | | | | | | | | | | | | | |
| NEW | 0 | 1 | 0 | 0 | 6 | 2 | 1 | 2 | 0 | 3 | 4 | 3 | 0 | 6 | 1 | | | |
| RW | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| RWO | 2 | 3 | 0 | 19 | 13 | 0 | 1 | 0 | 0 | 19 | 6 | 0 | 37 | 19 | 0 | | | |
| MW | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | | | |
| MWO | 1 | 0 | 0 | 12 | 4 | 0 | 0 | 0 | 0 | 6 | 3 | 0 | 6 | 2 | 0 | | | |
| TOTAL | 3 | 4 | 0 | 32 | 24 | 2 | 2 | 2 | 0 | 29 | 13 | 3 | 44 | 28 | 1 | 243 | 142 | 68 |
| INDUSTRIAL | | | | | | | | | | | | | | | | | | |
| NEW | 1 | 3 | 4 | 4 | 9 | 12 | 0 | 0 | 4 | 0 | 1 | 26 | 6 | 13 | 1 | | | |
| RW | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | | | |
| RWO | 2 | 6 | 0 | 25 | 17 | 0 | 4 | 2 | 0 | 21 | 9 | 0 | 27 | 15 | 0 | | | |
| MW | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | | | |
| MWO | 2 | 1 | 0 | 14 | 5 | 0 | 2 | 0 | 0 | 8 | 6 | 0 | 3 | 2 | 0 | | | |
| TOTAL | 6 | 10 | 4 | 44 | 31 | 12 | 6 | 2 | 4 | 30 | 16 | 26 | 37 | 30 | 1 | 178 | 150 | 266 |
| AGRICULTURAL | | | | | | | | | | | | | | | | | | |
| NEW | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| RW | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| RWO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| MW | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| MWO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 13 | 60 |
| GRAND TOTAL | 9 | 14 | 4 | 76 | 55 | 14 | 8 | 4 | 4 | 59 | 29 | 29 | 81 | 58 | 2 | 423 | 305 | 394 |

1) DOES NOT INCLUDE APPLICATIONS WITHDRAWN BY THE APPLICANT, APPLICATIONS WHERE IT WAS DETERMINED A PERMIT WAS NOT NEEDED, AND APPLICATIONS WHERE THE PERMIT WAS DENIED BY DEQ.

IT DOES INCLUDE APPLICATIONS PENDING FROM PREVIOUS MONTHS AND THOSE FILED AFTER 31-JAN-85.

NEW - NEW APPLICATION
 RW - RENEWAL WITH EFFLUENT LIMIT CHANGES
 RWO - RENEWAL WITHOUT EFFLUENT LIMIT CHANGES
 MW - MODIFICATION WITH INCREASE IN EFFLUENT LIMITS
 MWO - MODIFICATION WITHOUT INCREASE IN EFFLUENT LIMITS

| CAT | PERMIT NUMBER | SUB-TYPE | SOURCE ID | LEGAL NAME | CITY | COUNTY/REGION | DATE ISSUED | DATE EXPIRES |
|-----|---------------|----------|-----------|------------|------|---------------|-------------|--------------|
|-----|---------------|----------|-----------|------------|------|---------------|-------------|--------------|

=====
 GENERAL: COOLING WATER
 =====

| | | | | | | | | | |
|-----|-----|-------|-----|--------|-------------|-------|-------------|-----------|-----------|
| IND | 100 | GEN01 | NEW | 100038 | RAWLINSON'S | SALEM | MARION /WVR | 16-JAN-85 | 31-DEC-85 |
|-----|-----|-------|-----|--------|-------------|-------|-------------|-----------|-----------|

=====
 GENERAL: PLACER MINING
 =====

| | | | | | | | | | |
|-----|-----|-------|-----|--------|------------------------------------|---------------|----------------|-----------|-----------|
| IND | 600 | GEN06 | NEW | 1390 | ALLEN, F.M. | CAVE JUNCTION | JOSEPHINE /SWR | 18-JAN-85 | 31-JUL-86 |
| IND | 600 | GEN06 | NEW | 100041 | HANEY, RAYMOND D. | | JOSEPHINE /SWR | 21-JAN-85 | 31-JUL-86 |
| IND | 600 | GEN06 | NEW | 100004 | SASAK, BRUCE AND HELTON, VIRGIL L. | WOLF CREEK | JOSEPHINE /SWR | 31-JAN-85 | 31-JUL-86 |

=====
 NPDES
 =====

| | | | | | | | | | |
|-----|--------|-------|-----|-------|--------------------------------------|-------------|----------------|-----------|-----------|
| IND | 3334 | NPDES | MWO | 87487 | JOHN C. TAYLOR LUMBER SALES, INC. | SHERIDAN | YAMHILL /WVR | 08-JAN-85 | 31-MAR-86 |
| IND | 100019 | NPDES | RWO | 16037 | CHEMBOND CORPORATION | SPRINGFIELD | LANE /WVR | 08-JAN-85 | 30-JUN-89 |
| IND | 100020 | NPDES | RWO | 25434 | DUCKWALL-POOLEY FRUIT CO. | ODELL | HOOD RIVER/CR | 23-JAN-85 | 31-DEC-89 |
| DOM | 100022 | NPDES | NEW | 16592 | CLACKAMAS COUNTY SERVICE DISTRICT #1 | BORING | CLACKAMAS /NWR | 23-JAN-85 | 30-NOV-89 |
| IND | 100024 | NPDES | RWO | 28476 | EVANITE HARDBOARD, INC. | CORVALLIS | BENTON /WVR | 23-JAN-85 | 30-NOV-89 |
| DOM | 100026 | NPDES | RWO | 84781 | STAYTON, CITY OF | STAYTON | MARION /WVR | 23-JAN-85 | 31-DEC-89 |
| IND | 100028 | NPDES | RWO | 48290 | LAGE ORCHARDS, INC. | HOOD RIVER | HOOD RIVER/CR | 23-JAN-85 | 31-DEC-89 |
| IND | 3698 | NPDES | MWO | 9596 | BOISE CASCADE CORPORATION | WILLAMINA | YAMHILL /WVR | 28-JAN-85 | 31-MAY-88 |

| CAT | PERMIT NUMBER | SUB-TYPE | SOURCE ID | LEGAL NAME | CITY | COUNTY/REGION | DATE ISSUED | DATE EXPIRES |
|-------|---------------|----------|-----------|--|-----------|----------------|-------------|--------------|
| ===== | | | | | | | | |
| WPCF | | | | | | | | |
| ===== | | | | | | | | |
| DOM | 100021 | WPCF NEW | 63206 | OLD TRAPPER SMOKED PRODUCTS, INC. | TILLAMOOK | TILLAMOOK /NWR | 23-JAN-85 | 31-DEC-89 |
| DOM | 100023 | WPCF NEW | 100020 | GRAYSON, A. LARRY | BEND | DESCHUTES /CR | 23-JAN-85 | 30-NOV-89 |
| IND | 100025 | WPCF RWO | 16400 | CIRCLE FIVE RANCH, INC. | BONANZA | KLAMATH /CR | 23-JAN-85 | 31-DEC-89 |
| IND | 100027 | WPCF RWO | 29045 | FARWEST TRANSPORTATION NORTHWEST, INC. | COBURG | LANE /WVR | 23-JAN-85 | 31-DEC-89 |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division
(Reporting Unit)

January 1985
(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 | - | 6 | 2 | 11 | 1 | | |
| Closures | - | 1 | - | 4 | 11 | | |
| Renewals | 4 | 20 | 1 | 5 | 32 | | |
| Modifications | 1 | 2 | 1 | 3 | 1 | | |
| Total | 5 | 29 | 4 | 23 | 45 | 168 | 168 |
| <u>Demolition</u> | | | | | | | |
| New | - | - | - | - | - | | |
| Closures | - | 1 | - | 2 | 2 | | |
| Renewals | - | - | - | - | - | | |
| Modifications | - | 1 | - | 1 | - | | |
| Total | - | 2 | - | 3 | 2 | 12 | 12 |
| <u>Industrial</u> | | | | | | | |
| New | 1 | 3 | 1 | 4 | 5 | | |
| Closures | - | 2 | 1 | 5 | 7 | | |
| Renewals | 1 | 7 | - | 7 | 11 | | |
| Modifications | 1 | 3 | - | 2 | 1 | | |
| Total | 3 | 15 | 2 | 18 | 24 | 100 | 100 |
| <u>Sludge Disposal</u> | | | | | | | |
| New | - | - | - | 1 | - | | |
| Closures | - | - | - | 2 | - | | |
| Renewals | - | - | - | 4 | - | | |
| Modifications | - | - | - | - | - | | |
| Total | - | - | - | 7 | - | 17 | 17 |
| <u>Hazardous Waste</u> | | | | | | | |
| New | 1 | 3 | - | 3 | 5 | | |
| Authorizations | 84 | 1007 | 84 | 1007 | - | | |
| Renewals | - | - | - | - | 1 | | |
| Modifications | - | - | - | - | - | | |
| Total | 85 | 1010 | 84 | 1010 | 6 | 15 | 19 |
| <u>GRAND TOTALS</u> | 93 | 1056 | 90 | 1061 | 77 | 312 | 316 |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

| | |
|---|---------------------|
| <u>Hazardous and Solid Waste Division</u> | <u>January 1985</u> |
| (Reporting Unit) | (Month and Year) |

PERMIT ACTIONS COMPLETED

| * County | * Name of Source/Project * /Site and Type of Same | * Date of * Action | * Action | * |
|----------|--|-----------------------|--------------------------------|---|
| Lake | Jim Metzker New woodwaste site | 1/2/85 | Letter authorization issued | |
| Douglas | Int'l. Paper, Gardiner Existing woodwaste site | 1/4/85 | Closure permit issued | |
| Marion | Stayton Transfer Station Existing facility | 1/8/85 | Permit renewed | |
| Polk | Garden Grow Co. New composting facility | 1/15/85 | Permit issued | |
| Marion | Woodburn Landfill Existing facility | 1/18/85 | Permit amended | |
| Lincoln | Agate Beach Convenience Center New transfer facility | 1/31/85 | Permit issued | |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division
(Reporting Unit)

January 1985
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-SECURITY SYSTEMS, INC., GILLIAM CO.

WASTE DESCRIPTION

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

TOTAL REQUESTS GRANTED - 74

OREGON - 24

| | | | | |
|-----|--|------------------|-----------|-----------|
| 1/3 | Paint sludge consisting of alkyd resin, toluene, xylene, acetone, MIK, ethanol, isobutanol, VM&P naphtha & propylene glycol monomethyl ether | Mfg. of cabinets | 345 drums | 330 drums |
| 1/3 | Phenolic resin containing free phenol (4.5%), lignin & inerts (solid) | Chemical co. | 12 drums | 0 |
| 1/3 | Small quantities of various pesticides | University | 0 | 15 drums |
| 1/4 | Floor sweepings contaminated with various pesticides (organophosphates, carbamates, chlorinated hydrocarbons, etc.) | Chemical co. | 5 drums | 5 drums |
| 1/4 | Floor sweepings contaminated with various pesticides (organophosphates, carbamates, chlorinated hydrocarbons, etc.) | Chemical co. | 5 drums | 5 drums |

| * * Date * | * Type * | * Source * | * Quantity * | |
|------------------|--|-------------------------|--------------------|-------------|
| | | | * Present * | * Future * |
| 1/4 | Sawdust and wood contaminated with pentachlorophenol & tetrachlorophenol | Anti-sapstain operation | 0 | 4 drums |
| 1/4 | Spent lead-contaminated soldering flux containing isopropyl alcohol (60-90%), acetic and hydrochloric acids, chlorinated hydrocarbon/ester and other organic compounds | Mfg. of circuit boards | 2 drums | 8 drums |
| 1/4 | Spent solvent consisting of methylene chloride, phenol and formic acid | Electronic co. | 5 drums | 60 drums |
| 1/4 | Spent photo resist/thinners and developers | " " | 2 drums | 24 drums |
| 1/10 | Heavy metals sludge (solid) | Electronic co. | 0 | 9 drums |
| 1/10 | Lead dross with zinc and tin | Mfg. of cans | 0 | 100 drums |
| 1/10 | Mixed solvents of acetone, xylene, butyl acetate, isopropyl alcohol, Stoddard solvent, Freon, trichloroethane, hexamethyl disilane, etc. | Semiconductor mfg. | 8,000 gal. | 80,000 gal. |
| 1/10 | Cyclohexanone discontinued product (liquid) | Chemical co. | 6 drums | 0 |
| 1/10 | Abate manufacturing concentrate insecticide (liquid) | " " | 1 drum | 0 |
| 1/10 | Pyrenone-Diazinon concentrate (liquid) | " " | 3 drums | 0 |
| 1/10 | Pyrenone-Diazinon discontinued product (liquid) | " " | 5 drums | 0 |
| 1/10 | Heptachlor (solid) | " " | 1 drum | 0 |

SC2054.F
MAR.15 (1/82)

| * * Date * | * Type * | * Source * | * Quantity * | |
|------------------|--|-----------------------------|--------------------|------------|
| | | | * Present * | * Future * |
| 1/14 | Alkyd filler | Mfg. of busi- ness forms | 21 drums | 0 |
| 1/18 | Soil contaminated with trichloroethylene (TCE) | Electronic co. | 175 cu.yd. | 0 |
| 1/22 | Floor sweepings consist- ing of organophosphates, carbarnates, chlorinated hydrocarbons, petroleum distillates, other misc. herbicides, synthetic pyrethroids, spray oils, diluent and absorbents (inerts) | Chemical co. | 0 | 5 drums |
| 1/22 | Misc. pesticides in lab packs | Goodwill Indus. | 1 drum | 0 |
| 1/22 | Triple rinse waste- water consisting of xylene, diazinon, kelthane, malation, dursban, 2,4-dichlo- rophenoxy acetic acid, salts, esters & water | Chemical co. | 0 | 36 drums |
| 1/25 | Metal hydroxide elec- troplating sludge consisting of water, insoluble residue, Fe, Cu, Ni, Sn & Pb | Electroplating | 0 | 30 drums |
| 1/25 | PCB-contaminated solids consisting of debris, dirt, rags & clothes | Electric util. | 0 | 42 drums |
| WASHINGTON - 37 | | | | |
| 1/3 | Wood chips, dirt, rags, etc., contami- nated with pentachloro- phenol | Wood treatment | 1 drum | 12 drums |
| 1/3 | PCB transformer fluids and flushates | Waste treatment | 0 | 200 drums |

SC2054.F
MAR.15 (1/82)

| * * * | * * * | * * * | * * * | * * * | | * * * |
|-------------|-------------|---|--|--------------|-------------|-------------|
| | | | | Quantity | | |
| * * * | * * * | Type | Source | Present | Future | * * * |
| 1/3 | | PCB-contaminated transformer fluids | Waste treatment | 0 | 200 drums | |
| 1/3 | | Baghouse dust containing heavy metals such as Pb, Cr & Cd | Ferrous forgings | 10 tons | 0 | |
| 1/3 | | Washwater with neutralized phenol-resorcinol resin | Mfg. of glued laminated beams & arches | 0 | 25 drums | |
| 1/4 | | Water/kerosene contaminated with PCBs | Al co. | 0 | 25,000 gal. | |
| 1/4 | | Polyol resin | Mfg. of skis | 0 | 10 drums | |
| 1/4 | | Pads/booms/water contaminated with tire oil/extender and polynuclear aromatic hydrocarbons | Emergency site cleanup | 20 drums | 0 | |
| 1/4 | | Floor sweepings contaminated with various pesticides (organophosphates, carbamates, chlorinated hydrocarbons, etc.) | Chemical co. | 5 drums | 5 drums | |
| 1/4 | | Beet pellets stored in lead-contaminated warehouse | Port of Longview | 30 cu.yd. | 0 | |
| 1/4 | | Pentachlorophenol-contaminated soil, absorbents, etc. | Spill cleanup | 400 drums | 0 | |
| 1/4 | | Paint equipment cleaning sludge and paint research samples | Paint mfg. | 15 drums | 45 drums | |
| 1/10 | | Small quantities of various pesticides | University | 11 drums | 0 | |
| 1/10 | | PCB-contaminated rags, sawdust, etc. | " " | 0.816 cu.yd. | 0 | |
| 1/10 | | Waste paint & MEK still bottoms (solid) | Boatbuilding co. | 0 | 125 drums | |

| * * * | * * * | * * * | * * * | * * * | * * * | * * * |
|-------------|--|---|-------------|-------------|-------------|-------------|
| * Date * | Type | Source | Present | Quantity | Future | * * * |
| 1/10 | Off-spec. sulfur | Defense Dept. | 0 | 5 drums | | |
| 1/10 | Epsom salt | " " | 0 | 10 drums | | |
| 1/10 | Sodium borate | " " | 0 | 5 drums | | |
| 1/10 | Copper carbonate | " " | 0 | 5 drums | | |
| 1/10 | Outdated potassium fluoborate product | " " | 0 | 5 drums | | |
| 1/10 | Outdated pentachloro- phenol (liquid) | " " | 0 | 10 drums | | |
| 1/10 | Misc. off-spec. chemicals in small containers | Aerospace | 0 | 700 cu.ft. | | |
| 1/16 | Polynuclear aromatic hydrocarbons and soil | Site cleanup | 100 cu.yd. | 0 | | |
| 1/16 | Flammable lab pack including one or more of the following: ethylene glycol mono- methyl ether, pyridine, iodine in solution, methyl alcohol, acetone, toluene and water | Chemical co. | 0 | 60 gal. | | |
| 1/16 | 1,1,1-trichloroethane contaminated soil & dirt, with some diesel & petroleum products | Spill cleanup | 425 cu.ft. | 0 | | |
| 1/16 | Solid PCB items including electronic equipment, fluorescent light ballasts and fixtures, and capacitors (4 lb. each) | Household hazardous waste project | 0 | 100 drums | | |
| 1/22 | ORM-E Lab Pack con- sisting of one or more of the following: mercuric sulfate in solution, silver sulfate in solution and water | Chemical co. | 0 | 60 gal. | | |

| * * Date * | * Type * | * Source * | * Quantity * | | * * |
|------------------|--|------------------------|--------------------|--------------|--------|
| | | | * Present * | * Future * | |
| 1/22 | Paint booth sludge consisting of ferrous sulfate, lime, paint solids, water and filter paper | Aerospace co. | 0 | 300,000 gal. | |
| 1/22 | ORM-A Lab Pack consisting of one or more of the following: chloroform, trichloroethylene | Chemical co. | 0 | 60 gal. | |
| 1/25 | PCB transformers-drained & flushed | Electric util. | 0 | 55,000 lb. | |
| 1/28 | PCB-contaminated transformers | City agency | 0 | 100 units | |
| 1/28 | Acetic anhydride absorbed in vermiculite | Spill cleanup material | 1 85-gal. overpack | 0 | |
| 1/28 | Methylene chlorobromide | Defense Dept. | 0 | 50 drums | |
| 1/28 | PCB-contaminated soil | Dept. of Commer. | 250 cu.ft. | 0 | |
| 1/28 | Misc. chemicals, outdated material, silicone sealant, resins & hardeners, caulking compounds and fiberglass rolls | Aerospace co. | 0 | 60 cu.yd. | |
| 1/31 | Alkaline cleaners and residue consisting of soap (janitorial), monoethylamine (Riston stripper), floor cleaner and floor degreaser | Aerospace co. | 0 | 1000 gal. | |

OTHER STATES - 13

| | | | | | |
|-----|--------------------------------------|-------------------|---|----------|--|
| 1/3 | Mastic paint with hexane | State agency (AK) | 0 | 4 drums | |
| 1/4 | Leaded gasoline tank bottoms (solid) | Oil co. (AK) | 0 | 40 drums | |

| * * * | * Date * | * Type * | * Source * | * Present * | * Quantity * Future * | * * |
|-------------|----------------|--|--------------------------|-------------------|-----------------------------------|--------|
| | 1/10 | PCB-contaminated filters, gloves, rags, oil sorb, etc. | Chemical co. (ID) | 1 drum | 0 | |
| | 1/10 | Acid etching solution consisting of HF, HCl, HNO ₃ , NH ₄ F, and water | Electronic co. (MT) | 0 | 2 drums | |
| | 1/16 | Water, chromium, hydrocarbon oil, ammonium nitrate, sodium nitrate, calcium nitrate and insolubles | Prod. of explosives (WY) | 4 drums | 0 | |
| | 1/28 | Diazinon & attapulgate (granular) | Chemical co. (B.C.) | 88.2 cu.ft. | 0 | |
| | 1/28 | Rotenone insecticide consisting of rotenone, talc, and inert ingredients (plant tissue) | Chemical co. (B.C.) | 34 cu.ft. | 0 | |
| | 1/28 | Mixture of DDT (dichlorodiphenyltrichloroethane), clay and wetting agent (detergent) | Chemical co. (B.C.) | 1 drum | 0 | |
| | 1/28 | DDT (dichlorodiphenyltrichloroethane) | Chemical co. (B.C.) | 5 drums | 0 | |
| | 1/28 | Rose & floral dust consisting of zinc, sulfur, Rotenone, methoxychlor and attapulgate powder | Chemical co. (B.C.) | 35 cu.ft. | 0 | |
| | 1/28 | Industrial hardener of diethylene triamine | Defense Dept. (CA) | 0 | 10 drums | |
| | 1/28 | Lab packs | College (B.C.) | 1 drum | 0 | |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

| | |
|---|-----------------------------------|
| Noise Control Program (Reporting Unit) | January, 1985 (Month and Year) |
|---|-----------------------------------|

SUMMARY OF NOISE CONTROL ACTIONS

| <u>Source</u> <u>Category</u> | 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 | 8 | 74 | 3 | 42 | 154 | 149 |
| Airports | | | 2 | 10 | 1 | 1 |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

| | |
|------------------------------|----------------------|
| <u>Noise Control Program</u> | <u>January, 1985</u> |
| (Reporting Unit) | (Month and Year) |

FINAL NOISE CONTROL ACTIONS COMPLETED

| <u>County</u> | <u>Name of Source and Location</u> | <u>Date</u> | <u>Action</u> |
|---------------|--|-------------|-------------------|
| Multnomah | Jim Fisher Downtown Imports Portland | 1/85 | In Compliance |
| Multnomah | Ron Tonkin Chevrolet Portland | 1/85 | In Compliance |
| Crook | Clear Pine Mouldings, Inc. Prineville | 1/85 | In Compliance |
| Wasco | Lyda Ranch Airport | 1/85 | Boundary Approved |
| Lane | Uncommon Carrier Heliport Springfield | 1/85 | Boundary Approved |

CIVIL PENALTY ASSESSMENTS
DEPARTMENT OF ENVIRONMENTAL QUALITY
1985

CIVIL PENALTIES ASSESSED DURING MONTH OF JANUARY, 1985:

| <u>Name and Location of Violation</u> | <u>Case No. & Type of Violation</u> | <u>Date Issued</u> | <u>Amount</u> | <u>Status</u> |
|--|--|--------------------|---------------|---------------------------------|
| United Chrome Products, Inc. Corvallis, Oregon | HW/WQ-WVR-84-158 Disposed of hazardous waste at unauthorized site; caused water pollution. | 1-10-85 | \$6,000 | Awaiting response to notice. |

VAK:b
GB4253

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality, Water Quality,
Hazardous and Solid Waste Divisions
(Reporting Unit)

February 1985
(Month and Year)

SUMMARY OF PLAN ACTIONS

| | Plans Received | | Plans Approved | | Plans Disapproved | | Plans Pending |
|---|----------------|-----|----------------|-----|-------------------|----|---------------|
| | Month | FY | Month | FY | Month | FY | |
| <u>Air</u> | | | | | | | |
| Direct Sources | 5 | 56 | 9 | 59 | 0 | 0 | 24 |
| Small Gasoline Storage Tanks Vapor Controls | - | - | - | - | - | - | - |
| Total | 5 | 56 | 9 | 59 | 0 | 0 | 24 |
| <u>Water</u> | | | | | | | |
| Municipal | 17 | 99 | 3 | 89 | 0 | 4 | 26 |
| Industrial | 3 | 43 | 2 | 43 | 0 | 0 | 13 |
| Total | 20 | 142 | 5 | 132 | 0 | 4 | 39 |
| <u>Solid Waste</u> | | | | | | | |
| Gen. Refuse | 3 | 28 | 1 | 23 | - | - | 15 |
| Demolition | - | - | - | - | - | - | 1 |
| Industrial | 1 | 21 | - | 18 | - | - | 10 |
| Sludge | - | 1 | - | 2 | - | - | - |
| Total | 4 | 50 | 1 | 43 | - | - | 26 |
| <u>Hazardous Wastes</u> | | | | | | | |
| | - | 6 | - | 6 | - | - | - |
| <u>GRAND TOTAL</u> | 29 | 254 | 15 | 240 | 0 | 4 | 89 |

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

| COUNTY | NUMBER | SOURCE | PROCESS DESCRIPTION | DATE OF ACTION | ACTION |
|-----------|--------|---------------------------|------------------------------|----------------|----------|
| GRANT | 020 | BLUE MT FOREST PRODUCTS | BOILER WITH MULTICLONES | 01/22/85 | APPROVED |
| LINN | 027 | TELEDYNE WAH CHANG | CAN SEAL FOR CHLORIN. SYSTEM | 01/17/84 | APPROVED |
| MARION | 037 | MERK WEAVER ENT INC | BAGHOUSE | 02/06/85 | APPROVED |
| MULTNOMAH | 047 | GILMORE STEEL CORPORATION | AIR FLOW MONITORING STATION | 01/29/85 | APPROVED |
| JACKSON | 051 | SOUTHERN OREGON TALLOW CO | NEW BOILER INSTALLATION | 01/23/85 | APPROVED |
| LANE | 052 | LOUNSBURY-MUSGROVE MORT. | CREMATORY | 02/11/85 | APPROVED |
| JACKSON | 055 | BRISTOL SILICA-LIMESTONE | METAL BUILDING | 01/28/85 | APPROVED |
| MULTNOMAH | 056 | SOUTHERN PAC PIPE LINES | SAFETY RELIEF TANK | 01/30/85 | APPROVED |
| DOUGLAS | 920 | INTERNATIONAL PAPER | TRM MONITORING SYSTEM | 08/10/83 | APPROVED |

TOTAL NUMBER QUICK LOOK REPORT LINES 9

24

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

February 1985
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

| | Permit Actions Received | | Permit Actions Completed | | Permit Actions Pending | Sources Under Permits | Sources Reqr'g Permits |
|-------------------------|-------------------------------|-----------|--------------------------------|-----------|------------------------------|-----------------------------|------------------------------|
| | Month | FY | Month | FY | | | |
| <u>Direct Sources</u> | | | | | | | |
| New | 3 | 23 | 0 | 22 | 14 | | |
| Existing | 4 | 23 | 0 | 22 | 21 | | |
| Renewals | 12 | 120 | 18 | 119 | 110 | | |
| Modifications | <u>0</u> | <u>16</u> | <u>5</u> | <u>49</u> | <u>8</u> | | |
| Total | 19 | 182 | 23 | 212 | 153 | 1304 | 1339 |
| <u>Indirect Sources</u> | | | | | | | |
| New | 0 | 3 | 1 | 4 | 0 | | |
| Existing | 0 | 0 | 0 | 0 | 0 | | |
| Renewals | 0 | 0 | 0 | 0 | 0 | | |
| Modifications | <u>0</u> | <u>1</u> | <u>0</u> | <u>1</u> | <u>0</u> | | |
| Total | <u>0</u> | <u>4</u> | <u>1</u> | <u>5</u> | <u>0</u> | <u>228</u> | <u>228</u> |
| <u>GRAND TOTALS</u> | 15 | 167 | 22 | 193 | 156 | 1532 | 1683 |

Number of
Pending Permits

Comments

| | |
|-----------|--|
| 31 | To be reviewed by Northwest Region |
| 9 | To be reviewed by Willamette Valley Region |
| 9 | To be reviewed by Southwest Region |
| 7 | To be reviewed by Central Region |
| 5 | To be reviewed by Eastern Region |
| 22 | To be reviewed by Program Operations Section |
| 58 | Awaiting Public Notice |
| <u>12</u> | Awaiting end of 30-day Public Notice Period |
| 153 | |

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

MONTHLY ACTIVITY REPORT
DIRECT SOURCES
PERMITS ISSUED

| COUNTY | SOURCE | PERMIT NUMBER | APPL. RECEIVED | STATUS | DATE | | PSEL |
|-----------|---------------------------|------------------|-------------------|---------------|----------|-------|------|
| | | | | | ACHIEVED | APPL. | |
| MULTNOMAH | CHAPPELL MANUFACTURING CO | 26 | 2528 / / | PERMIT ISSUED | 01/29/85 | RNW | N |
| MARION | TURNER SAND & GRAVEL CO | 24 | 9196 / / | PERMIT ISSUED | 01/30/85 | RNW | N |
| COOS | COOS HEAD TIMBER CO | 06 | 0005 / / | PERMIT ISSUED | 02/01/85 | MOD | N |
| MULTNOMAH | CENTENNIAL MILLS | 26 | 2006 / / | PERMIT ISSUED | 02/01/85 | RNW | Y |
| TILLAMOOK | COOK CREEK SHAKE & SHINGL | 29 | 0015 / / | PERMIT ISSUED | 02/01/85 | RNW | N |
| TILLAMOOK | GOLD MEDAL CEDAR PRODUCTS | 29 | 0017 / / | PERMIT ISSUED | 02/01/85 | RNW | N |
| DOUGLAS | INTERNATIONAL PAPER | 10 | 0036 12/14/84 | PERMIT ISSUED | 02/06/85 | MOD | Y |
| LINN | WILLAMETTE SEED & GRAIN | 22 | 2504 / / | PERMIT ISSUED | 02/07/85 | RNW | N |
| MARION | WESTERN BAPTIST CLLG | 24 | 5343 / / | PERMIT ISSUED | 02/07/85 | RNW | N |
| CROOK | CLEAR PINE MOULDINGS INC | 07 | 0001 / / | PERMIT ISSUED | 02/11/85 | MOD | |
| HARNEY | SNOW MOUNTAIN PINE CO | 13 | 0001 / / | PERMIT ISSUED | 02/11/85 | RNW | |
| LINCOLN | ECKMAN CREEK QUARRIES | 21 | 0043 / / | PERMIT ISSUED | 02/13/85 | RNW | |
| POLK | DALLAS COOP | 27 | 0219 / / | PERMIT ISSUED | 02/15/85 | RNW | N |
| UMATILLA | BLUE MT FOREST PRODUCTS | 30 | 0056 / / | PERMIT ISSUED | 02/15/85 | RNW | |
| COOS | COQUILLE VALLEY HOSPITAL | 06 | 0073 / / | PERMIT ISSUED | 02/21/85 | RNW | N |
| DESCHUTES | DAW FOREST PRODUCTS CO | 09 | 0001 00/00/00 | PERMIT ISSUED | 02/21/85 | MOD | Y |
| JACKSON | SOUTHERN OREGON TALLOW CO | 15 | 0056 / / | PERMIT ISSUED | 02/21/85 | RNW | |
| LINCOLN | ECKMAN CREEK QUARRIES INC | 21 | 0044 / / | PERMIT ISSUED | 02/21/85 | RNW | |
| MARION | VOGET MEATS | 24 | 1511 / / | PERMIT ISSUED | 02/21/85 | RNW | N |
| MARION | SILVERTON FOUNDRY CO | 24 | 6304 / / | PERMIT ISSUED | 02/21/85 | RNW | N |
| MARION | TRI-READI MIX | 24 | 9192 / / | PERMIT ISSUED | 02/21/85 | RNW | N |
| MULTNOMAH | TEXACO USA, PORT DIST TER | 26 | 2478 00/00/00 | PERMIT ISSUED | 02/21/85 | MOD | Y |
| YAMHILL | MADSEN GRAIN X | 36 | 1001 / / | PERMIT ISSUED | 02/21/85 | RNW | N |

TOTAL NUMBER QUICK LOOK REPORT LINES 23

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

February 1985
(Month and Year)

PERMIT ACTIONS COMPLETED

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

Indirect Sources

| | | | |
|------------|---|----------|---------------------|
| Washington | Epson Manufacturing Facility, 960 Spaces File No. 34-8411 | 02/11/85 | Final Permit Issued |
|------------|---|----------|---------------------|

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

February 1985
(Month and Year)

PLAN ACTIONS COMPLETED 5

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

MUNICIPAL WASTE SOURCES 3

| | | | | |
|---------------------|--|---------|-------------------------|--|
| Douglas | Drain Predesign Report/ Preliminary Plans | 2-19-85 | Comments to Engineer | |
| Polk and Yamhill | Grand Ronde S.D. Collection, Treatment, and Disposal | 3-7-85 | Provisional Approval | |
| Polk | Falls City Collection, Treatment, and Disposal | 3-11-85 | Provisional Approval | |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division

(Reporting Unit)

February 1985

(Month and Year)

PLAN ACTIONS COMPLETED 5

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

INDUSTRIAL WASTE SOURCE 2

| | | | | |
|-----------|--|---------|----------|--|
| Deschutes | Willamette Industries Korpine Division Connection of I.W. Wastes to Sewer, Bend | 2-12-85 | Approved | |
| Linn | Willamette Industries Foul Condensate Sparging Vessels, Albany | 1-31-85 | Approved | |

SUMMARY OF ACTIONS TAKEN
ON WATER PERMIT APPLICATIONS IN FEB 85

13 MAR 85

| SOURCE CATEGORY & PERMIT SUBTYPE | NUMBER OF APPLICATIONS FILED | | | | | | NUMBER OF PERMITS ISSUED | | | | | | APPLICATIONS PENDING PERMIT ISSUANCE (1) | | | CURRENT TOTAL OF ACTIVE PERMITS | | |
|-------------------------------------|------------------------------|------|-----|-------------|------|-----|--------------------------|------|-----|-------------|------|-----|--|------|-----|---------------------------------------|------|-----|
| | MONTH | | | FISCAL YEAR | | | MONTH | | | FISCAL YEAR | | | NPDES | WPCF | GEN | NPDES | WPCF | GEN |
| | NPDES | WPCF | GEN | NPDES | WPCF | GEN | NPDES | WPCF | GEN | NPDES | WPCF | GEN | | | | | | |
| DOMESTIC | | | | | | | | | | | | | | | | | | |
| NEW | 1 | 2 | 1 | 1 | 8 | 2 | 0 | 0 | 0 | 3 | 5 | 4 | 1 | 8 | 0 | | | |
| RW | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| RWO | 2 | 0 | 0 | 21 | 13 | 0 | 2 | 1 | 0 | 24 | 7 | 0 | 34 | 18 | 0 | | | |
| MW | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | | | |
| MWO | 0 | 0 | 0 | 12 | 4 | 0 | 0 | 0 | 0 | 6 | 4 | 0 | 5 | 0 | 0 | | | |
| TOTAL | 3 | 2 | 1 | 35 | 26 | 2 | 2 | 1 | 0 | 34 | 16 | 4 | 41 | 27 | 0 | 243 | 143 | 69 |
| INDUSTRIAL | | | | | | | | | | | | | | | | | | |
| NEW | 0 | 1 | 1 | 4 | 10 | 14 | 0 | 1 | 3 | 1 | 3 | 27 | 5 | 13 | 2 | | | |
| RW | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | | | |
| RWO | 4 | 1 | 0 | 29 | 18 | 0 | 0 | 1 | 0 | 21 | 10 | 0 | 32 | 14 | 0 | | | |
| MW | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | | | |
| MWO | 1 | 1 | 0 | 16 | 6 | 0 | 1 | 0 | 0 | 9 | 7 | 0 | 4 | 2 | 0 | | | |
| TOTAL | 5 | 3 | 1 | 50 | 34 | 14 | 1 | 2 | 3 | 32 | 20 | 27 | 42 | 29 | 2 | 178 | 152 | 266 |
| AGRICULTURAL | | | | | | | | | | | | | | | | | | |
| NEW | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| RW | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| RWO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| MW | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| MWO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 13 | 60 |
| GRAND TOTAL | 8 | 5 | 2 | 85 | 60 | 16 | 3 | 3 | 3 | 66 | 36 | 31 | 83 | 56 | 2 | 423 | 308 | 395 |

1) DOES NOT INCLUDE APPLICATIONS WITHDRAWN BY THE APPLICANT, APPLICATIONS WHERE IT WAS DETERMINED A PERMIT WAS NOT NEEDED, AND APPLICATIONS WHERE THE PERMIT WAS DENIED BY DEQ.

IT DOES INCLUDE APPLICATIONS PENDING FROM PREVIOUS MONTHS AND THOSE FILED AFTER 28-FEB-85.

NEW - NEW APPLICATION
 RW - RENEWAL WITH EFFLUENT LIMIT CHANGES
 RWO - RENEWAL WITHOUT EFFLUENT LIMIT CHANGES
 MW - MODIFICATION WITH INCREASE IN EFFLUENT LIMITS
 MWO - MODIFICATION WITHOUT INCREASE IN EFFLUENT LIMITS

| CAT | PERMIT NUMBER | SUB-TYPE | SOURCE ID | LEGAL NAME | CITY | COUNTY/REGION | DATE ISSUED | DATE EXPIRES |
|------------------------|---------------|-----------|-----------|----------------------------------|---------------|----------------|-------------|--------------|
| ===== | | | | | | | | |
| GENERAL: PLACER MINING | | | | | | | | |
| ===== | | | | | | | | |
| IND | 600 | GEN06 NEW | 67547 | PARKE, BRUCE | | BAKER /ER | 08-FEB-85 | 31-JUL-86 |
| ===== | | | | | | | | |
| GENERAL: GRAVEL MINING | | | | | | | | |
| ===== | | | | | | | | |
| IND | 1000 | GEN10 NEW | 100047 | INCLINE CRUSHING INC. | CENTRAL POINT | JACKSON /SWR | 08-FEB-85 | 31-DEC-86 |
| IND | 1000 | GEN10 NEW | 100053 | NACE, STANFORD | GLENDALE | DOUGLAS /SWR | 28-FEB-85 | 31-DEC-86 |
| ===== | | | | | | | | |
| NPDES | | | | | | | | |
| ===== | | | | | | | | |
| DOM | 100029 | NPDES RWO | 81395 | SILVERTON, CITY OF | SILVERTON | MARION /WVR | 14-FEB-85 | 31-DEC-89 |
| DOM | 100031 | NPDES RWO | 90980 | U. S. ARMY CORPS OF ENGINEERS | BONNEVILLE | MULTNOMAH /NWR | 14-FEB-85 | 31-DEC-89 |
| IND | 3375 | NPDES MWO | 87871 | OREGON CHERRY GROWERS, INC. | THE DALLES | WASCO /CR | 20-FEB-85 | 31-JAN-86 |
| ===== | | | | | | | | |
| WPCF | | | | | | | | |
| ===== | | | | | | | | |
| IND | 100032 | WPCF RWO | 76839 | ROSS ISLAND SAND & GRAVEL CO. | PORTLAND | MULTNOMAH /NWR | 14-FEB-85 | 31-JAN-90 |
| IND | 100033 | WPCF NEW | 750 | AFAB, INC. | FAIRVIEW | MULTNOMAH /NWR | 14-FEB-85 | 31-DEC-89 |
| DOM | 100034 | WPCF RWO | 64802 | OREGON STATE MILITARY DEPARTMENT | WARRENTON | CLATSOP /NWR | 14-FEB-85 | 31-DEC-89 |

13

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division
(Reporting Unit)

February 1985
(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 | - | 6 | - | 11 | 1 | | |
| Closures | - | 1 | 2 | 6 | 8 | | |
| Renewals | 2 | 22 | 2 | 7 | 32 | | |
| Modifications | - | 2 | - | 3 | 1 | | |
| Total | 2 | 31 | 4 | 27 | 42 | 168 | 168 |
| <u>Demolition</u> | | | | | | | |
| New | - | - | - | - | - | | |
| Closures | - | 1 | - | 2 | 2 | | |
| Renewals | - | - | - | - | - | | |
| Modifications | - | 1 | - | 1 | - | | |
| Total | - | 2 | - | 3 | 2 | 12 | 12 |
| <u>Industrial</u> | | | | | | | |
| New | 1 | 4 | - | 4 | 4 | | |
| Closures | - | 2 | 1 | 6 | 6 | | |
| Renewals | - | 7 | - | 7 | 11 | | |
| Modifications | - | 3 | - | 2 | 1 | | |
| Total | 1 | 16 | 1 | 19 | 22 | 100 | 100 |
| <u>Sludge Disposal</u> | | | | | | | |
| New | - | - | - | 1 | - | | |
| Closures | - | - | - | 2 | - | | |
| Renewals | - | - | - | 4 | - | | |
| Modifications | - | - | - | - | - | | |
| Total | - | - | - | 7 | - | 17 | 17 |
| <u>Hazardous Waste</u> | | | | | | | |
| New | 1 | 4 | - | 3 | 6 | | |
| Authorizations | 50 | 1057 | 50 | 1057 | - | | |
| Renewals | - | - | - | - | 1 | | |
| Modifications | - | - | - | - | - | | |
| Total | 50 | 1061 | 50 | 1060 | 7 | 15 | 19 |
| <u>GRAND TOTALS</u> | 53 | 1110 | 55 | 1116 | 73 | 312 | 316 |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division
(Reporting Unit)

February 1985
(Month and Year)

PERMIT ACTIONS COMPLETED

| * County | * Name of Source/Project * /Site and Type of Same | * Date of * Action | * Action | * |
|----------|--|-----------------------|--------------------------|---|
| Clatsop | Cannon Beach Disposal Site Closed facility | 2/7/85 | Closure permit issued | * |
| Clatsop | Warrenton Landfill Existing facility | 2/7/85 | Permit renewed | * |
| Yamhill | Newberg Landfill Closed facility | 2/7/85 | Closure permit issued | * |
| Lane | Rattlesnake Transfer Sta. Existing facility | 2/14/85 | Permit renewed | * |
| Coos | Wilkin's Corner Landfill Existing facility | 2/19/85 | Closure permit issued | * |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division
(Reporting Unit)

February 1985
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-SECURITY SYSTEMS, INC., GILLIAM CO.

WASTE DESCRIPTION

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

TOTAL REQUESTS GRANTED - 50

OREGON - 12

| | | | | |
|-----|---|------------------|----------------|---------------|
| 2/1 | Metal hydroxide electroplating sludge consisting of water, insoluble residue, Fe, Cu, Ni, Sn and Pb | Electronic co. | 0 | 30 drums |
| 2/1 | Soil contaminated with JP-10 Aviation turbine fuel | Spill | 40.5 cu.yd. | 0 |
| 2/6 | Empty drum contaminated with PCB | Paper co. | 1 drum | 0 |
| 2/6 | PCB-contaminated debris consisting of rags and plastics | " " | 2 drums | 0 |
| 2/6 | Metal siding covered with coating contaminated with PCBs | Aluminum co. | 0 | 20,000 cu.ft. |
| 2/6 | Paint booth washwater consisting of paint solids and water | Aerospace co. | 0 | 20,000 gal. |
| 2/6 | Drum #2-illegally disposed of material consisting of chlorinated hydrocarbons, sodium, total organic carbon and tannic acid | Dept.of Interior | 1 85-gal. drum | 0 |

| * * * * | * * * * | * * * * | * * * * | * * * * | * * * * | * * * * | * * * * |
|------------------|--|------------------|------------------|------------------|------------------|------------------|------------------|
| Date | Type | Source | Present | Future | Quantity | | |
| 2/6 | Fluoboric acid with stannous tin, lead and water | Electronic co. | 0 | 48 drums | | | |
| 2/12 | BRAVO 500 consisting of tetrachloroisophthalonitrile and inert ingredients | Chemical co. | 1 drum | 0 | | | |
| 2/13 | PCB-contaminated rags | Paper co. | 0 | 2 drums | | | |
| 2/21 | Nonylphenol polyethylene glycol ether, water | Mfg. of titanium | 14 drums | 0 | | | |
| 2/26 | Grinding sludge containing alloyed steel and scale, grinding wheel particles (Al oxide, silicone carbide), cutting oil, aluminum alloy | Aerospace co. | 0 | 100 drums | | | |

WASHINGTON - 31

| | | | | | | | |
|-----|---|----------------|--------|-----------------------------------|--|--|--|
| 2/1 | Silicone sealant, resins and hardeners, caulking compound, fiber glass rolls | Aerospace co. | 0 | 60 cu.yd. | | | |
| 2/1 | PCB-contaminated solids consisting of debris, dirt, rags and clothes | Electric util. | 0 | 42 drums | | | |
| 2/6 | Silicone sealant, resins and hardeners, caulking compound, fiber glass rolls | Aerospace co. | 0 | 60 cu.yd. | | | |
| 2/6 | Electroplating sludge with heavy metals including Cd, Cr, Pb, Zn, Ni, Cu, Fe ₂ O ₃ , H ₂ O, and Cn | Electroplating | 0 | 30 drums & 12 bins (340 gal./bin) | | | |
| 2/6 | Paint stripper consisting of methylene chloride, diacetone alcohol and paint | Electronic co. | 1 drum | 0 | | | |

SC2103.E
MAR.15 (1/82)

| * * * | * Date * | * Type * | * Source * | * Present * | * Quantity * Future * | * * |
|-------------|----------------|---|-----------------------|-------------------|-----------------------------------|--------|
| | 2/6 | Spray paint booth filters, debris and paint pigments | Defense Dept. | 0 | 100 drums | |
| | 2/6 | Elastomeric insulating compound consisting of MSDS #1 & #2 and polyurethane foam | Coating mfg. | 0 | 50 drums | |
| | 2/6 | Fire debris consisting of PCBs, fluroanthene, naphthalene phthalates, acenaphthylene, anthracene, phenanthrene, pyrene-2-dimethyl phenol, phenol, 2,4-methylphenol | Lab research | 11 drums | 0 | |
| | 2/6 | ORM-E lab pack | Electronic co. | 0 | 60 drums | |
| | 2/6 | ORM-A lab pack | Electronic co. | 0 | 60 drums | |
| | 2/6 | Flammable liquid lab pack | " " | 0 | 60 drums | |
| | 2/6 | Demolition waste consisting of steel pipe, hose, electrical wire, valves, rags, absorbent, paper buckets, gravel, solid resin and liquid resin or catalyst | Mfg. of railroad cars | 75 drums | 0 | |
| | 2/6 | Baghouse dust bags contaminated with Fe ₂ O ₃ , MnO ₂ , MgO, CaO, SiO ₂ , Ca, Al ₂ O ₃ , H ₂ O, and Zn | Foundry | 15 cu.yd. | 0 | |
| | 2/6 | PCB-contaminated water | Dept. of Commer. | 200 gal. | 0 | |
| | 2/6 | Electric arc furnace emission control dust with zinc oxide | Steel co. | 0 | 4,500 tons | |
| | 2/12 | 4,4'-methylene-bis(2-chloroaniline) | Electronic co. | 0 | 3 drums | |
| | 2/12 | Certamate pesticide consisting of 2-(1-methylethoxy)phenol-methyl carbamate | HW mgmt. facil. | 30 gal. | 0 | |

| * * * | * * * | * * * | * * * | Quantity | | * * * |
|-------------|--|----------------|---------------|--------------|--------|-------------|
| | | | | Present | Future | |
| 2/13 | Electroplating sludge containing Cd, Cr, Pb, Ni, NaOH, H ₂ O, Fe, Zn and Cn | Electroplating | 0 | 100 drums | | |
| 2/13 | Coater Plant Capsule Waste containing water, polyurethane capsules, polyvinyl alcohol, dye intermediates, aliphatic hydrocarbon, aromatic hydrocarbon, latex, starch & vegetable gum | Paper co. | 0 | 50,000 gal. | | |
| 2/13 | Ferric hydroxide, copper, lead, chromium hydroxide | Electronic co. | 0 | 80 cu.yd. | | |
| 2/13 | Soil, water | Chemical co. | 0 | 25 drums | | |
| 2/13 | Water, dirt | Chemical co. | 0 | 50 drums | | |
| 2/13 | Insulation, NaOH, NaCl, water | Chemical co. | 0 | 15 drums | | |
| 2/13 | Water, acrylic glue | Wood prod. co. | 1 drum | 0 | | |
| 2/13 | Aqua ammonia, butyl cellosolve, glue, water | Wood prod. co. | 1 drum | 0 | | |
| 2/13 | Water, glue | Wood prod. co. | 1 drum | 0 | | |
| 2/19 | Wastewater treatment plant sludge consisting of water, oil, grease, lime, calcium sulfate and metal hydroxides | Aerospace co. | 10,000 cu.yd. | 3,000 cu.yd. | | |
| 2/21 | Coater plant effluent containing water, polyurethane capsules, diethylene triamine, polyvinyl alcohol, OXA (isocyanate), oil-dye, butyl biphenyl, xylene, isopar-L | Paper co. | 0 | 500 drums | | |
| 2/26 | Spent trichloroethylene and sludge consisting of greases, oils & dirt | Electronic co. | 0 | 550 gal. | | |

SC2103.E
MAR.15 (1/82)

| * * * | * Date * | * Type * | * Source * | * Present * | * <u>Quantity</u> * Future * | * * |
|------------------|----------------|---|--------------------------|-------------------|--|--------|
| | 2/26 | Dewatered lime sludge from electroplating solution consisting of heavy metals, lime, ferrous sulfate, caustic (NaOH), water and cement dust | Waste treatmt. | 0 | 1600 tons | |
| | 2/26 | Wastewater treatment plant sludge with contaminated soil, concrete and debris | Aerospace co. | 0 | 5400 tons | |
| OTHER STATES - 7 | | | | | | |
| | 2/1 | Waste flammable liquid poisonous N.O.S. with dirt, rock, sand, debris, iron scale and water | Oil co. (WY) | 30 tons | 0 | |
| | 2/1 | Ethylene glycol and water | Electronic co. (ID) | 0 | 6 drums | |
| | 2/6 | Adhesive solution consisting of water and inorganic binder | Defense Dept. (Guam) | 0 | 25 drums | |
| | 2/6 | Monoethanolamine and inert filler | Defense Dept. (Guam) | 0 | 200 drums | |
| | 2/6 | Plastic coating compound consisting of stable elastomer, styrene-butadiene, dirt, debris and rust | Defense Dept. (Guam) | 0 | 50 drums | |
| | 2/13 | Dichloromethane, chloroform, carbon tetrachloride, dichlorotrifluoroethane | Env. gov't agency (B.C.) | 1 drum | 0 | |
| | 2/13 | Dichloromethane, chloroform, carbon tetrachloride, dichlorotrifluoroethane | Env. gov't agency (B.C.) | 1 drum | 0 | |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

February, 1985
(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 | 7 | 81 | 5 | 47 | 156 | 154 |
| Airports | | | 1 | 11 | 1 | 1 |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

February, 1985
(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

| County | Name of Source and Location | Date | Action |
|------------|--|-------|-------------------|
| Multnomah | McCormick and Baxter, Portland | 02/85 | In Compliance |
| Multnomah | Portland Park Bureau, Peninsula Park, Portland | 02/85 | In Compliance |
| Multnomah | Rub-a-Dub Carwash, NE 82nd & Glisan, Portland | 02/85 | No Violation |
| Washington | Wendy's Old Fashioned Hamburgers, 12785 SW Pacific Highway, Tigard | 02/85 | In Compliance |
| Lincoln | Cliff's Restaurant & Bar Lincoln City | 02/85 | In Compliance |
| Lake | Farr Airport | 02/85 | Boundary Approved |

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1985

CIVIL PENALTIES ASSESSED DURING MONTH OF FEBRUARY, 1985:

| <u>Name and Location of Violation</u> | <u>Case No. & Type of Violation</u> | <u>Date Issued</u> | <u>Amount</u> | <u>Status</u> |
|--|---|--------------------|---------------|---|
| Jack Smith Marion County | AQ-FB-84-136 Late field burning. | 2/25/85 | \$1,000 | Contested 3/19/85. |
| Channing Cathcart & Douglas Cathcart Linn County | AQ-FB-84-137 Late field burning. | 2/25/85 | \$750 | Contested 3/13/85. |
| Wallace Blades Marion County | AQ-FB-84-139 Late field burning. | 2/25/85 | \$750 | Contested 3/18/85. |
| Robert Cook Polk County | AQ-FB-84-138 Late field burning. | 2/25/85 | \$500 | Awaiting confirmation of service. |
| Amos Funrue Marion County | AQ-FB-84-141 Late field burning. | 2/25/85 | \$500 | Contested 3/15/85. |
| Ronald Rohde Polk County | AQ-FB-84-142 Late field burning. | 2/25/85 | \$500 | Paid 3/8/85. |
| George Langdon Linn County | AQ-FB-84-143 | 2/25/85 | \$500 | Paid 3/15/85. |
| Mark Nofziger Linn County | AQ-FB-84-144 Late field burning. | 2/25/85 | \$500 | Contested 3/11/85. |
| Mike Kangas Lane County | AQ-FB-84-145 | 2/25/85 | \$500 | Awaiting response to notice. |
| Richard Gingerich Clackamas County | AQ-FB-84-150 Late field burning. | 2/25/85 | \$500 | Paid 3/19/85. |
| Kenneth Cade Linn County | AQ-FB-84-140 Late field burning. | 2/25/85 | \$300 | Awaiting Response to notice. |
| Delwin Kropf Linn County | AQ-FB-84-146 Late field burning. | 2/25/85 | \$300 | Paid 3/4/85. |
| Carl Jensen Marion County | AQ-FB-84-147 Late field burning. | 2/25/85 | \$300 | Awaiting response to notice. |
| Lester Versteeg Polk County | AQ-FB-84-148 Late field burning. | 2/25/85 | \$300 | Paid 3/14/85. |

| <u>Name and Location of Violation</u> | <u>Case No. & Type of Violation</u> | <u>Date Issued</u> | <u>Amount</u> | <u>Status</u> |
|---|--|--------------------|---------------|---------------------------------|
| M & W Farms, Inc. Marion County | AQ-FB-84-149 Late field burning. | 2/25/85 | \$300 | Paid 3/19/85. |
| William Domes Polk County | AQ-FB-84-151 Late field burning. | 2/25/85 | \$300 | Contested 3/18/85. |
| Dennis Wirth Linn County | AQ-FB-84-127 Open burned 2 fields without first obtain- ing a permit. | 2/25/85 | \$1,000 | Paid 3/5/85. |
| John Kirsch Yamhill County | AQ-FB-84-126 Open burned a field without a permit. | 2/25/85 | \$500 | Paid 3/4/85. |
| Dick Good Linn County | AQ-FB-84-129 Open burned a field without obtaining a permit. | 2/25/85 | \$500 | Awaiting response to notice. |
| Robin Cargill Linn County | AQ-FB-84-128 Open burned a field without first obtain- ing a permit. | 2/25/85 | \$500 | Paid 3/12/85. |
| Phillip Walker Polk County | AQ-FB-84-130 Did not comply with propane flaming rules. | 2/25/85 | \$300 | Paid 3/11/85. |
| Gene Waibel Washington County | AQ-FB-84-133 Agricultural open burning during prohibited period. | 2/25/85 | \$200 | Awaiting response to notice. |
| Kent Mueller Linn County | AQ-FB-84-132 Agricultural open burning during prohibited period. | 2/25/85 | \$200 | Awaiting response to notice. |
| Robert Schaefer Polk County | AQ-FB-84-134 Agricultural open burning during prohibited period. | 2/25/85 | \$200 | Paid 3/6/85. |
| Jack Mahana Polk County | AQ-FB-84-131 Failure to monitor field burning schedule broadcasts. | 2/25/85 | \$200 | Paid 3/5/85. |
| Joe Claire Polk County | AQ-FB-84-135 Agricultural open burning during prohibited period. | 2/25/85 | \$50 | Paid 3/5/85. |

January/February 1985
DEQ/EQC Contested Case Log

| <u>ACTIONS</u> | <u>LAST MONTH</u> | <u>PRESENT</u> |
|--|-------------------|----------------|
| 1 Preliminary Issues | 3 | 5 |
| 2 Discovery | 1 | 0 |
| 3 Settlement Action | 3 | 6 |
| 4 Hearing to be scheduled | 0 | 1 |
| 5 Hearing scheduled | 12 | 3 |
| 6 HO's Decision Due | 2 | 4 |
| 7 Briefing | 1 | 1 |
| 8 Inactive | 8 | 8 |
| SUBTOTAL of cases before hearings officer. | <u>30</u> | <u>28</u> |
| 9 HO's Decision Out/Option for EQC Appeal | 1 | 1 |
| 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 | 0 | 4 |
| TOTAL Cases | <u>32</u> | <u>34</u> |

15-AQ-NWR-81-178

15th Hearing Section case in 1981 involving Air Quality Division violation in Northwest Region jurisdiction in 1981; 178th enforcement action in the Department in 1981.

\$ Civil Penalty Amount
 ACDP Air Contaminant Discharge Permit
 AG1 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
 Hrngs 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

January/February, 1985

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. |
| 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 | Proposed order reflecting EQC decision to be issued. |
| OLINGER, Bill Inc. | 09/10/82 | 09/13/82 | 10/20-21/83 11/2-4/83 11/14-15/83 5/24/84 | Hrngs | 33-WQ-NWR-82-73 WQ Civil Penalty of \$1,500 | Decision due. |
| HAYWORTH FARMS, INC., and HAYWORTH, John W. | 01/14/83 | 02/28/83 | 04/04/84 | <u>Hrngs</u> | 50-AQ-FB-82-09 FB Civil Penalty of \$1,000 | <u>Decision due.</u> |
| McINNIS ENT. | 06/17/83 | 06/21/83 | | Prtys | 52-SS/SW-NWR-83-47 SS/SW Civil Penalty of \$500 | Hearing deferred pending conclusion of court action. |
| McINNIS ENTERPRISES, LTD., et al. | 09/20/83 | 09/22/83 | | Prtys | 56-WQ-NWR-83-79 WQ Civil Penalty of \$14,500 | Hearing deferred pending conclusion of court action. |
| McINNIS ENTERPRISES, LTD., et al. | 10/25/83 | 10/26/83 | | Prtys | 59-SS-NWR-83-33290P-5 SS license revocation | Hearing deferred pending conclusion of court action. |

January/February, 1985

DEQ/EQC Contested Case Log

| Pet/Resp Name | Hrng Rqst | Hrng Rfrl | Hrng Date | Resp Code | Case Type & No. | Case Status |
|------------------------------|---------------------|---------------------|---------------------|------------------|---|--|
| WARRENTON, City of | 8/18/83 | 10/05/83 | | Prtys | 57-SW-NWR-PMT-120 SW Permit Appeal | Settlement action. |
| CLEARWATER IND., Inc. | 10/11/83 | 10/17/83 | | Prtys | 58-SS-NWR-83-82 SS Civil Penalty of \$1000 | Hearing deferred pending conclusion of related court action. |
| CLEARWATER IND., Inc. | 01/13/84 | 01/18/84 | | Prtys | 02-SS-NWR-83-103 SS Civil Penalty of \$500 | Hearing deferred pending conclusion of related court action. |
| HARPER, Robert W. | 03/13/84 | 03/21/84 | | Prtys | 03-AQ-FB-83-23 FB-Civil-Penalty of \$1,000 | <u>EQC mitigated penalty to \$500 and required payment of \$150 burning fees. Case closed.</u> |
| MALPASS, David C. | 03/26/84 | 03/28/84 | | Prtys | 05-AQ-FB-83-14 FB Civil Penalty of \$500 | <u>Scheduled hearing deferred to allow approval of negotiated settlement.</u> |
| LEE, Roger E. | 03/27/84 | 03/28/84 | 11/13/84 | Hrngs | 06-AQ-FB-83-15 FB-Civil-Penalty of \$750 | <u>Decision issued 1/18/85. Reduced penalty to \$300. No appeal to EQC.</u> |
| 41 SIMMONS, Wayne | 03/27/84 | 04/05/84 | <u>03/14/85</u> | Dept | 07-AQ-FB-83-20 FB Civil Penalty of \$300 | <u>Department to submit written objection to Respondent's Motion to Dismiss.</u> |
| COON, Mike | 03/29/84 | 04/05/84 | | Prtys | 08-AQ-FB-83-19 FB Civil Penalty of \$750 | Scheduled hearing deferred to allow settlement discussion. |

January/February, 1985

DEQ/EQC Contested Case Log

| Pet/Resp Name | Hrng Rqst | Hrng Rfrrl | Hrng Date | Resp Code | Case Type & No. | Case Status |
|--|---------------------|---------------------|---------------------|------------------|---|--|
| BIELENBERG, David | 03/28/84 | 04/05/84 | 12/11/84 | <u>Hrngs</u> | 09-AQ-FB-83-04 FB Civil Penalty of \$300 | <u>Decision Due.</u> |
| BRONSON, Robert W. | 03/28/84 | 04/05/84 | 05/21/85 | Prtys | 10-AQ-FB-83-16 FB Civil Penalty of \$500 | <u>Hearing re-scheduled at Dept's. request.</u> |
| NEWTON, Robert | 03/30/84 | 04/05/84 | 03/12/85 | Prtys | 11-AQ-FB-83-13 FB Civil Penalty of \$500 | Hearing scheduled. |
| KAYNER, Kurt | 04/03/84 | 04/05/84 | 01/08/85 | <u>Hrngs</u> | 12-AQ-FB-83-12 FB Civil Penalty of \$500 | <u>Decision due.</u> |
| BUYSERIE, Gary | 03/26/84 | 04/05/84 | 01/15/85 | Prtys | 13-AQ-FB-83-21 FB-Civil-Penalty of-\$300 | <u>Case #13-AQ-FB-83-21 dismissed as part of a stipulated decision requiring Respondent to</u> |
| BUYSERIE, Gary | 03/26/84 | 04/05/84 | 09/25/84 | Prtys | 14-AQ-FB-83-22 FB-Civil-Penalty of-\$750 | <u>pay \$500 in Case #14-AQ-FB-83-22 Cases closed.</u> |
| GORACKE, Jeffrey Cdba/Goracke Bros. | 04/10/84 | 04/12/84 | 03/26/85 | Prtys | 15-AQ-FB-83-22 FB Civil Penalty of \$500 | Hearing scheduled. |
| BOERFLER-FARMS | 04/30/84 | 05/08/84 | 01/29/85 | Prtys | 16-AQ-FB-83-11 FB-Civil-Penalty of-\$500 | <u>Penalty reduced to \$300. Case closed.</u> |

January/February, 1985

DEQ/EQC Contested Case Log

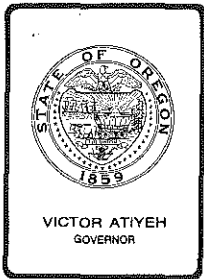
| Pet/Resp Name | Hrng Rqst | Hrng Rfrrl | Hrng Date | Resp Code | Case Type & No. | Case Status |
|---|--------------|---------------|--------------|--------------|--|---|
| TRANSCO Industries, Inc. | 06/05/84 | 06/12/84 | 02/27/85 | Prtys | 17-HW-NWR-84-45 HW Civil Penalty of \$2,500 | <u>Hearing postponed to allow agreement to compliance schedule.</u> |
| TRANSCO Industries, Inc. | 06/05/84 | | 02/27/85 | Prtys | 18-HW-NWR-84-46 HW Compliance Order | <u>Hearing postponed to allow agreement to compliance schedule.</u> |
| INTERNATIONAL PAPER CO. | 06/12/84 | 06/12/84 | | <u>Hrngs</u> | 19-WQ-SWR-84-29 WQ Civil Penalty of \$7,450 | <u>To be scheduled.</u> |
| VANDERVELDE, Roy | 06/12/84 | 06/12/84 | | Prtys | 20-WQ-WVR-84-01 WQ Civil Penalty of \$2,500 | Preliminary issues. |
| WESTERN PACIFIC LEASING CORP., dba/Killingsworth Fast Disposal | 06/01/84 | 07/23/84 | | Prtys | 22-SW-NWR-84 Solid Waste Permit Modification | Preliminary issues. |
| NORTHWEST BASIC INDUSTRIES, dba/Bristol Silica and Limestone Co. | 08/21/84 | 08/28/84 | | Prtys | 23-AQ-SWR-84-82 AQ Civil Penalty of \$1,000 | Respondent's request for dismissal denied pending completion of binding settlement agreement or payment of penalty. |
| CLEARWATER INDUSTRIES, INC. | 10/11/84 | 10/11/84 | | Prtys | 24-SS-NWR-84-P Sewage Disposal Service License Denial | Hearing deferred pending conclusion of court actions. |

January/February, 1985

DEQ/EQC Contested Case Log

| <u>Pet/Resp Name</u> | <u>Hrng Rqst</u> | <u>Hrng Rfrl</u> | <u>Hrng Date</u> | <u>Resp Code</u> | <u>Case Type & No.</u> | <u>Case Status</u> |
|---|----------------------|----------------------|----------------------|----------------------|---|---|
| <u>JAY MILLER BUILDER, INC.</u> | <u>2/5/85</u> | | | <u>Resp</u> | <u>01-AQOB-NWR-84-154</u> | <u>Preliminary Issues Timeliness.</u> |
| <u>UNITED CHROME PRODUCTS, INC.</u> | <u>2/19/85</u> | | | <u>Resp</u> | <u>02-HW-WQ-WVR-84-158</u> <u>02-HW-WQ-WVR-83-66</u> <u>02-HW-WVR-83-71</u> | <u>Preliminary Issues Timeliness.</u> |
| <u>NOFZIGER, MARK</u> | <u>3/15/85</u> | | | <u>Prtys</u> | <u>03-AQ-FB-84-144</u> | <u>Preliminary Issues.</u> |

43



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, April 19, 1985 EQC Meeting

Tax Credit Applications

Director's Recommendations

It is recommended that the Commission take the following action:

1. Issue tax credit certificates for facilities subject to old tax credit laws:

| Appl No. | Applicant | Facility |
|-------------|---------------------------|---|
| T-1665 | Teledyne Industries, Inc. | Air and water pollution control Baghouses, water tank and storm diverter. |
| T-1690 | Nicolai Company | Carothers bag filter |
| T-1715 | Norman Miller | Manure storage area |

2. Issue tax credit certificate for a facility under the new tax credit law:

| Appl No. | Applicant | Facility |
|-------------|----------------------------|---------------------------|
| T-1720 | Columbia Steel Casting Co. | Bag filter dust collector |

3. Revoke Pollution Control Facility Certificates 818, 819, 820, 824, 1016 and 1017 issued to Champion International Corp., Champion Building Products and reissue them to Willamina Lumber Company. (letter attached)
4. Deny the request for Preliminary Certification by Boise Cascade for replacement of PCB containing transformers with non-PCB transformers.


Fred Hansen

SChew
229-6484
3/25/85

Agenda Item C
Page 2
April 19, 1985

Proposed April 19, 1985 Totals:

| | |
|-----------------------|---------------------|
| Air Quality | 105,999.24 |
| Water Quality | 16,554.00 |
| Hazardous/Solid Waste | -0- |
| Noise | -0- |
| | <u>\$122,553.24</u> |

1985 Calendar Year Totals:

| | |
|-----------------------|---------------------|
| Air Quality | 31,132.55 |
| Water Quality | 330,798.00 |
| Hazardous/Solid Waste | 295,798.00 |
| Noise | -0- |
| | <u>\$567,728.55</u> |

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
PO Box 460
Albany, OR 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium and niobium production plant at 1600 Old Salem Road in Millersburg.

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

2. Description of Claimed Facility

The facility claimed in this application is described to be air and water pollution controls associated with the chlorinator residue loading and temporary storage facility. Components of the claimed facility include two baghouses, fans, ductwork, canopies and wind protection (air pollution control), and concrete floor, berm, drain line, wash water holding tank and storm water diverter (water pollution control).

Request for Preliminary Certification for Tax Credit was made on September 21, 1978 and approved on October 3, 1978.

The facility is not subject to the provisions of the new tax credit law, Chapter 637, Oregon Law 1983.

Construction was initiated on the claimed facility in October 1978, completed in December 1978, and the facility was placed into operation in December 1978.

Facility Cost: \$44,365.00 (Accountant's Certification was provided).

3. Evaluation of Application

A waste product of the applicant's zirconium/hafnium production process is a mixture of low level radioactive and nonradioactive high boiling point metal chlorides. These chlorides are transferred in canisters from the chlorination operations to the residue loading and temporary storage facility where they are placed in special boxes for subsequent shipping to the Hanford radioactive waste disposal site. The chlorides are in a dry, free flowing condition which creates a potential for fugitive losses. Such losses would exceed opacity or grain loading regulations and/or contaminate soil, surface water and groundwater due primarily to the radioactive materials.

The applicant installed the residue loading and temporary storage facility in order to prepare solid chlorination residues for shipment to Hanford in a pollution free manner. Since the original installation, the company has added both air and water pollution control equipment. Only the originally installed equipment which is currently in use is included in this application.

The canopies, ductwork, fans and the two baghouses collect dusty material during loading of shipping crates. Dust so collected is also shipped to Hanford. Wind protection is provided by three walls which enhance the effectiveness of the dust control system. The entire facility sits on a bermed concrete floor which drains to a storage tank. Wash water used to cleanup spilled material drains from the floored area to a storage/settling tank. Sludge from the settling tank is shipped to Hanford. The water is checked for radioactivity level, then either routed to the applicant's waste water treatment system or routed to reaction tanks to reduce the radioactivity level. Sludge from the treatment tanks is also sent to Hanford. (Note: Neither the waste water treatment system nor the reaction tanks are part of this application.) Clean storm water is diverted by a roof in order to minimize the volume of water to be stored and treated.

Department inspections of the claimed facility and review of groundwater monitoring well data indicate that the chlorination residue is not causing either air pollution problems or groundwater contamination.

The applicant requested certification of the entire residue loading and temporary storage facility. Since that part of the facility which is used for solid waste disposal is not eligible, the Department used an itemized breakdown of the total cost to determine the costs for those eligible items which relate to air and water pollution control. These eligible costs are \$17,143.22 for air pollution control and \$14,253.00 for water pollution control. The total eligible cost is \$31,396.22.

It is concluded that the components of the claimed facility described above were designed and are being operated to a substantial extent for the purpose of preventing, controlling or reducing air and water pollution, and that 100% of \$31,396.22 is eligible for pollution control facility certification.

The application was received on January 6, 1984, additional information was received on March 20, 1985, and the application was considered complete on March 20, 1985.

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 Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more of \$31,396.22.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$31,396.22 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1665.

F. Skirvin:s
AS1280
(503) 229-6414
March 22, 1985

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Nicolai Company
Portland Division
500 NE Multnomah
Portland, OR 97233

The applicant owns and operates a sill and rail door manufacturing plant at 1812 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 model 108 Carothers bag filter to control wood dust emissions from a hogged wood transfer system cyclone.

Request for Preliminary Certification for Tax Credit was made on 08/04/81 and approved on 08/18/81.

The facility is not subject to the provisions of the new tax credit law, Chapter 637, Oregon Law 1983.

Construction was initiated on the claimed facility on 08/12/81, and completed and placed into operation on 10/02/81.

Facility Cost: \$42,957.54 (Accountant's Certification was provided).

3. Evaluation of Application

Nicolai Company installed a new low pressure pneumatic hogged wood conveying system at their door plant. The facility included the transport ducting, a cyclone, a motor/fan and a bag filter.

Pollution control tax credit certification was requested on the bag filter and associated facility costs. The model 108 Carothers bag filter is for the sole purpose of controlling wood dust emissions from the cyclone. The prorated cost of the motor/fan claimed for air pollution control was 15 percent of its total cost based on the like percentage of air volume required for bag filter cleaning operations. A rotary valve at the material outlet of the cyclone to affect a proper pressure balance within the cyclone when used with the bag filter is also eligible as a pollution control facility.

The facility is in compliance with the air emission standards.

The claimed cost for the pollution control facilities was \$42,957.54. Annual operating expenses are \$4,860. The value of the recovered wood dust is estimated to be less than the operating cost.

The useful life of the facility is estimated to be 8 years. Since there is no economic benefit from operating the facility, the total cost of \$42,957.54 should be allocated for pollution control tax credit at 80 percent or more.

The application was received on 03/21/84, additional information was received on 01/15/85, and the application was considered complete on 01/18/85.

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 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 \$42,957.54 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1690.

D. Neff:s
AS1108
(503) 229-6480
February 6, 1985

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Norman Miller
4930 101 South
Tillamook, OR 97141

The applicant owns and operates a dairy farm in Tillamook, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is an animal waste manure control facility consisting of the following:

- a. Dry manure storage area
 - 24' x 50' concrete slab with 6' concrete retaining walls
 - 26 Ga. galvanized steel roof (with gutters) and associated structural support facilities
- b. Roof over existing concrete slab stall area
 - 24' x 52' 26 Ga. galvanized steel roof (with gutters) and associated structural support facilities

Request for Preliminary Certification for Tax Credit was made January 10, 1983 and approved February 15, 1983.

Facility is subject to the 1981 tax credit law. Construction was initiated on the claimed facility May 3, 1983, completed June 8, 1983, and the facility was placed into operation June 8, 1983.

Facility Cost: \$2,301

The total cost of this project was \$11,731 for which \$9,430 was reimbursed by the U.S. Department of Agriculture Soil Conservation Service (\$11,731 - \$9,430 = \$2,301).

3. Evaluation of Application

Prior to installation of the claimed facilities, waste manure was spread onto saturated fields during the winter months due to the lack of manure storage facilities. Contaminated runoff would enter Anderson Creek which is a tributary of the Tillamook River. The dry manure storage system allows the storage of manure for over 120 days. The roof over the storage area and the roof over the existing concrete

stall area divert rainfall to minimize the contamination of runoff water. These facilities have allowed the spreading of manure during dry months when the fields are not saturated. This system has greatly reduced the quantity of contaminated runoff entering Anderson Creek. There is no significant return on investment from this project.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$2,301 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1715.

Larry D. Patterson:t
(503) 229-5374
2/27/85

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Columbia Steel Casting Co., Inc.
10425 N. Bloss Avenue
Portland, OR 97203

The applicant owns and operates a steel foundry at 10425 N. Bloss Avenue, Portland, Oregon.

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

2. Description of Claimed Facility

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

Request for Preliminary Certification for Tax Credit was made on March 12, 1984 and approved on June 12, 1984.

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

Construction was initiated on the claimed facility on July 2, 1984, completed on October 31, 1984, and the facility was placed into operation on October 31, 1984.

Facility Cost: \$45,898.48 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant has installed a 5,000 cfm pulse jet bag filter dust collection system to control emissions from their relocated core manufacturing facility. Prior to relocation, emissions from the core manufacturing facility were controlled by the green sand molding system baghouse.

All material collected by the claimed facility is discharged to a truck mounted mixer and mixed with water prior to disposal at a landfill site.

The sole purpose of construction and installation of the claimed facility is to prevent emissions from the relocated core manufacturing facility and to comply with requirements imposed by the Air Contaminant Discharge Permit and Department regulations.

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

Since all material collected is disposed of at a landfill, there is no return on the investment in the facility and 100 percent of the claimed facility is allocable to pollution control.

The application was received on January 11, 1985, additional information was received on March 15, 1985, and the application was considered complete on March 15, 1985.

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 for the sole purpose of preventing, controlling or reducing a substantial quantity of air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$45,898.48 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1720.

W. Fuller:s
AS1265
(503) 229-5749
March 19, 1985

State of Oregon
Department of Environmental Quality

REISSUANCE OF POLLUTION CONTROL FACILITY CERTIFICATES

1. Certificates issued to:

Champion International/
Champion Building Products
P.O. Box 1022
Eugene, OR 97401

The certificates were issued for air and water facilities.

2. Summation:

The Environmental Quality Commission has issued a total of 6 certificates to the Champion International Plywood Mill in Willamina, Oregon. These were issued in the years 1977 and 1979. (copies attached) Champion has notified the Department of the sale of their mill to Willamina Lumber Company. Willamina has requested a reissuance of the certificates under their name. (letters attached)

3. It is recommended that Pollution Control Facility Certificate Nos. 818, 819, 820, 824, 1016 and 1017 be revoked and reissued to Willamina Lumber Company; the certificates to be valid only for the time remaining from the date of the first issuance.

WILLAMINA LUMBER COMPANY

Phone 297-7691

Oregon Area Code 503

Telex 36-0355

9400 S. W. BARNES RD. • PORTLAND, OR. 97225

400 SUNSET BUSINESS PARK

February 11, 1985

Ms. Sherry Chew
Department of Environmental Quality
P. O. Box 1760
Portland, OR 97207

Dear Ms. Chew:

This is to request transfer of unused tax credit under six Oregon Pollution Control Certificates previously held by Champion International Corporation on the plywood mill at Willamina, Oregon. Following is the information you requested to complete the transfer.

Former owner - Champion International Corporation
Purchaser and name to

transfer certificate to - Willamina Lumber Company
Date plywood plant acquired - May 3, 1983
Certificate numbers to transfer - 818, 819, 820,
824, 1016 and
1017

Please mail tax credit information on the above certificates to me.

Sincerely yours,

WILLAMINA LUMBER COMPANY



TOM SCHMIT
Vice President
Finance & Administration

TS:vls



A HAMPTON AFFILIATE

10
T/S

P.O. Box 10228
1600 Valley River Drive
Eugene, Oregon 97440
503 687-4611



Department of Environmental Quality
Box 1760
Portland OR 97207

January 23, 1985

Gentlemen:

This letter is to advise you that two of our mills that have outstanding pollution control facility certificates have been sold. The certificates involved are as follows:

| <u>Certificate #</u> | <u>App. No.</u> | <u>Mill Location</u> |
|----------------------|-----------------|----------------------|
| 818 | T-901 | Willamina OR |
| 819 | T-902 | Willamina OR |
| 820 | T-903 | Willamina OR |
| 824 | T-907 | Willamina OR |
| 853 | T-931 | Ode11 OR |
| 1016 | T-1120 | Willamina OR |
| 1017 | T-1121 | Willamina OR |
| 1034 | T-1125 | Ode11 OR |

The mill at Willamina was sold in May 1983; therefore, our tax department will utilize five-twelfths of the credit available in 1983 as a tax credit. The mill at Odell was sold in February 1983; therefore, our tax department will utilize two-twelfths of the credit available in 1983 as a tax credit.

Copies of the certificates are enclosed for reference.

Very truly yours,

M. F. Rapp
Marvin F. Rapp

MFR/bd
Enclosure

cc John Winter - Stamford Tax Dept.
Duane Buttler

P.O. Box 10228
1600 Valley River Drive
Eugene, Oregon 97440
503 687-4611



Mr. Tom Schmitt
Willamina Lumber Co.
9400 S. W. Barnes Road
Portland OR 97225

January 23, 1985

Dear Mr. Schmitt:

At the time we sold our Willamina mill, we held six Oregon Pollution Control Certificates that qualified us for a tax credit. The buyer of the mill is entitled to use the remaining credit available under these certificates. We had elected to use these credits as a reduction of Oregon income taxes. The following is a summary of the certificates showing the credit available for your use:

| <u>Certificate No.</u> | <u>Remaining Credit</u> | <u>Bal. of 1983</u> | <u>Yearly 1984 on</u> |
|------------------------|-------------------------|---------------------|-----------------------|
| 818 | \$ 6,967 | \$1,134 | \$1,944 |
| 819 | 4,571 | 744 | 1,275 |
| 820 | 27,731 | 4,514 | 7,739 |
| 824 | 2,143 | 349 | 599 |
| 1016 | 9,060 | 947 | 1,623 |
| 1017 | 12,049 | 1,259 | 2,158 |

The first four certificate credits run through 1986 and the last two run through 1988. Copies of the certificates are enclosed for your files.

Very truly yours,

Marvin F. Rapp
Marvin F. Rapp

MFR/bd
Enclosures

cc Duane Buttler

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 818

Date of Issue 9-23-77

Application No. T-901

POLLUTION CONTROL FACILITY CERTIFICATE

| | |
|---|---|
| Issued To: Champion Building Products P. O. Box 10228 Eugene, Oregon 97401 | Location of Pollution Control Facility: Willamina, Oregon |
| As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner | |
| Description of Pollution Control Facility: Veneer dryer washdown water reuse | |
| Type of Pollution Control Facility: <input type="checkbox"/> Air <input checked="" type="checkbox"/> Water <input type="checkbox"/> Solid Waste | |
| Date Pollution Control Facility was completed: 11-1-76 Placed into operation: 12-31-76 | |
| Actual Cost of Pollution Control Facility: \$38,882.00 | |
| 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 23rd day of September, 1977

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 819

Date of Issue 9-23-77

Application No. T-902

POLLUTION CONTROL FACILITY CERTIFICATE

| | |
|---|---|
| Issued To: Champion Building Products P. O. Box 10228 Eugene, Oregon 97401 | Location of Pollution Control Facility: Willamina, Oregon |
| As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner | |
| Description of Pollution Control Facility: Roof storm water runoff collection and diversion | |
| Type of Pollution Control Facility: <input type="checkbox"/> Air <input checked="" type="checkbox"/> Water <input type="checkbox"/> Solid Waste | |
| Date Pollution Control Facility was completed: 12-31-76 Placed into operation: 12-31-76 | |
| Actual Cost of Pollution Control Facility: \$ 25,504.00 | |
| Percent of actual cost properly allocable to pollution control: 80% or more | |

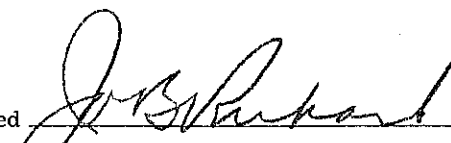
In accordance with the provisions of ORS 468.155 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "Pollution Control Facility" within the definition of ORS 468.155 and that the air and water or solid waste facility was erected, constructed 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 23rd day of September, 1977

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 820

Date of Issue 9-23-77

Application No. T-903

POLLUTION CONTROL FACILITY CERTIFICATE

| | |
|--|--|
| Issued To: Champion Building Products P. O. Box 10228 Eugene, Oregon 97401 | Location of Pollution Control Facility: Willamina, Oregon |
| As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner | |
| Description of Pollution Control Facility: Ducting of veneer dryer emissions to two hogged fuel boilers for use as underfire and overfire air. | |
| 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: January 1976 Placed into operation: February 1976 | |
| Actual Cost of Pollution Control Facility: \$154,778.95 | |
| Percent of actual cost properly allocable to pollution control: <p style="text-align: center;">80% or more</p> | |

In accordance with the provisions of ORS 468.155 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "Pollution Control Facility" within the definition of ORS 468.155 and that the air 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 23rd day of September, 1977

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 824

Date of Issue 9-23-77

Application No. T-907

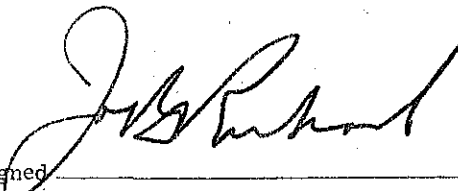
POLLUTION CONTROL FACILITY CERTIFICATE

| | |
|---|---|
| Issued To: Champion Building Products P. O. Box 10228 Eugene, Oregon 97401 | Location of Pollution Control Facility: Willamina, Oregon |
| As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner | |
| Description of Pollution Control Facility: <p style="text-align: center;">Underplant contaminated waste water collection and treatment.</p> | |
| Type of Pollution Control Facility: <input type="checkbox"/> Air <input checked="" type="checkbox"/> Water <input type="checkbox"/> Solid Waste | |
| Date Pollution Control Facility was completed: 8-20-75 Placed into operation: 8-20-75 | |
| Actual Cost of Pollution Control Facility: \$ 11,973.23 | |
| Percent of actual cost properly allocable to pollution control: <p style="text-align: center;">80% or more</p> | |

In accordance with the provisions of ORS 468.155 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "Pollution Control Facility" within the definition of ORS 468.155 and that the air 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 23rd day of September, 1977

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 1016
Date of Issue 11/16/79
Application No. T-1120

POLLUTION CONTROL FACILITY CERTIFICATE

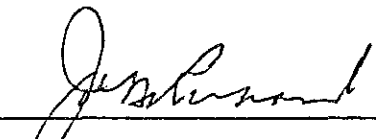
| | |
|---|--|
| Issued To: Champion International Corp. Champion Building Products P. O. Box 10228 Eugene, OR 97440 | Location of Pollution Control Facility: State Highway 18 Willamina, Oregon |
| As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner | |
| Description of Pollution Control Facility: Chemical storage containment and storm runoff diversion | |
| Type of Pollution Control Facility: <input type="checkbox"/> Air <input type="checkbox"/> Noise <input checked="" type="checkbox"/> Water <input type="checkbox"/> Solid Waste <input type="checkbox"/> Hazardous Waste <input type="checkbox"/> Used Oil | |
| Date Pollution Control Facility was completed: <u>4/1/78</u> Placed into operation: <u>4/1/78</u> | |
| Actual Cost of Pollution Control Facility: \$ <u>32,456.00</u> | |
| Percent of actual cost properly allocable to pollution control: 80% or more | |

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

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

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

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

Signed 
Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on
the 16th day of November, 1979

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 1017
Date of Issue 11/16/79
Application No. T-1121

POLLUTION CONTROL FACILITY CERTIFICATE

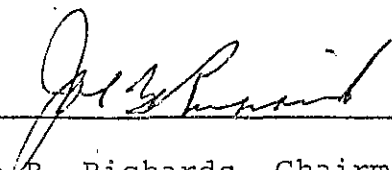
| | |
|---|--|
| Issued To: Champion International Corp. Champion Building Products P. O. Box 10228 Eugene, Oregon 97440 | Location of Pollution Control Facility: Willamina, Oregon |
| As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner | |
| Description of Pollution Control Facility: <p style="text-align: center;">Veneer dryer green end seals for three (2) dryers</p> | |
| Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Noise <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste <input type="checkbox"/> Hazardous Waste <input type="checkbox"/> Used Oil | |
| Date Pollution Control Facility was completed: <u>4/1/77</u> Placed into operation: <u>4/1/77</u> | |
| Actual Cost of Pollution Control Facility: \$ <u>43,159.00</u> | |
| Percent of actual cost properly allocable to pollution control: <p style="text-align: center;">80% or more</p> | |

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

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

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

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

Signed 
 Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on
 the 16th day of November, 1979

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

Preliminary Certification Review Report

1. Applicant

Boise Cascade Corp.
Kaster Road
St. Helens, OR 97051

The applicant owns and operates a pulp and paper mill at St. Helens, Oregon..

Preliminary certification is required for a hazardous waste facility.

The application for preliminary certification was received 30 days before commencement of construction of the facility.

2. Description of Claimed Facility

The facility described in this application consists of replacement of PCB containing transformers at four different plant locations as follows:

| | | |
|---------------|---|----------------|
| Substation 17 | - | \$211,340 |
| Substation 18 | - | 95,700 |
| Substation 19 | - | 44,900 |
| Substation 20 | - | <u>209,940</u> |
| Total | | \$561,880 |

It is estimated the facility will be placed in operation by September 30, 1985.

3. Evaluation of Application

The applicant has applied for preliminary certification for a hazardous waste tax credit to replace PCB transformers with non-PCB transformers. The hazardous waste statute and rules do not identify PCBs as a hazardous waste. Even if PCBs were considered a hazardous waste in order to qualify for a tax credit, a facility must meet one of the following two tests:

- (1) ORS 468.165(1)(c)(B) "The facility will utilize materials that would otherwise be solid waste as defined in ORS 459.005, hazardous waste as defined in ORS 459.410 . . ."
- (2) ORS 468.165(1)(d)(B) " The facility is designed to treat, substantially reduce or eliminate hazardous waste as defined in ORS 459.410."

Since the tax credit is only to replace PCB transformers with non-PCB transformers and the PCB transformers will be disposed of, neither of the two tests are met and the facility is not eligible.

PCB transformers are required by federal law to be replaced or relocated by October 1, 1985, if there is an exposure risk to food or feed. If there is no risk to food or feed, the transformer may stay in place for the remainder of its useful life. In this case, the applicant is replacing the transformers even though there is no requirement. If they were required to replace or relocate (potential contamination to food or feed) relocation would cost substantially less than replacement. In a previous application (T-1360 - attached), a water quality tax credit was granted for replacing a PCB transformer which was suspended over Pringle Creek. However, in that case the applicant was granted a percentage allocable only equivalent to the estimated cost of moving the transformer to a secure location.

The option of withdrawing the request for preliminary approval for a hazardous waste tax credit and applying for a water quality tax credit (as was done in T-1360) was discussed with the applicant. It was their decision to appear before the EQC and make a case for the hazardous waste tax credit.

4. Summation

The Department has determined that the facility is not eligible for tax credit certification because PCBs are not a hazardous waste as defined in statute and rules. Even if they were, the erection, construction and installation does not comply with the applicable provisions pursuant to ORS Chapters 459 and 468, including:

- (1) ORS 468.165(1)(c)(B) "The facility will utilize materials that would otherwise be solid waste as defined in ORS 459.005, hazardous waste as defined in ORS 459.410 . . ."
- (2) ORS 468.165(1)(d)(B) "The facility is designed to treat, substantially reduce or eliminate hazardous waste as defined in ORS 459.410.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission issue an order denying the applicant's request for Preliminary Certification.

Attachment: T-1360 Review Report

R.L. Brown:b
229-6237
March 25, 1985
SB4441

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Boise Cascade Corporation
Paper Group
P.O. Box 1201
Salem, OR 97309

The applicant owns and operates a pulp and paper mill at Salem.

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

2. Description of Claimed Facility

The facility described in this application is an air cooled transformer which replaced the No. 86 oil cooled transformer near Pringle Creek.

Request for Preliminary Certification for Tax Credit was made May 18, 1978, and approved July 13, 1978. Construction was initiated on the claimed facility May 1979, completed December 1979, and the facility was placed into operation December 1979.

Facility Cost: \$81,619.62 (Accountant's Certification was provided).

The Accountant certified a facility cost of \$95,333.70. This not only included the cost of installing a new transformer (\$81,619.62), but also included costs for relocating an old transformer within the mill. Since the new transformer is the pollution control facility, only those costs directly associated with its installation are considered as the facility cost. It has been agreed upon with the company to reduce the facility cost to \$81,619.61.

3. Evaluation of Application

In an effort to contain potential spills of PCBs from electrical transformers, Boise Cascade constructed concrete containment berms around the bases of the oil cooled transformers.

The No. 86 transformer is a 1000 KVA transformer which contains 193 gallons of PCB based cooling oil. Since the unit was located over Pringle Creek where a containment berm could not be constructed, Boise Cascade decided to replace it with an air cooled transformer.

The new unit is a 1500 KVA transformer (50 percent larger) with a purchase price of \$57,965. The No. 86 transformer was relocated over a concrete containment berm inside the mill. It was used to replace an older unit which was discarded.

The facility cost breakdown is as follows:

| | |
|-------------------------------|---------------|
| Electrical Supplies and Labor | \$22,751.08 |
| 1500 KVA Transformer | 57,964.99 |
| Engineering | <u>903.55</u> |
| | \$81,619.62 |

The same pollution control objective could have been achieved by relocating the No. 86 transformer to a safe location within the mill. Boise Cascade has estimated this cost to be \$13,714.08. Only 17 percent (\$13,714.08 divided by \$81,619.61) of the cost of the new facility is allocable to pollution control. This methodology has been discussed and agreed upon with the company.

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 less than 20 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$81,619.62 with less than 20 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1360.

CKA:1
WL1504
(503) 229-5325
March 25, 1982

The new unit is a 1500 KVA transformer (50 percent larger) with a purchase price of \$57,965. The No. 86 transformer was relocated over a concrete containment berm inside the mill. It was used to replace an older unit which was discarded.

The facility cost breakdown is as follows:

| | |
|-------------------------------|---------------|
| Electrical Supplies and Labor | \$22,751.08 |
| 1500 KVA Transformer | 57,964.99 |
| Engineering | <u>903.55</u> |
| | \$81,619.62 |

The same pollution control objective could have been achieved by relocating the No. 86 transformer to a safe location within the mill. Boise Cascade has estimated this cost to be \$13,714.08. Only 17 percent (\$13,714.08 divided by \$81,619.61) of the cost of the new facility is allocable to pollution control. This methodology has been discussed and agreed upon with the company.

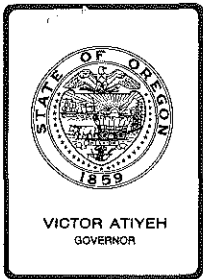
4. Summation

- 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 less than 20 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$81,619.62 with less than 20 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1360.

CKA:l
WL1504
(503) 229-5325
March 25, 1982



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, April 19, 1985, EQC Meeting

Request for Authorization to Hold a Public Hearing on the Construction Grants Management System and Priority List for FY86.

Background

Section 106 of the Clean Water Act requires that each state establish a priority system and annually develop a priority list for allocating federal grants for municipal sewage treatment works construction. By Administrative Rule, the Environmental Quality Commission has established criteria to rate and rank projects eligible for federal grants as well as procedures for administrative management of the priority list. A priority list must be adopted to establish the ranking of potential projects for which funding may be available during the period October 1, 1985 through September 30, 1986 (FY86). The priority list will also identify the relative priorities for projects that may apply for grants in future years, if continued funding is available.

Each year, staff reviews the priority system to determine if rule changes are necessary and develops a proposed priority list for funding. Public notice of a hearing on the proposed list must be given at least 45 days prior to a scheduled hearing. Any changes to the priority system and the proposed list are distributed to interested persons 30 days prior to the public hearing.

For the priority list to be fully approved by EPA and effective at the beginning of the granting period (October 1, 1985 to September 30, 1986), final adoption of the list by the Commission is required at its meeting on July 19, 1985.

To meet this schedule, notice must be issued April 23, 1985 and the draft list distributed by May 8, 1985. The purpose of this agenda item is to request authorization for hearing. Due to the need to ensure that the most recent project planning information and EPA guidance is used in preparing the draft list, the list will not be available before May 8, 1985 distribution date.

Discussion and Evaluation

A. Summary of Federal Statutory Changes and Funding Authorization

For each of the last five years, Oregon has received \$27.6 million, from a national authorization of \$2.4 billion. In the past year, the following major adjustments were made nationally in how these funds were used: (1) federal grant participation was reduced from 75 to 55 percent for most projects; (2) costs associated with the treatment and pipeline capacity to accommodate growth were no longer considered eligible; (3) grants to assist in developing facility plans and construction design and specifications were eliminated; (4) eligible types of facilities were limited to treatment and disposal facilities, inflow and infiltration removal and interceptor sewers; (5) allowable grant increases after projects are bid were limited to 5 percent of the construction bids; (6) construction of ineligible project types, particularly collection sewers, were required to be constructed concurrently or on a specified schedule if necessary to accomplish water quality objectives associated with eligible interceptors; and (7) substantial reductions in grant funds occurred if the applicant proposed to replace facilities that were once federally funded and had not exceeded their useful life.

Presently, new changes are being proposed. Congress is considering the reauthorization of the Federal Clean Water Act and the grant allotments for FY86 and future years. Two factors--U.S. EPA's 1984 Inventory of Waste Water Treatment and Collection Needs and the President's initiative to eventually phase out the grant program--influence Congressional debates. Although there appears to be agreement to continue funding assistance for at least three years, substantial discussion is expected to occur regarding: (1) changes in the state allotment formula, which determines the funding levels for individual states according to inventoried needs, and (2) innovative options for using available grant funds.

The first of these items--the state allotment formula--could affect the program as early as 1986. A change in the allotment formula may slightly reduce Oregon's annual grant funds, based on the state's share of reported national needs. The second item--innovative funding options--is a part of the long term strategy for phasing out future direct federal grants. Most probably, any such action pursued will not significantly impact the program until 1987 or thereafter. The innovative funding option proposed by U.S. EPA would enable each state to establish a State Water Pollution Control Revolving Loan Fund (SRF). This loan fund would help finance the construction future projects after the grant program is eliminated. To capitalize the Revolving Fund, each state could decide to place all or part of its annual grant allotment into the fund as seed money. The interest and terms for loans from the Revolving Fund would be determined by each state, subject to certain limitations by U.S. EPA on the types of projects that would be eligible.

Although implementation of the State Revolving Fund could occur as early as 1986, the practical start up of such a funding mechanism would be 1987 or 1988. Under the State Revolving Fund concept, the state's water quality based priority list would continue as the plan to distribute funds.

B. Priority System

The Department has reviewed existing priority criteria and rules and is recommending that no changes be made. Staff reviewed issues raised in hearings last year. At that time participants requested that a new regulatory emphasis category and point assignment be created for projects needed to resolve groundwater problems. Projects to abate groundwater pollution problems are currently assigned points according to the surface water stream segment in which the project area is located; this point assignment is less than optimal. Two alternatives to remedy the situation are being evaluated:

- a. Adding 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 protection of high quality waters for future and existing uses.

However, sufficient groundwater quality information to develop and implement either alternative on a statewide basis is not available. Therefore, it is proposed to continue the current practice for ranking groundwater protection projects as follows: (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.

Regulatory emphasis point assignment criteria presently incorporated in OAR 340-53-005, Table 1 provides three alternative point scores for groundwater protection projects: (a) 130 points if the EQC or Health Division orders the immediate correction of a public health hazard through extraordinary measures, (b) 120 points for an EQC rule that restricts issuance of subsurface disposal permits for a geographic area, as in an involuntary moratorium, and (c) 90 points based on sanitary survey results or an approved facility plan that establishes a basis for regulatory action. The Department believes these alternatives adequately cover the range of situations, therefore no change in regulatory emphasis points is proposed.

Current rules require applicants who wish to be considered for funding during the upcoming year to submit a specific planning and design schedule which demonstrates their ability to qualify for grant award during the funding year. This requirement was adopted in August 1983 to give lead time for implementation for the FY85 funding year. Projects have continued to have difficulty meeting the schedule they submitted. In FY 85, only one new grant award was processed in the first six months of the year, and no other project was able to meet the recommended schedule date of January 1985 for facility plan submittal. The initiative of the prospective applicant is

a significant factor in determining what projects are scheduled and receive funding. Projects as low as #42 on the list were placed on the funding list due to the lack of readiness to proceed by higher ranked projects.

For the FY86 funding year, failure to submit the required schedule will disqualify a project from funding consideration during that year. Projects scheduled to receive funds during the year will be bypassed if they fail to complete planning, design, and grant application requirements in accordance with the schedule they submit.

C. Priority List

The FY86 proposed priority list will reflect, to the extent possible, federal eligibility criteria.

For projects expected to be funded next year, the local and federal share cost estimates may remain uncertain until considerable work has been accomplished:

1. "Eligible costs" for existing needs are derived from calculations that can be estimated with a reasonable degree of accuracy only after the completion of facilities planning and predesign.
2. Eligible versus ineligible types of facilities may require that distinctions be made between closely related classifications of project work, such as between interceptors and collectors. These distinctions may require predesign information. Later data may determine that the project listed is actually ineligible for a grant.
3. The relationships between eligible project types and necessary, related ineligible project construction may not be clear until the facilities planning is completed.
4. The funding allowances for planning and design which are included within the construction grant are not firm until construction bids are awarded.
5. Calculated costs representing the value of remaining useful life are set off against new facilities costs, where both facilities are federally funded. If total replacement is proposed, it is possible that the new facilities are not eligible.

If the confirmation of cost estimates and other data, when available throughout the next year, does not significantly affect project priorities, these changes are made administratively. If project priorities are significantly rearranged, additional public participation and the review and approval of the Commission may be warranted.

Many projects have been included on prior lists classified as "E" projects -- those needed to prevent future pollution problems. Such projects are no longer eligible for funding consideration. Documentation of specific existing water quality or public health concerns is needed before they would be considered for a grant. We encourage these applicants

to submit specific data regarding the scope of existing problems. These projects will continue to be inventoried and evaluated on the priority points calculation list until documentation of existing problems is supplied and they can be reclassified.

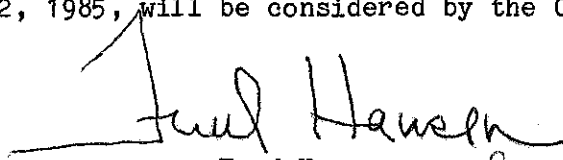
This request for authorization to hold the public hearing is not accompanied by a draft FY86 list. The data is being assembled to produce the draft FY86 list; individual project planning and design schedules were requested in early April from potential applicants in order to compile the most accurate draft list. Public distribution of the draft list is planned on May 8, 1985. A public hearing is scheduled for June 10, 1985, at 10 a.m. at the DEQ Offices, Room 1400, 522 S.W. Fifth Avenue, Portland, Oregon. No changes to the priority criteria or management system are proposed.

Summation

1. The EQC must compile and adopt the state priority list for allocating federal construction grant funds for FY86.
2. The state priority list is an allocation plan for grant funds which is tentative until (1) project-specific data is established and (2) planning and design approvals are secured in a timely manner by listed applicants. Planning and scheduling to produce an application for consideration is the applicant's responsibility.
3. No changes in state priority rating criteria and priority list management system are proposed.
4. The draft FY86 priority list is scheduled for public distribution on May 8, 1985. Public comment will be solicited on the priority management system and FY86 draft list.

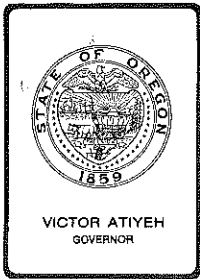
Directors Recommendation

Based on the Summation, the Director recommends that the Commission authorize a public hearing to solicit public comment on the FY86 priority list, and management system to be held on June 10, 1985. All testimony entered into the record by 5 p.m. on June 12, 1985, will be considered by the Commission.


Fred Hansen

Attachment: Notice of Public Hearing

B. J. Smith:m
WT865
229-5415
April 5, 1985



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, April 19, 1985, EQC Meeting

Request for Authorization to Hold a Public Hearing to Amend OAR 340-25-315 (Veneer and Plywood Manufacturing Operations) to Include Emission Standards for Veneer Dryers Located in Special Problem Areas.

Background

The Veneer and Plywood Manufacturing Operations regulations for visible and particulate emissions from veneer dryers (OAR 340-25-315) excludes veneer dryers located in "special problem areas."

The Environmental Quality Commission adopted the existing visible emission limits for veneer dryers on April 7, 1977. On March 30, 1979, standards for particulate mass emissions for wood-fired veneer dryers were adopted. These rules do not apply to veneer dryers located within special problem areas. The special problem areas are designated as the Portland, Eugene-Springfield, and Medford Air Quality Maintenance Areas (AQMA's). It was expected that more stringent emission standards would be considered for sources in those areas.

During the period since adoption of the current standards, veneer dryers within special problem areas have been subject to the same emission limits as dryers elsewhere in the state. These limits were implemented by application of the "highest and best practicable treatment and control" criterion and by placing emission limits in the permits for those facilities.

Since 1979 the Department and Lane Regional Air Pollution Control Authority have evaluated the need for more stringent controls on veneer dryers in special problem areas. This evaluation has considered the needs of the airsheds, the availability of more effective controls, and the performance of controls that have been installed.

In 1983 and 1984 the Department conducted a comprehensive study of veneer dryer visible emissions (Attachment B). This survey evaluated the performance and effectiveness of emission controls on 121 of the state's 230 veneer dryers. Based on these evaluations, the Department feels that more stringent emission standards for special control areas are not needed at this time. The proposed rule change would provide for uniform emission standards statewide, including within special problem areas.

Alternatives and Evaluation

The implementation of emission control standards for veneer dryers would reasonably require that appropriate limits be set for all dryers in the state. The adoption of specific emission limits in geographical areas outside special problem areas was one phase of this effort. Specific visible emission limits for veneer dryers in some of the special problem areas have also been established. The Specific Air Pollution Control Rules for the Medford AQMA designates visible emission limitations the same as for those dryers outside the special problem areas. Lane Regional Air Pollution Authority Rules require similar air emission controls for veneer dryers in the Eugene-Springfield area. At the present time, no visible emission limits apply to veneer dryers in the Portland area. No standard has been set for particulate mass emissions from wood-fired veneer dryers located in any of the special problem areas. Thus, consistency for emission standards for veneer dryers remains incomplete.

The adoption of the rule amendment as proposed would provide for uniform veneer dryer emission limitations statewide. A total of 21 veneer dryers (Attachment B) would be affected by this proposed rule change (including two wood-fired operations under the jurisdiction of LRAPA). All of these veneer dryers have demonstrated compliance with the current visible emission standards in OAR 340-25-315. This degree of emission control has been achieved by applying the requirement for "highest and best practicable treatment and control" (OAR 340-25-310) and by placing limits in permits.

Eleven of the 18 affected wood-fired dryers have already been source tested to verify compliance with the mass particulate standard. Based on an extrapolation of visible emission performance of the tested systems, it is expected that the remaining untested dryers would have similar mass emission compliance results. Thus, the impact of the proposed rule modification on the mill operations and the airshed are expected to be minor.

An alternative would be to set either the same standards or more stringent standards independently for each designated special problem area. At the April 8, 1983 meeting, the Commission considered standards for veneer dryers located in the Medford AQMA which would have been tighter than those for dryers outside of special problem areas. The Commission decided not to adopt more stringent veneer dryer limits for the Medford area at that time, based on recommendations of the Jackson County Air Quality Advisory Committee. At the present time, the Department has not identified a need for more stringent veneer dryer emission standards inside special problem areas. The proposed rule amendment would delete the wording "located outside special problem areas" where reference is made to standards for emissions from veneer dryers (OAR 340-25-315(1)(a)(b) and (c)).

An additional proposed housekeeping amendment would delete a rule on compliance schedules for veneer dryers for which the dates are now past. The rule required the installation of emission control systems or the submittal of a program and time schedule for installation by May 1, 1979 for non-wood-fired veneer dryers and by January 1, 1981 for wood-fired veneer dryers. (OAR 340-25-315 subsection (1)(d) and (e)). The deletion of this section of the rule would have no present or future effect on implementation or maintenance of veneer dryer emission controls since the dates have past.

Summation

1. The Veneer and Plywood Operations Regulation for visible and particulate emissions from veneer dryers excludes veneer dryers located in "special problem areas."
2. The establishment of specific emission limits for veneer dryers which are located in special problem areas is incomplete.
3. Application of the "highest and best practicable treatment and control" for veneer dryers within special problem areas has resulted in emission control equivalent to dryers elsewhere in the state.
4. A recent Department study of veneer dryer emission control performance has concluded that the proposed rule changes would be appropriate.
5. Adoption of the proposed amendment would bring 21 veneer dryers under the current emission standard. The Department does not expect that the airsheds or mills would be significantly impacted by adoption of the amendment.
6. A housekeeping amendment is proposed which would delete the requirement for submittal of a program and time schedule for installing emission control systems on veneer dryers. The requirement is no longer of consequence since the implementation dates have past.

Director's Recommendation

Based on the summation, the Director recommends that the EQC authorize a hearing to consider modifying the Veneer and Plywood Manufacturing Operations Regulation to include veneer dryers located within special problem areas and to delete the dated requirement for submittal of a program and time schedule for emission control equipment installations (see Attachment A).

Fred Hansen

- Attachments
- A. Amendments to OAR 340-25-315
 - B. Special Study of Veneer Dryer Air Contaminant Visible Emissions
 - C. List of Affected Facilities
 - D. Notice of Public Hearing and Rulemaking Statements.

D. Neff:s
229-6480
April 5, 1985

AS1275

PROPOSED RULE AMENDMENTS

Veneer and Plywood Manufacturing Operations

340-25-315 (1) Veneer Dryers

(a) Consistent with sections 340-25-310(1) through(4), it is the objective of this section to control air contaminant emissions, including but not limited to, condensible hydrocarbons such that visible emissions from each veneer dryer [located outside special problem areas] are limited to a level which does not cause a characteristic "blue haze" to be observable;

(b) No person shall operate any veneer dryer [outside a special problem area] such that visible air contaminants emitted from any dryer stack or emission point exceed:

(A) A design opacity of 10%;

(B) An average operating opacity of 10%; and

(C) A maximum opacity of 20%.

Where the presence of uncombined water is the only reason for the failure to meet the above requirements, said requirements shall not apply.

(c) Particulate emissions from wood fired veneer dryers [located outside a special problem area] shall not exceed:

(A) 0.75 pounds per 1000 square feet of veneer dried (3/8" basis) for units using fuel which has a moisture content by weight of 20% or less;

(B) 1.50 pounds per 1000 square feet of veneer dried (3/8" basis) for units using fuel which as a moisture content by weight of greater than 20%;

(C) In addition to paragraphs 9(c)(A) and (B) of this section, 0.40 pounds per 1000 pounds of steam generated. The heat source of wood fired veneer dryers is exempted from rule 340-21-030.

[(d) After May 1, 1979, no person shall operate a veneer dryer in existence prior to May 1, 1979, located outside a special problem area unless:]

[(A) The owner or operator has submitted a program and time schedule for installing an emission control system which has been approved in writing by the Department as being capable of complying with subsection (1)(b) and (c) of this rule;]

[(B) The veneer dryer is equipped with an emission control system which has been approved in writing by the Department and is capable of complying with subsection (1)(b), and (c) of this rule; or]

[(C) The owner or operator has demonstrated and the Department has agreed in writing that the dryer is capable of being operated and operated in continuous compliance with subsections (1)(b) and (c) of this rule. The schedule for wood fired veneer dryers shall result in compliance as soon as practicable, but by no later than January 1, 1981.]

[(e) The time schedule required in paragraph (d)(A) of this section for wood fired veneer dryers in existence prior to May 1, 1979 shall be completed as soon as practicable, but by no later than January 1, 1981. Wood fired veneer dryers constructed on or after May 1, 1979 shall comply with subsection (1)(b) and (c) of this rule upon startup. The Department may grant exceptions to this requirement if control equipment delivery and installation will significantly delay the startup of a wood fired veneer dryer and that operation of such dryer will not interfere with the maintenance of ambient air quality standards. In no case shall such exception be granted beyond January 1, 1981;]

(d) [(f)] Each veneer dryer shall be maintained and operated at all times such that air contaminant generating processes and all contaminant control equipment shall be at full efficiency and effectiveness so that the emission of air contaminants are kept at the lowest practicable levels;

(e) [(g)] No person shall willfully cause or permit the installation or use of any means, such as dilution, which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this rule:

(f) [(h)] Where effective measures are not taken to minimize fugitive emissions, the Department may require that the equipment or structures in which processing, handling, and storage are done, be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air;

(g) [(i)] The Department may require more restrictive emission limits than provided in subsection (1)(b) and (c) of this rule for an individual plant upon a finding by the Commission that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emissions expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

(2) Other Emission Sources:

(a) No person shall cause to be emitted particulate matter from veneer and plywood mill sources, including, but no limited to, sanding machines, saws, presses, barkers, hogs, chippers, and other material size reduction equipment, process or space ventilation systems, and truck

loading and unloading facilities in excess of a total from all sources within the plant site of one (1.0) pounds per 1000 square feet of plywood or veneer production on a 3/8 inch basis of finished product equivalent;

(b) Excepted from subsection (2)(a) of this rule, are veneer dryers, fuel burning equipment, and refuse burning equipment.

(3) Monitoring and Reporting: The Department may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program shall be subject to review and approval by the Department and shall consist of the following:

(a) A specified minimum frequency for performing visual opacity determinations on each veneer dryer emission point;

(b) All data obtained shall be recorded on copies of a "Veneer Dryer Visual Emissions Monitoring Form" which shall be provided by the Department of Environmental Quality or on an alternative form which is approved by the Department; and

(c) A specified period during which all records shall be maintained at the mill site for inspection by authorized representatives of the Department.

AS1275.A

SPECIAL STUDY
OF
VENEER DRYER VISIBLE
AIR CONTAMINANT EMISSIONS

PREPARED BY
DON NEFF
OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

APRIL, 1985

TABLE OF CONTENTS

| <u>Description</u> | <u>Page</u> |
|---|-------------|
| Introduction | 1 |
| Primary Objectives | 1 |
| Summary of Findings | 2 |
| Recommendations | 3 |
| Number of Mills and Veneer Dryers - Summary | 4 |
| Special Field Survey-General | 5 |
| Special Field Survey-Observations | 5 |
| Visible Exhaust Stack Emissions | 7 |
| Emission Control Systems Performance | 11 |
| Mill Compliance | 12 |
| Field Survey Observations of Veneer Dryers in Lane County | 13 |
| Future of Veneer Dryer Visible Emission Control | 14 |
| OAR-Visible Emission Standards for Veneer Dryers | 15 |
| Guidelines for Plywood Mill Inspections..... | 15 |
| Guidelines for Implementation of the Visible Emission Standards | 17 |
| Appendix A | |
| Mill/Veneer Dryer Identification | |
| Veneer Dryer Emission Control Systems | |
| Appendix B | |
| Oregon Administrative Rules 340-25-305 through 340-25-315 | |
| Board Products Industries, Veneer and Plywood Manufacturing | |
| Operations | |
| Appendix C | |
| Summary of background material for development of the visible | |
| emission standards for veneer dryers. | |
| Appendix D | |
| Visual determination of opacity from stationary sources, | |
| source sampling Method 9. | |

Introduction

The existing visible emission standards for veneer dryers have been in effect since 1977. Fourteen different exhaust stack emission control devices or basic techniques have been used to reduce the blue haze emitted from exhaust stacks of veneer dryers.

In 1983, the program operations section of the Air Quality Division conducted a special study to evaluate the effectiveness and consistency of the control strategies. Field observations were made of more than half of the 228 veneer dryers in the state to give an overview of visible emission control accomplished. The study results have identified specific problems and provided Departmental direction regarding appropriateness of the regulatory standards.

Emission control techniques are grouped into two general categories:

1. Control by process modification, and
2. Control with external control devices.

The selection of air emission control systems for direct wood heated veneer dryers is generally different than for gas or steam heated dryers. This study considers these two types separately.

The analysis of apparent compliance and control equipment performance is detailed only for operations under the regulatory jurisdiction of the Department of Environmental Quality. While a few sources regulated by the Lane Regional Air Pollution Authority were reviewed, they are not included in the tabulated emission level summaries.

The opacity of the observed emissions is separated into three groupings as specified in the regulatory visible standard (Oregon Administrative Rules 340-25-315): <10 percent, 10-20 percent, and >20 percent opacity.

PRIMARY OBJECTIVES:

The primary objectives of the study relating to visible air contaminant emissions were to:

- o Assess the apparent compliance status of veneer dryers and mills
- o Evaluate effectiveness of emission control systems
- o Identify problems of maintaining compliance
- o Review the appropriateness of the current standards

SUMMARY OF FINDINGS:

1. Technology to control visible air contaminant emissions from steam and gas heated veneer dryers to levels that are in compliance with Oregon visible emission standards is available and in place. Violations of the visible standards were the result of operations or equipment problems rather than problems associated with the design capability of the control devices.
2. Overall, the stack emission controls of direct wood heated veneer dryers were found to be marginal to unacceptable for achieving compliance with the visible emission standards. This was evident in that about 50 percent of the stack emissions exceed 10 percent opacity. Violations of the 20 percent opacity standard were observed from 5 of the 19 stacks.
3. A significant number of mills were in violation with the visible emission standards because of excessive fugitive emissions. Sixty percent of the mills which exceeded the 20 percent opacity standard did so because of fugitive emissions. Half of the mills observed in the 10 percent to 20 percent opacity range were due to fugitives.
4. An efficient veneer drying operation (i.e., optimum, consistent drying of all veneer -- minimum redry and overdry) will inherently generate less "blue haze" emissions. Operating practices and/or inadequate maintenance of veneer dryers and air emission control units may be the major contributing cause for violations of the visible emission limits. The species and grade of veneer being dried can be a significant factor in the amounts of air contaminants that are generated.
5. Statistics on visual emissions from veneer dryer exhaust stacks as observed during 1983 special field survey were as follows:
 - A. Gas and steam heated veneer drying operations:
 - o 81 percent of the stacks were less than 10 percent opacity;
 - o 14 percent of the stacks were 10 percent to 20 percent opacity; and
 - o 5 percent of the stacks were in violation of the 20 percent opacity maximum.
 - B. Direct wood heated veneer drying operations:
 - o 53 percent of the stacks were less than 10 percent opacity;
 - o 21 percent of the stacks were between 10 percent and 20 percent opacity; and
 - o 26 percent of the stacks were in violation of the 20 percent opacity maximum limitation.

6. Statistics of visual fugitive emissions as observed during the 1983 special field survey were as follows:
 - A. Mills operating gas and steam heated veneer dryers:
 - o 64 percent of the mills demonstrated emissions of less than 10 percent opacity;
 - o 27 percent of the mills had emissions between 10 percent and 20 percent opacity; and
 - o 9 percent of the mills had emissions in violation of the 20 percent opacity limit.
 - B. Mills operating direct wood heated veneer dryers:
 - o 62 percent of the mills demonstrated emissions less than 10 percent opacity;
 - o 31 percent of the mills had emissions between 10 percent and 20 percent opacity; and
 - o 7 percent of the mills had emissions in violation of the 20 percent opacity limit.
7. Control of visible air contaminant emissions to the current regulatory limit of 10 percent average operating opacity and 20 percent maximum opacity provides reasonable visual acceptability of the "blue haze" from veneer dryers at most locations. However, visible emissions, as viewed by the public at some locations, may be magnified (by angle of view or sun position) to take on an appearance greater than regulatory limits. A less stringent standard may result in adversely affecting the visual air quality at some locations.

RECOMMENDATIONS:

1. The existing visible air contaminant rules for veneer dryers (OAR 340-25-305 through -315) should be retained. The rule should be amended to include the application of the standard in special problem areas.
2. The compliance status of each source which exceeded opacities of 10 percent should be varified by regional inspection. A specific plan for corrective action must be initiated for each varified noncomplying source. The opacity rule should be applied uniformly statewide.
3. To improve implementation and to insure uniform applications of the rules, the "Specific Guidance for Applying Visible Emission Rule for Veneer Dryers" on page 17 of this report should be followed.

4. To improve air emission compliance, more attention must be given to assuring that there is adequate maintenance of control devices and veneer dryer leak points. An operation and maintenance program for each emission control unit and each veneer dryer should be required for those mills that have continuing violations of standards.
5. Particular attention must be given to engineering plan review of proposed new or modified air contaminant emission control systems for direct wood fired veneer dryers. Low energy wet scrubbers, sand bed type scrubbers, and the Georgia Pacific packed tower scrubbers are systems which, in their present operating configurations, are not generally acceptable as visible air contaminant control devices for direct wood fired veneer dryers.
6. Further evaluations should be conducted to determine specific operation and maintenance measures that need to be applied to the various air contaminant emission control systems.
7. The Department should review the merits of implementing the self-monitoring and reporting program (OAR 340-25-315(3)) to attain a higher rate of continuous compliance.

NUMBER OF MILLS AND VENEER DRYERS SUMMARY:

A numerical summary of active mills and veneer dryers in the state (mills on temporary shutdown are counted as "active mills") is shown below.

| <u>Mills/Dryers</u> | <u>Number</u> | | |
|---------------------|---------------|--------------|--------------|
| | <u>DEQ</u> | <u>LRAPA</u> | <u>Total</u> |
| Total Mills | 62 | 24 | 86 |
| Veneer Dryers | | | |
| Gas Heat | 25 | 16 | 42 |
| Steam Heat | 108 | 28 | 136 |
| Wood Heat | <u>48</u> | <u>5</u> | <u>53</u> |
| Total Veneer Dryers | 181 | 49 | 230 |

Eleven mills under DEQ jurisdiction, with 37 veneer dryers, were not in operation during 1983 because of the depressed demand for wood products.

The distribution of heat used by veneer dryers is shown in Figure 1. As a result of changes which have occurred in fuel costs over recent years, many veneer dryers have been converted from gas heat to direct wood-fired heat. While the statistics show there are 42 gas heated veneer dryers, only a small fraction of this number were in actual operation in 1983.

Twenty-two percent of the veneer dryers are now heated by direct wood heat. Appendix A identifies the types of heat sources at specific mills.

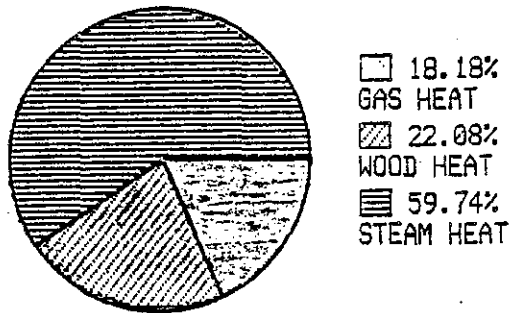


Figure 1. Veneer dryer heat source distribution - statewide.

SPECIAL FIELD SURVEY - GENERAL:

The special field survey included the observation of 121 of the 156 operating veneer dryers under Department of Environmental Quality permit jurisdiction. These dryers are located at 35 of the 51 operating mills. All but five of the veneer drying operations in the state are located west of the Cascade Mountain range.

In addition to the mills under DEQ jurisdiction, on-site inspections were made at 4 of the 24 mills in Lane County (Lane Regional Air Pollution Control Authority permit jurisdiction). Emissions from 5 other mills in the Eugene area were observed during "drive-bys."

This survey considered separately the visual emissions from the exhaust stacks (direct from the dryer heat section or through an emission control device), fugitive smoke, and secondary emissions from the veneer dryer cooling section stacks. In addition to evaluating these individual sources, each mill as a composite unit was assessed for apparent compliance with the veneer dryer regulatory visible emission limits.

In general, the dryer operating parameters were not identified for the time of each observation. However, dryer operations were usually examined in cases where high opacities were observed so that the cause and effect could be correlated.

SPECIAL FIELD SURVEY OBSERVATIONS:

Table 1 summarizes the observed veneer dryer emission point and mill opacity status of those mills under Department jurisdiction.

The mill composite summary reflects the observed overall opacity status of each mill. For accounting purposes, each mill is considered to have a single dryer heat section exhaust stack and a single fugitive emission point. The rows identified as "Exhaust Stack" considers only the heat

| | Total Number | <10% Opacity | | 10% >20% Opacity | | >20% Opacity | |
|--------------------------------------|-----------------|--------------|------------|------------------|------------|--------------|------------|
| | | Number | % of Total | Number | % of Total | Number | % of Total |
| <u>Emission Points⁽²⁾</u> | | | | | | | |
| <u>Gas & Steam Heat</u> | | | | | | | |
| Exhaust Stack | 63 | 51 | 81 | 9 | 14 | 3 | 5 |
| Cooling Sect. Stack | - | - | - | 2 | - | 1 | - |
| Plant Fugitives | 22 | 14 | 64 | 6 | 27 | 2 | 9 |
| <u>Direct Wood Heat</u> | | | | | | | |
| Exhaust Stack | 19 | 10 | 53 | 4 | 21 | 5 | 26 |
| Cooling Sect. Stack | - | - | - | 0 | 0 | 0 | 0 |
| Plant Fugitives | 13 | 8 | 62 | 4 | 31 | 1 | 7 |
| <u>Mill Composite⁽³⁾</u> | | | | | | | |
| <u>Gas, Steam & Wood</u> | | | | | | | |
| Exhaust Stack | 22 | 16 | 73 | 4 | 18 | 2 | 9 |
| Exhaust + Fugitives | 22 | 9 | 41 | 8 | 36 | 5 | 23 |
| <u>Direct Wood Heat</u> | | | | | | | |
| Exhaust Stack | 13 | 5 | 38 | 3 | 24 | 5 | 38 |
| Exhaust + Fugitives | 13 | 3 | 23 | 4 | 31 | 6 | 46 |

- (1) Excludes the three mills on Environmental Quality Commission variance.
(2) Accounts for individual dryer/emission control device exhaust points.
(3) The overall emission status of each observed mill is shown. The line notation: "Exhaust Stack" includes only the stacks; the "Exhaust+Fugitive" line accounts for greatest opacity observed from exhaust stack, cooling stack and/or fugitive emissions.

Table 1. Veneer Dryer Emission Point and Mill Opacity Status

| Emission Controls | GAS Opacity <10% | STEAM HEATED Opacity | | | DIRECT WOOD HEATED Opacity | | |
|-------------------------------|------------------------|-------------------------|------------------|------------------|-------------------------------|-----------|------------------|
| | | <10% | 10% - 20% | >20% | <10% | 10% - 20% | >20% |
| | | | | | | | |
| Rader Sand Filter | 0 | 2 | 0 | 1 | 0 | 0 | 0 |
| Boiler Incineration | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Burley Scrubber | 0 | 39 | 7 ⁽²⁾ | 0 | 0 | 0 | 0 |
| Cellocoate Scrubber | 0 | 0 | 0 | 0 | 2 | 2 | 1 |
| Co. Mfr Scrubber | 0 | 0 | 0 | 0 | 0 | 2 | 0 |
| G.P. Scrubber | 0 | 2 | 0 | 0 | 0 | 0 | 3 ⁽³⁾ |
| Lo-Em Control | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| No Stack Controls | 1 | 7 | 2 | 2 ⁽⁴⁾ | - | - | 1 ⁽⁴⁾ |
| Recirculation | - | - | - | - | 6 | 2 | 0 |
| Totals | 1 | 51 | 9 | 3 | 9 | 6 | 5 |
| Cooling Stacks ⁽⁵⁾ | - | - | 2 | 1 | - | 0 | 0 |
| Fugitives | - | 14 | 6 | 2 | 11 | 3 | 1 |

- (1) Summary excludes veneer dryers on variance from emission limits as authorized by the Environmental Quality Commission.
(2) Four Burley scrubbers on each of two dryers at Weyerhaeuser, North Bend, tabulated as a single point per dryer.
(3) Two steam and two wood fired dryers treated by a single scrubber unit at Georgia Pacific, Toledo mill.
(4) Dryers normally process low emitting woods. Unauthorized wood being dried.
(5) Cooling section stacks accounted for only when opacity >10%. Tabulated as 'one' for each plant site.

Table 2. Summary of observed performance of veneer dryer emission control equipment

section exhaust stacks from the veneer dryers. The rows marked "Exhaust & Fugitives" indicates the highest opacity noted at a mill, whether from the dryer exhaust stack, cooling section stack, or fugitive emissions.

A summary of the observed performance of various control equipment and methods is found in Table 2. Details for each observed source, which demonstrated visible emissions of 10 percent or more, are presented in Tables 3 and 4. The opacity level of each observed veneer drying section stack or the air emission control unit stack is recorded. Data for gas and steam heated veneer dryers are tabulated separately from that of direct wood heated dryers. (The gas/steam dryer data is primarily valid for steam heated dryers, since only one gas heated dryer which exhausted independent from other dryers was observed). A given opacity range (10 percent to 20 percent and >20 percent) for any number of cooling section stacks at a mill is recorded as a single occurrence. Fugitive emissions are also recorded as one occurrence per mill.

The observation results are also presented graphically and discussed in the sections that follow and are titled:

1. Visible Exhaust Stack Emissions
2. Emission Control Systems Performance
3. Mill Compliance

VISIBLE EXHAUST STACK EMISSIONS:

Gas and Steam Heated Veneer Dryer Emission Control:

Eighty-one gas and steam veneer dryers were observed at 22 mills. These dryers exhausted through 63 separate emission points. Eighty-one percent of the observed gas and steam heated veneer dryers demonstrated stack emissions of less than 10 percent opacity. The three steam heated dryers with exhaust stack emissions greater than 20 percent opacity resulted from either a violation of the designated control strategy of wood species control or improper emission control equipment operation.

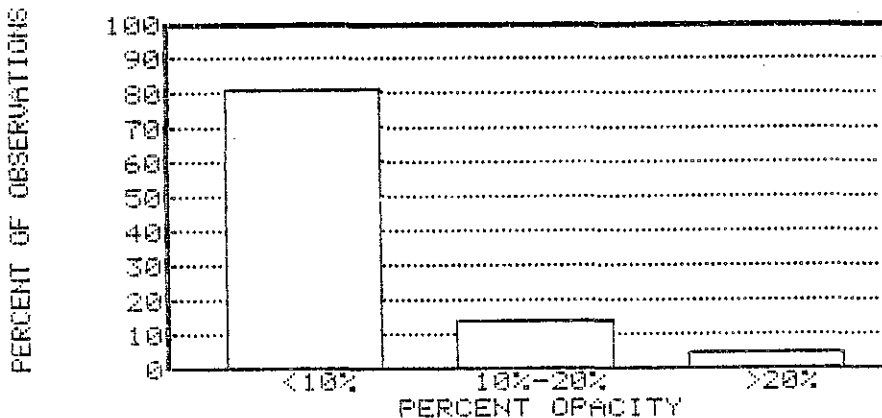


Figure 2. Steam heated dryer exhaust stack visible emissions.

Table 3

VISIBLE EMISSION OBSERVATION SUMMARY
MILLS OPERATING STEAM & GAS VENEER DRYERS
1983 Special Field Survey

| Company | Location | Source Number | Stack Emission Control | VISUAL OPACITY | | | | | | | | | |
|------------------------|------------|---------------|--|---|--|-------------------------|-----------------------|-----------|------|--------------------|----------------------|-------------------|--|
| | | | | Dryer Stack | | | Cooling Section Stack | | | Fugitive Emissions | | | |
| | | | | <10% | 10% - 20% | >20% | <10% | 10% - 20% | >20% | <10% | 10% - 20% | >20% | |
| Weyerhaeuser | North Bend | 06-0007 | Burleys ⁽¹⁾ Burleys | | 10 - 20 10 - 15 | | -- | | | | | 10 - 15 | |
| Roseburg Lumber | Coquille | 06-0010 | Burley Burley Burley Burley | 5 5 5 10 | | | <10 | | | | | <5 | |
| Georgia-Pacific | Coquille | 06-0012 | G.P. Scrubber ⁽²⁾ G.P. Scrubber | 10 10 | | | <10 | | | | | <5 ⁽³⁾ | |
| Mt. Mazama Plywood | Sutherlin | 10-0022 | No Control No Control | | | 40 ⁽⁴⁾ 40 | -- | | | | | -- | |
| Roseburg Lumber | Dillard | 10-0025 | Burley Burley Burley ⁽⁵⁾ Burleys Burley Burley Burley | 10 10 10 10 10 10 10 | | | -- | | | 20-25 20-25 | <5 one vent 10 | | |
| Champion International | Roseburg | 10-0037 | Burley Burley Burley Burley | 5 10 ⁽⁶⁾ 10 10 | | | | | | | | <5 | |
| Drain Plywood | Drain | 10-0054 | Burley Burley | 10 10 | | | | | | 25 25 | | -- | |
| Glendale Plywood | Glendale | 10-0055 | Process Control Process Control Process Control | 5 5 5 | | | <10 | | | | | <5 | |
| Roseburg Lumber | Riddle | 10-0078 | Burley Burley Burley Burley Burley | 10 10 10 -- ⁽⁷⁾ 10 | 10 - 15 15 - 20 | | -- | | | | | 10 - 15 | |
| Roseburg Lumber | Green | 10-0083 | Burley Burley Burley | | 15 - 20 ⁽⁸⁾ 5 - 10 5 - 10 | | -- | | | | | 20 10 - 15 | |

(1) Four Burley scrubbers on each veneer dryer.

(2) Three steam heated dryers controlled by each G.P. scrubber.

(3) Also a leak in abort stack valve with low exhaust flow - 25% opacity.

(4) Source on EQC variance from emission limits.

(5) Two Burley scrubbers on veneer dryer No. 4.

(6) Estimates on Dryers Nos. 2, 3, & 4 since the emission blended together at 25% opacity.

(7) Inaccurate reading as the plume mixed with a vent emission.

(8) Malfunction of scrubber draft fan.

VISIBLE EMISSION OBSERVATION SUMMARY
MILLS OPERATING STEAM & GAS VENEER DRYERS
1983 Special Field Survey

Table 3, continued

| | | | | VISUAL OPACITY | | | | | | | | |
|-------------------------|-------------|---------------|--|----------------|-----------|--|-----------------------|-----------|-------------------------|--------------------|-----------|-------------------------|
| Company | Location | Source Number | Stack Emission Control | Dryer Stack | | | Cooling Section Stack | | | Fugitive Emissions | | |
| | | | | <10% | 10% - 20% | >20% | <10% | 10% - 20% | >20% | <10% | 10% - 20% | >20% |
| Boise Cascade | Medford | 15-0004 | Burley | | 10 - 15 | | | | | | | 20 - 25 |
| | | | Burley | | 10 - 15 | | | | | | | |
| | | | Burley | -- (9) | | | | | | | | |
| | | | Burley | -- | | | | | | | | |
| | | | Burley | -- (10) | | | | | | | | |
| Medford Plywood | White City | 15-0018 | Process | | 20 | | <10 | | | | | |
| | | | Process | | 20 | | | | | | | |
| | | | Process | -- | | | | | | | | |
| Timber Products | Medford | 15-0025 | Burley | 0 | | | <10 | | | <5 | | |
| | | | Burley | 5 | | | | | | | | |
| | | | Process | 0 | | | | | | | | |
| White City Plywood | White City | 15-0040 | Burley | 5 | | | | | | | | 20 - 25 ⁽¹¹⁾ |
| | | | Burley | 5 | | | | | | | | |
| Medford Corporation | Medford | 15-0048 | Process | 10 | | | | 15 | | <5 | | |
| | | | Burley | 5 | | | | | | | | |
| | | | Burley | 10 | | | | | | | | |
| | | | Burley | 10 | | | | | | | | |
| | | | Process | -- | | | | | | | | |
| Southern Oregon Plywood | Grants Pass | 17-0015 | Burley | 10 | | | <10 | | | 10 | | |
| | | | Burley | 5 | | | | | | | | |
| | | | Burley | -- | | | | | | | | |
| Miller Plywood | Merlin | 17-0023 | Burley | 5 | | | | | | | | |
| | | | Process | | | 38 ⁽¹²⁾ | -- | | | | | |
| Process | | | | | | 40 ⁽¹²⁾ | | | | | | |
| Tim-Ply | Grants Pass | 17-0029 | Burley | 5 - 10 | | | <10 | | | | | |
| | | | Burley | 5 - 10 | | | | | | <5 | | |
| | | | Burley | 5 - 10 | | | | | | | | |
| Willamette Industries | Foster | 22-3010 | Rader Sand Filter (two steam dryers) | 5 | | | | 5 - 15 | | | 5 - 20 | |
| | | | Champion International | Lebanon | 22-5196 | Incineration Boiler (six steam dryers) | <10 | | 25 - 30 ⁽¹⁴⁾ | -- | | |
| Willamette Industries | Sweet Home | 22-7128 | Rader Sand Filter (two steam dryers) | | | 5 | | | -- | | 10 - 15 | |
| Willamette Industries | Dallas | 22-0177 | Rader Sand Filter (three steam dryers) | | | 20 - 25 ⁽¹⁵⁾ | | | 10 - 25 | 15 | | |

(9) Plumes from Dryers Nos. 3 & 4 inter-mixed.

(10) Dryer No. 5 temporarily out of operation.

(11) Intermittent fugitives, decreases to <10 at times.

(12) Dryer normally controlled by species selection (redwood). Unauthorized species being processed.

(13) Opacity of boiler stack as veneer dryer control system.

(14) Two dryers permitted to operate uncontrolled per EQC variance.

(15) Sand filter system was not being maintained and operated properly.

Table 4

VISIBLE EMISSION OBSERVATION SUMMARY
MILLS WITH DIRECT WOOD HEATED VENEER DRYERS
1983 Special Field Survey

| Company | Location | Source Number | Stack Emission Control | VISUAL OPACITY | | | | | | | | | |
|------------------------------|----------------------------|---------------------------|---|----------------|--------------------|------------------------|-----------------------|-------------------|------|--------------------|-----------|---------|----|
| | | | | Dryer Stack | | | Cooling Section Stack | | | Fugitive Emissions | | | |
| | | | | <10% | 10% - 20% | >20% | <10% | 10% - 20% | >20% | <10% | 10% - 20% | >20% | |
| Leading Plywood | Corvallis | 02-2479 ⁽¹⁾ | Co.Mfgr. Scrubber | | 20 20 | | -- ⁽³⁾ | | | -- ⁽³⁾ | | | |
| Multnomah Plywood | St. Helens | 05-2076 | Recirculation Recirculation | 5 5 | 10 - 25 | | <10 | | | | | | 25 |
| Mt. Mazama Plywood | Sutherlin | 10-0022 ⁽¹⁾⁽²⁾ | Lo-EM | <10 | | | | 20 | | -- | | | |
| Southwest Forest Plywood, #6 | White City | 15-0006 | Ceilmote | | 15 | | <10 | | | | | 20 | |
| Kogap | Medford | 15-0015 | Ceilmote | <10 | | | <10 | | | <10 | | | |
| Boise Cascade | White City | 15-0020 | Ceilmote | | 10 - 15 | | | 20 ⁽⁴⁾ | | <10 | | | |
| Southwest Forest Plywood, #4 | Grants Pass | 17-0007 | Ceilmote | 5 | | | -- | | | | | 20 | |
| Southwest Forest Plywood, #3 | Grants Pass Grants Pass | 17-0030 | Ceilmote | | | 15 - 25 | -- | | | <5 | | | |
| Georgia-Pacific | Toledo | 21-0004 | G.P. | | (17% Avg.) | 30 | -- | | | | | 20 | |
| North Santiam Plywood | Mill City | 22-2522 | Species NS Scrubber ⁽⁶⁾ NS Scrubber | | 15 - 20 15 - 20 | 35 - 40 ⁽⁵⁾ | -- | | | -- | | | |
| Willamette Industries | Lebanon | 22-5193 | Recirculation Recirculation | 5 | | 10 - 15 | <10 | | | 5 - 10 | | | |
| Willamette Industries | Griggs | 22-5194 | Recirculation Recirculation | 10 10 | | | <10 | | | <5 | | | |
| Champion International | Lebanon | 22-5196 ⁽²⁾ | Recirculation | <10 | | | -- | | | -- | | | |
| Boise Cascade | Sweet Home | 22-7008 | G.P. Filter | | (17% Avg.) | 35 | -- | | | | | 10 - 15 | |
| Linnton Plywood | Portland | 26-2073 | G.P. Filter | | (16% Avg.) | 10 - 25 | -- | | | <5 | | | |

(1) Temporary opacity exception, EQC variance.

(2) Mill also listed with steam/gas heated veneer dryers.

(3) No visual observation recorded, noted as a "--".

(4) Cooling Section Stack seal leak, high intensity, low volume.

(5) Mill drying unauthorized; high resin veneer in Dryer No. 1.

(6) Scrubbers manufactured by company.

Direct Wood Heated Veneer Dryer Emission Control:

Nineteen direct wood heated veneer dryer exhaust points were observed from 33 veneer dryers at 13 different mills. Almost half (9) of these emission points exceeded the 10 percent opacity level. Five of the nine were observed with opacities that exceeded 20 percent.

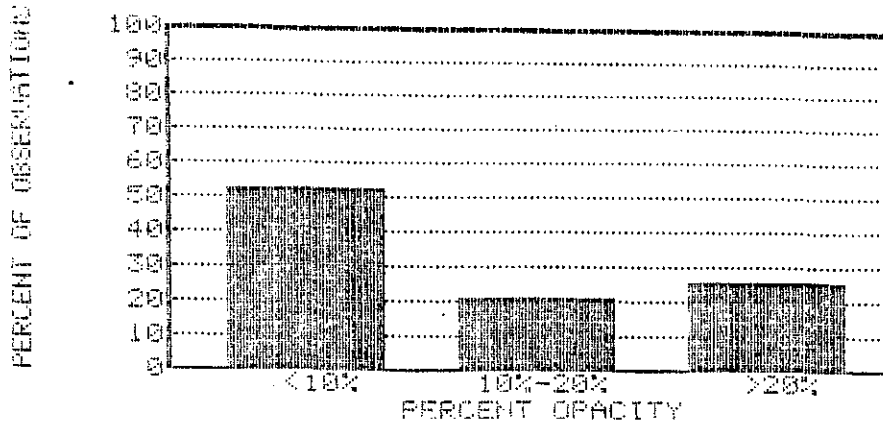


Figure 3. Direct wood heated veneer dryers exhaust stack visible emissions.

EMISSION CONTROL SYSTEMS PERFORMANCE:

The observed emission levels from specific types of control device or abatement techniques is summarized in Table 2 and graphed in Figures 4 and 5. Care must be exercised in making any definite conclusion regarding normal performance of any specific control technique, because in some cases the value represents a single observation on only one or two similar control applications.

Gas and Steam Heated Veneer Dryers:

The inadequate performance of some control systems was caused by malfunctions or improper operation. One Burley scrubber had a malfunctioning draft fan. Poor operating practices was the reason for high opacity from a Rader Sand Filter. Unauthorized drying of resinous veneer contributed to 20 percent opacity from a dryer dedicated to low-resin veneer.

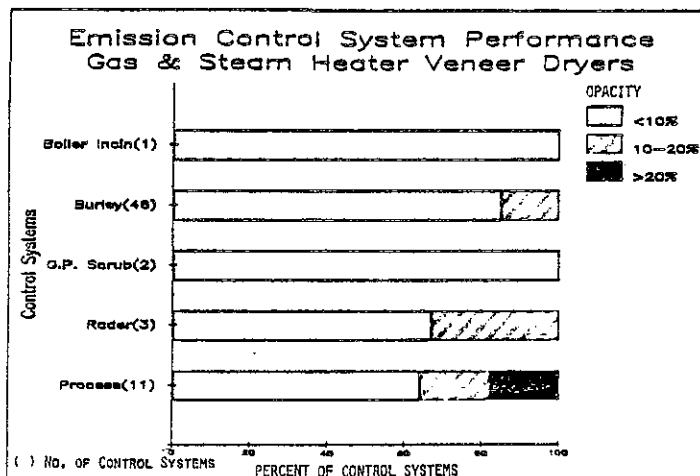


Figure 4. Gas and steam dryer emission control systems performance.

Direct Wood Heated Veneer Dryers:

Three of the five Ceilcote IW scrubbers observed displayed emissions of greater than 10 percent opacity (one stack was only marginally over 10 percent opacity). One of these units was observed with visible emissions that exceeded 20 percent opacity (failure to operate the unit properly appeared to be the reason for the poor performance). All three Georgia Pacific packed tower scrubbers controlling direct wood heated dryer demonstrated peak emissions greater than 20 percent opacity. These high emissions came in the form of "puffs" at various intervals. The average opacity of each G. P. scrubber was about 16 percent.

Unauthorized drying of Douglas Fir veneer was the cause for 40 percent opacity observed from one dryer. Three veneer dryers that depended on recirculation to the wood-fired direct heat source were observed emitting blue haze in the 10 percent to 20 percent opacity range. Two simple company manufactured "knock-out box" type wet scrubbers on a recirculation system were observed at near 20 percent opacity.

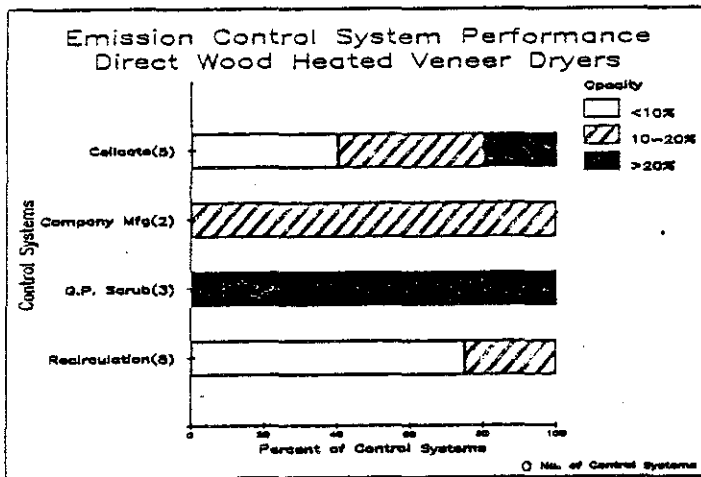


Figure 5. Direct wood heated dryer emission control systems performance

MILL COMPLIANCE:

The apparent compliance status of each mill with regard to the regulatory emission standards was made by considering both the exhaust stacks and fugitive emissions. An exceedance of the emission standard from either or both sources placed the mill in apparent noncompliance status.

Gas and Steam Heated Dryer Operating Mills:

Only 41 percent of the observed mills operating gas or steam heated dryers had veneer dryer visible emissions of less than 10 percent opacity. Fugitive emissions were the primary cause of high opacity at most noncomplying

mills. Six of the 22 mills had fugitive emissions between 10 percent and 20 percent opacity. Two mills were experiencing fugitive emissions greater than the 20 percent opacity limit.

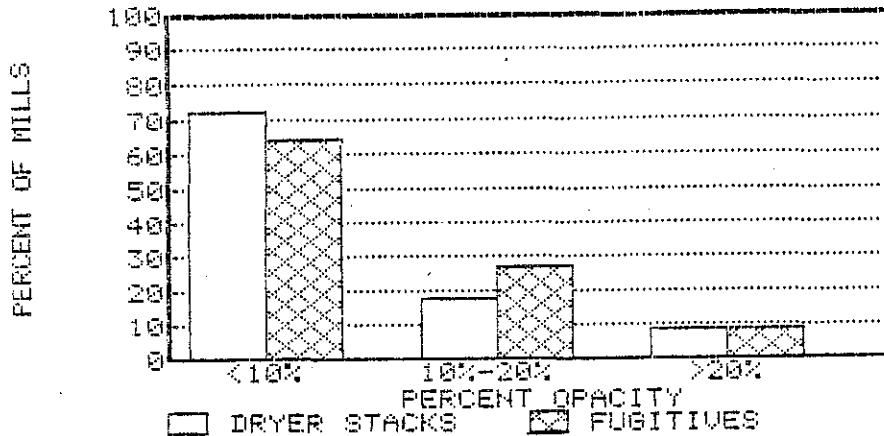


Figure 6. Visible emissions at mills with gas or steam heated dryers. Dryer exhaust stacks and fugitive emissions compared.

Direct Wood Heated Dryer Operating Mills:

Ten of the 13 mills observed demonstrated dryer exhaust stack emissions with levels above 10 percent opacity. Visible emissions exceeded the 20 percent opacity limit at 5 mills. Fugitive emissions were the reason for the 20 percent opacity at one of these mills.

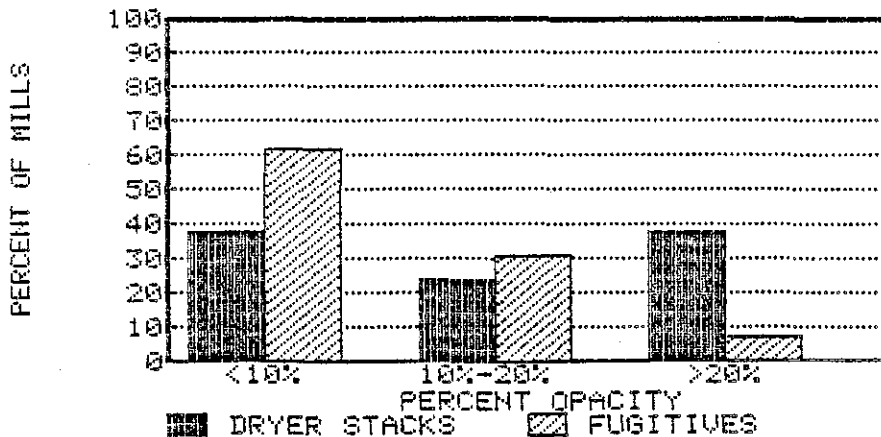


Figure 7. Visible emissions at mills with direct wood heated dryers. Dryer exhaust stacks and fugitive emissions compared.

FIELD SURVEY OBSERVATIONS OF VENEER DRYERS IN LANE COUNTY:

Four mills were visited in Lane County. Drive-by observations were made at five additional mills. All dryer stacks were initially documented at less than 10 percent opacity. During a second observation of a direct wood

heated veneer dryer system with a Georgia Pacific scrubber, the plume was marginally over 10 percent opacity.

Fugitive emissions from all mills were less than 10 percent opacity. One mill had serious blue smoke inside the building because of a dryer internal pressure balance problem. However, the extensive roof vent opening allowed smoke to spread out and the position of observation made the viewed density very minimal from the outside.

FUTURE OF VENEER DRYER VISIBLE EMISSIONS:

There was a relatively high number of operations in noncompliance (>20 percent opacity) or potential noncompliance (10 percent to 20 percent opacity) with the air emission standards. Failures to comply were frequently caused by fugitive emissions rather than a direct result of emissions from the veneer dryer exhaust stack. Strategies and external emission control equipment are available to accomplish the reductions of visible air emissions required by the current veneer dryer visible emission standard.

Because of the poor economic conditions of the wood products industry in recent years, the maintenance of veneer dryers and emission control systems has been lax. It is the Department's expectation that all mills maintain continuous compliance with applicable standards. When a mill has difficulty maintaining compliance due to economic hardship, technological problems or physical limitations, a period of noncompliance can only be authorized by the Environmental Quality Commission.

Some of the air emission control equipment which has been in operation for several years has deteriorated badly and performance efficiency may have decreased somewhat. Rebuilding or replacement of those units will likely be required to maintain compliance with the emission standards.

Adequate maintenance and proper operation of the air emission control devices are considered to be significant factors in assuring efficient emission reduction. There may be improvements that can be made to existing equipment that will improve their performance. For example, the problems observed with the Georgia Pacific packed tower scrubber, which uses the filter candles as the final emission control step, could perhaps be solved with design modifications to the filters or by adopting different procedures for cleaning the filters.

Regarding new types of external emission control devices, the Department has knowledge of one promising design, but which has not yet been installed on an operational veneer dryer. A prototype has demonstrated favorable emission reduction on wood fired applications. The system operates on the basic principal of electrostatic conditioning of the particulate matter. The Department has approved the installation of this device, called an

aerosol recovery system, designed by Geoenergy Company, on direct wood heated dryers at Leading Plywood Company. The first unit is scheduled to be in operation in March 1985.

By the end of 1984, there will be an additional 26 dryers at 8 mill sites out of service. At least 12 of these dryers are reported to be permanent shutdowns. The others may start up again under new ownership or when favorable economic conditions occur. One new dryer, Medford Corp. (Rogue River) has been placed into operation.

OAR - VISIBLE EMISSION STANDARDS FOR VENEER DRYERS:

We have reviewed the appropriateness of the existing visible air contaminant emission standards for veneer dryers (Oregon Administrative Rule 340-25-305 through -315). See Appendix B.

The opacity limits as designated in the existing visible emission standards for veneer dryers should be retained. However, OAR 340-25-315(1)(a) should be modified to include sources within special problem areas (Portland, Eugene-Springfield). (The specific OARs for the Medford AQMA includes the above veneer dryer emission limits.)

Historically aesthetics have been a primary reason for the established visible emission limits. However, low visible emissions are indicative of reduced mass particulate discharges to atmosphere. This is a factor used in the strategy to achieve compliance with the ambient air standards in some of the nonattainment areas.

The Department believes that in order to maintain equitability that a uniform visible emission standard should be set statewide. The wording of the rule is such that special problem areas are excluded from the opacity standards. The intent of the exclusion was in anticipation of more stringent emission limits being adopted for special problem areas as necessary to attain and maintain ambient air standards or to protect public health and welfare. However, since the Department has not identified a need for more stringent visible emission standards in any of the special problem areas, a rule change should be proposed which would clearly designate the application of the present 10 percent average operating opacity and 20 percent maximum opacity rule limit statewide.

GUIDELINES FOR PLYWOOD MILL INSPECTIONS

A plywood manufacturing operation is a relatively complex source when evaluating emissions. Wood dust emissions from cyclones, baghouses, truck bins, etc. must be noted. Any visible emissions from boiler stacks are usually quite evident. Fugitive dust from vehicle traffic on roads and yards is a source of air pollution.

When evaluating veneer dryers the obvious is to look for the blue haze from the dryer stack (or emission control device). Other dryer related emission points and the cause of the emissions must also be considered. Fugitive emissions are often a major source of air pollution from veneer dryers. Attention to operation specifics will be particularly useful in building a background for evaluating compliance with the 10 percent average opacity. The visible emission standard (10 percent average and 20 percent maximum opacity) must be applied to each emission point.

The primary emissions from veneer drying operations may include:

- o The drying section exhaust stack(s) (or emission control device stack.
- o The cooling section exhaust stack.
- o The dead air space exhaust point.
- o Heat source exhaust stack (on some direct wood heated dryer systems).
- o Building roof vents and exhaust points.

Leaking dryer door seals, dryer section shell leaks, or smoke from the feed and outlet ends of the dryer will be observed as emissions from the building vents as fugitive emissions.

Noting the operating conditions can be important for building a history for visible emission evaluation for a specific drying facility. The product being dried, i.e. veneer species and grade, sap or heat, separated or mixed, and thickness, should be documented. The dryer operating parameters of temperature and veneer thru-speed should be recorded. What is the percentage of redry veneer? Is there an automatic veneer moisture sensor for process control? What is the inlet temperature from the direct wood fired unit? Is a boiler also drawing heat from the direct wood heat source used by the dryer? Are the air moving fans operating normally?

The quality of veneer and the cleaning of the dryer may affect emissions. Wood slivers from poor quality veneer allowed to lay in the bottom of the dryer may smolder. In the best interest of reducing dryer fires cleaning is usually done on a regular basis.

A complete inspection must include a review of the present operations of the emission control device. The water flow rate and pressure could be monitored on a wet scrubber. The pressure drop across the scrubber can be used to measure performance. Unfortunately many scrubbers don't have monitoring meters or instrumentation.

Check to see if the recirculated water is excessively dirty. Is the skimmer mechanism functioning? What are the cleaning schedules? Note the read-out and behavior of electrical meters on electrostatic type control devices. There are other common sense ways of evaluating the present operation, for example: is the recirculated water line to the scrubber nozzles warm (checking for plugged nozzles); is the axial fan on the Burley Scrubber whirling?

These are only some of the things that will assist the inspector to insure that consistent environmental protection measures are in force and are being maintained regularly.

GUIDELINES FOR IMPLEMENTATION OF THE VISIBLE EMISSION STANDARDS

The visible air contaminant emission limits for veneer dryers are set forth in Oregon Administrative Rules:

Veneer and Plywood Manufacturing Operations

340-25-315(1) Veneer Dryers:

(a) Consistent with sections 340-25-310(1) through (4), it is the objective of this section to control air contaminant emissions, including, but not limited to, condensable hydrocarbons such that visible emissions from each veneer dryer located outside special problem areas are limited to a level which does not cause a characteristic "blue haze" to be observable:

(b) No person shall operate any veneer dryer outside a special problem area such that visible air contaminants emitted from any dryer stack or emission point exceed:

- (A) A design opacity of 10%;
- (B) An average operating opacity of 10%; and
- (C) A maximum opacity of 20%. Where the presence of uncombined water is the only reason for failure to meet the above requirements, said requirements shall not apply.

(Appendix B is the entire veneer and plywood Manufacturing Operations Rule)

Taking opacity readings to assure absolute compliance with the average operating opacity of the 10 percent limit can be a problem because of difficulty in assigning an accurate opacity number to this low level. Such factors as plume background, sun position or obscurity, and the skill and experience of the observer are most critical in this case.

Different interpretations of "an average operating opacity of 10%" (OAR 340-25-315(1)(b)(B)) have been applied by various agency staff members when conducting compliance observations. We researched the historical development of the rule and have drafted a guideline for implementation which appears to be in conformance with the original intent. "Flexibility" was a term used in the development documents. The following guideline serves to provide guidance by adopting a more specific application for rule administration. The guideline is in agreement with the original intent of the rule, which was supported by industry (American Plywood Association). Appendix "C" is a summary of the rule development material.

The 20 percent opacity maximum limit is readily interpreted as an opacity of visible air contaminants that is not to be exceeded.

Specific Guidance for Applying Visible Emission Rule for Veneer Dryers.

1. Observe and record a set of one-quarter minute increment opacity readings for a period of at least six minutes.* When observed emissions are marginal, a longer reading is warranted.
2. If the opacity exceeds 20 percent, a violation should be recorded.
3. If the average of this set of readings is greater than 10 percent but less than 20 percent opacity, a second set of readings need to be taken on another day, within a relatively short time to verify compliance or non-compliance.
4. Two sets of opacity readings which average more than 10 percent opacity would normally constitute a violation of the 10 percent average opacity standard. (Violation notification or enforcement for an alleged violation may require a third set of readings where the 10 percent average opacity is exceed by only small margins.)

*Refer to Appendix D, Source Sampling Method 9, Section 2.5

APPENDIX A

LIST OF TABLES

Tables

| | |
|-------|--|
| A-I | Mill and Veneer Dryer Identifications -- DEQ |
| A-II | Mill and Veneer Dryer Identifications -- LRAPA |
| A-III | Veneer Dryer Emission Control Systems -- DEQ |
| A-IV | Veneer Dryer Emission Control Systems -- LRAPA |
| A-V | Direct Wood Heated Veneer Dryers |

DISCUSSION TABLE A-I

Table A-I identifies each veneer drying source by company, location and permit number. Details of the number of dryers, the manufacturer and physical configuration of each veneer dryer are given. The heat source and type of air contaminant control system used on each veneer dryer is noted.

ABBREVIATIONS AND DEFINITIONS FOR TABLE A-I

Dryer

- CF - Cross air flow heat pattern
- Jet - Jet impingement
- Long - Longitudinal air flow heat pattern
- Rev - Reverse air flow heat pattern

Emission Controls

- Boiler Incin. - Dryer exhaust incinerated in a boiler
- EPI - Energy Products of Idaho fluidized bed heat cell
- G.P. Scrubber - Georgia Pacific packed tower wet scrubber
- None - No stack controls. (In some cases, the dryer may be operating on either process control or species control).
- Process - Emissions are limited by preventing the generation of smoke in the drying process by regulating dryer temperature, veneer through-put rate, etc.
- Sand Filter, L.P. - Wet scrubber/sand filter device manufactured and operated by Leading Plywood Co.
- Scrubber, N.S. - Wet scrubber manufactured and operated by North Santiam Plywood Co.
- Species - Selecting only "white wood" such as Hemlock or White Fir (low resin content) veneer for drying.

TABLE A-II

Table A-II is a computerized listing of the veneer dryer sources in Lane County which are all under the permit jurisdiction of Lane Regional Air Pollution Authority. The number of veneer dryers, the source of heat and air emission controls on each dryer, is listed.

TABLE A-I

MILL/VENEER DRYER IDENTIFICATION

| Company | Location | Permit No. | Dryer | | | Heat Source | Emission Control |
|---------------------------------------|------------|------------|-------|--------|---------------------|-------------|------------------------------|
| | | | No. | Mfgr. | Type/Zone/Sec./Tray | | |
| Ellingson Timber | Baker | 01-0004 | 2 | Moore | Long/2 /16 /6 | Gas | None |
| | | | | Moore | Long/2 /16 /6 | Gas | None |
| Leading Plywood | Corvallis | 02-2479 | 2 | Moore | / /12 /6 | Wood | Sand Filter,LP |
| | | | | Prent. | / /18 /6 | Wood | Gravel Filter,LP |
| Murphy Plywood | Milwaukie | 03-1874 | 2 | Moore | Long/ /10 /8 | Gas | Bucholz |
| | | | | Moore | Long/ /10 /8 | Gas | Bucholz |
| Alpine Veneer | Portland | 03-2065 | 1 | Moore | /2 / / | Gas | Lo-Em |
| Astoria Plywood | Astoria | 04-0014 | 1 | Moore | / / / | Steam | Boiler Incin. |
| Multnomah Plywood | St. Helens | 05-2076 | 3 | Prent. | /2 / /6 | Wood | Recirculation |
| | | | | Prent. | /2 / /6 | Wood | E.P.I. heat |
| | | | | Prent. | /1 / /6 | Wood | |
| Coos Head Timber | Coos Bay | 06-0005 | 1 | Coe | Long/1 /12 / | Gas | None |
| Weyerhaeuser | North Bend | 06-0007 | 2 | Coe | CF /7 /69 /2 | Steam | Burley (4) |
| | | | | Coe | CF /7 /69 /2 | Steam | Burley (4) |
| Roseburg Lumber Plant 5 Plant 6 | Coquille | 06-0010 | 4 | Coe | Long/2 /14 /4 | Steam | 5S Burley |
| | | | | Coe | Long/2 /14 /5 | Steam | 5S Burley |
| | | | | Coe | Long/3 /16 /6 | Steam | 5S Burley |
| | | | | Coe | Long/3 /16 /6 | Steam | 5S Burley |
| Georgia-Pacific | Coquille | 06-0012 | 6 | Coe | Long/2 /16 /5 | Steam | G.P. Scrubber |
| | | | | Coe | Long/2 /16 /5 | Steam | |
| | | | | Coe | Long/ /14 /5 | Steam | |
| | | | | Coe | Long/ /16 /5 | Steam | G.P. Scrubber |
| | | | | Coe | Long/ /14 /5 | Steam | |
| | | | | Coe | Long /21 /6 | Steam | |
| Coast Plywood | Brookings | 08-0003 | 3 | Coe | CF /3 /18 /4 | Steam | Burley |
| | | | | Coe | CF /3 /18 /4 | Steam | Burley |
| | | | | Coe | CF /2 /10 /6 | Steam | Process |
| Champion International | Gold Beach | 08-0004 | 5 | Coe | Long/2 /18 /5 | Steam | Burley |
| | | | | Coe | Long/2 /16 /5 | Steam | Burley |
| | | | | Moore | Long/2 /14 /6 | Steam | Burley |
| | | | | Moore | Long/2 /18 /6 | Steam | Burley |
| | | | | Coe | Long/1 /11 /5 | Steam | Boiler incin. |
| Diamond International | Redmond | 09-0003 | 3 | Moore | Jet /4 /12 /4 | Wood | Recirculation E.P.I. heat |
| | | | | Moore | Jet /4 /12 /4 | Wood | |
| | | | | Moore | Jet /4 /12 /4 | Wood | |
| | | | | Coe | /4 / / | Wood | |

TABLE A-I, continued

MILL/VENEER DRYER IDENTIFICATION

| Company | Location | Permit No. | No. Mfgr. | Dryer | | | Heat Source | Emission Control |
|-------------------------|-----------|------------|-----------|--------|---------|--------|-------------|----------------------|
| | | | | Type | Zns/Sec | Tray | | |
| Mt. Mazama Plywood | Sutherlin | 10-0022 | 3 | Coe | Long/2 | /13 /4 | Steam | None |
| | | | | Moore | Long/1 | /17 /5 | Steam | None |
| | | | | Moore | Long/1 | /14 /6 | Wood | Lo-Em |
| Roseburg Lumber Plant 2 | Dillard | 10-0025 | 7 | Moore | Long/3 | /16 / | Steam | 5S Burley |
| | | | | Moore | Long/3 | /16 / | Steam | 5S Burley |
| | | | | Moore | Long/2 | /16 / | Steam | 5S Burley |
| | | | | Coe | Long/1 | /13 | Steam | 5S Burley |
| | | | | Moore | Long/3 | /16 | Steam | 5S Burley |
| | | | | Moore | CF /8 | /16 /6 | Steam | 5S Burley |
| Plant 1 | | | | Coe | Long/3 | /18 /5 | Steam | 5S Burley |
| | | | | | | | | |
| U. S. Plywood | Roseburg | 10-0037 | 4 | Coe | Long/2 | /21 /5 | Steam | 5S Burley |
| | | | | Coe | Long/2 | /18 /5 | Steam | 5S Burley |
| | | | | Coe | Long/2 | /16 /5 | Steam | 5S Burley |
| | | | | Moore | Long/2 | /16 /5 | Steam | 5S Burley |
| Drain Plywood | Drain | 10-0054 | 2 | Moore | Long/2 | /22 /6 | Steam | 5S Burley |
| | | | | Moore | Jet /3 | /10 /4 | Steam | 5S Burley |
| Glendale Timber | Glendale | 10-0055 | 3 | Moore | Long/1 | /22 /6 | Steam | Process Control Only |
| | | | | Moore | Jet /4 | /14 /4 | Steam | |
| | | | | Moore | Jet /4 | /14 /4 | Gas | |
| International Paper | Gardiner | 10-0056 | 3 | Moore | Long/4 | /16 /5 | Steam | Becker Sand Filter |
| | | | | (new) | / / / | Steam | | |
| | | | | Prent. | Long/1 | /20 /6 | Steam | |
| Roseburg Lumber Plant 4 | Riddle | 10-0078 | 6 | Coe | Long/3 | /16 /6 | Steam | 5S Burley |
| | | | | Coe | Long/3 | /16 /6 | Steam | 5S Burley |
| | | | | Coe | Long/3 | /16 /6 | Steam | 5S Burley |
| | | | | Coe | Long/3 | /16 /6 | Steam | 5S Burley |
| | | | | Coe | Long/3 | /16 /6 | Steam | 5S Burley |
| | | | | Coe | Long/3 | /26 /6 | Steam | 5S Burley |
| Roseburg Lumber Plant 3 | Green | 10-0083 | 3 | Coe | Long/3 | /20 /4 | Steam | 5S Burley |
| | | | | Moore | Long/3 | /26 /6 | Steam | 5S Burley |
| | | | | Coe | Long/2 | /18 /4 | Steam | 5S Burley |
| Boise Cascade | Medford | 15-0004 | 5 | Coe | Long/2 | /18 /6 | Steam | 5S Burley |
| | | | | Moore | Long/2 | /14 /6 | Steam | 5S Burley |
| | | | | Moore | Long/2 | /14 /6 | Steam | 5S Burley |
| | | | | Moore | Long/2 | /12 /6 | Steam | 5S Burley |
| | | | | Moore | Long/2 | /14 /6 | Steam | 5S Burley |

TABLE A-I, continued

MILL/VENEER DRYER IDENTIFICATION

| Company | Location | Permit No. | No. Mfgr. | Dryer | | | Heat Source | Emission Control |
|---------------------------------|------------------------|------------|-----------|--------|--------------|--------|-------------|------------------|
| | | | | Type | Zne/Sec/Tray | | | |
| SWF Plywood #6 | White City | 15-0006 | 3 | Unkn. | Long/1 | / / | Wood | Ceilcote |
| | | | | Unkn. | Long/4 | / / | Wood | |
| | | | | Unkn. | Jet /1 | / / | Gas* | |
| SWF Plywood #5 | White City | 15-0012 | 3 | Coe | Jet / | /14 /5 | Gas | Ceilcote |
| | | | | Coe | / | /14 /5 | Gas | |
| | | | | Coe | Jet / | /10 /4 | Gas | |
| Medford Corporation Kogap | Rogue River Medford | 15-0014 | 1** | Coe | Jet / | /20 / | Steam | Burley |
| | | | | Coe | Jet / | /14 /4 | Wood | |
| | | 15-0015 | 5 | Moore | Long/ | /18 /6 | Wood | Ceilcote |
| | | | | Moore | Jet / | /22 /4 | Wood | |
| | | | | Coe | Jet / | /12 /4 | Wood | |
| Coe | / | /18 / | Wood | Burley | | | | |
| Medford Plywood (Med Ply) | White City | 15-0018 | 3 | Coe | Long/2 | /15 /4 | Steam | None |
| | | | | Coe | Long/1 | /11 /5 | Steam | None |
| | | | | Coe | Long/1 | /10 /5 | Steam | None |
| Boise Cascade - Rogue Valley | White City | 15-0020 | 3 | — | /1 | /12 / | Wood | Ceilcote |
| | | | | Moore | Long/1 | /11 / | Wood | |
| | | | | Moore | Rev./1 | /12 / | Wood. | |
| Timber Products | Medford | 15-0025 | 3 | Coe | Jet /3 | /2 /6 | Steam | Burley |
| | | | | Coe | Jet /3 | /2 /6 | Steam | Burley |
| | | | | Coe | Long/2 | /2 /6 | Steam | None |
| SWF Plywood #5-2 | White City | 15-0039 | 1 | Unkn. | / / / | Gas | None | |
| White City Plywood | White City | 15-0040 | 2 | Moore | Long/2 | /14 /5 | Steam | Burley |
| | | | | Coe | Long/2 | /18 /6 | Steam | Burley |
| Medford Corporation (Medco) | Medford | 15-0048 | 5 | Coe | Long/2 | /20 / | Steam | Process |
| | | | | Coe | Long/2 | /16 / | Steam | Burley |
| | | | | Coe | Long/2 | /14 / | Steam | Burley |
| | | | | Moore | Long/2 | /14 / | Steam | Burley |
| | | | | Coe | Long/1 | /8 / | Steam | Process |
| Warm Springs | Warm Springs | 16-0008 | 2 | Moore | Long/2 | /16 /5 | Steam | None |
| | | | | Coe | Long/4 | /16 /4 | Steam | Burley |
| Four-Ply | Grants Pass | 17-0002 | 2 | Coe | Long/2 | /18 /6 | Wood | Recirculation |
| | | | | Coe | Jet /3 | /12 /4 | Wood | Agnew heat |

*Half of dryer heat is direct wood heat

**Installed in 1984.

TABLE A-I, continued

MILL/VENEER DRYER IDENTIFICATION

| Company | Location | Permit No. | No. | Mfgr. | Dryer | | | Heat Source | Emission Control |
|-------------------------|---------------|------------|-----|--------|--------|-----|----------|-------------|-----------------------------------|
| | | | | | Type | Zne | Sec/Tray | | |
| SWF Plywood #4 | Grants Pass | 17-0007 | 3 | Moore | Long/2 | /14 | /5 | Gas | Ceilcote 2 in series |
| | | | | Moore | Rev./1 | /10 | /6 | Wood | |
| | | | | Coe | Long/2 | /15 | /5 | Wood | |
| Southern Oregon Plywood | Grants Pass | 17-0015 | 3 | Coe | Long/ | /18 | /5 | Steam | 5S Burley |
| | | | | Coe | Long/ | /16 | /4 | Steam | 5S Burley |
| | | | | Mo-Coe | Long/ | /14 | /5 | Steam | 5S Burley |
| Miller Redwood Company | Merlin | 17-0023 | 3 | Coe | Long/3 | /18 | /3 | Steam | 5S Burley |
| | | | | Coe | Long/3 | /18 | /3 | Steam | Species |
| | | | | Coe | Long/2 | /14 | /2 | Steam | Species |
| Tim-Ply | Grants Pass | 17-0029 | 3 | Coe | Long/2 | /18 | /4 | Steam | 5S Burley |
| | | | | Coe | Long/2 | /18 | /4 | Steam | 5S Burley |
| | | | | Coe | Long/4 | /18 | /4 | Steam | 5S Burley |
| SWF Plywood #3 | Grants Pass | 17-0030 | 2 | Moore | Long/2 | /16 | /6 | Wood | Ceilcote |
| | | | | Moore | Long/2 | /14 | /6 | Wood | |
| Columbia Plywood | Klamath Falls | 18-0014 | 3 | Moore | CF /2 | /16 | /5 | Steam | Species |
| | | | | Moore | Long/2 | /16 | /6 | Wood | Recirculate (Advanced Comb.) |
| | | | | Coe | Jet /2 | /8 | /4 | Wood | |
| Weyerhaeuser | Klamath Falls | 18-0036 | 1 | Coe | Jet /2 | /17 | /2 | Steam | Species |
| Georgia-Pacific | Toledo | 21-0004 | 4 | Coe | Long/2 | /14 | /4 | Steam | G.P. Scrubber |
| | | | | Coe | Long/2 | /14 | /4 | Steam | |
| | | | | Coe | Long/2 | /18 | /4 | Wood* | |
| | | | | Coe | Long/1 | /14 | /5 | Wood | |
| Boise Cascade | Albany | 22-0511 | 2 | Prent. | / | / | / | Wood | Recirculation (Energex burner) |
| | | | | Prent. | / | / | / | Wood | |
| Simpson Timber | Albany | 22-0512 | 2 | Moore | / | / | / | Steam | Boiler |
| | | | | Unkn. | / | / | / | Steam | Incineration |
| SWF Plywood #1 | Albany | 22-0513 | 4 | Prent. | /2 | / | /6 | Wood | Ceilcote |
| | | | | Moore | /1 | / | /5 | Wood | |
| | | | | | | | | Wood | Ceilcote |
| | | | | | | | | Wood | |
| North Santiam Plywood | Mill City | 22-2522 | 3 | | | | | Wood | Species |
| | | | | | | | | Wood | Scrubber, N.S. |
| | | | | | | | | Wood | Scrubber, N.S. |

*Half of dryer heat is supplied by steam coils and half by direct wood heat.

TABLE A-I, continued

MILL/VENEER DRYER IDENTIFICATION

| Company | Location | Permit No. | Dryer | | | | Heat Source | Emission Control | | |
|-------------------------|--------------|------------|-------|--------|--------|--------------|-------------|------------------|-------------------------------------|----------|
| | | | No. | Mfgr. | Type | Zne/Sec/Tray | | | | |
| Linn Timber | Lyons | 22-2526 | 2 | Moore | Jet | / | / | / | Gas | Scrubber |
| | | | | Moore | Jet | / | / | / | Gas | |
| Willamette Industries | Foster | 22-3010 | 2 | Moore | Long/2 | /16 | / | Steam | Becker Sand Filter | |
| | | | | Moore | Long/2 | /11 | / | Steam | | |
| Willamette Industries | Lebanon | 22-5193 | 2 | Prent. | Long/2 | /22 | / | Wood | Recirculation of process control | |
| | | | | Prent. | Long/1 | /16 | / | Wood | | |
| Willamette Industries | Griggs | 22-5194 | 2 | Moore | Rev./3 | / | / | Wood | Recirculation Wellons fuel cell | |
| | | | | Moore | Rev./2 | / | / | Wood | | |
| Champion International | Lebanon | 22-5196 | 7 | Coe | Long/3 | /15 | /5 | Steam | Incineration in boiler | |
| | | | | Coe | Long/3 | /15 | /5 | Steam | | |
| | | | | Coe | Long/3 | /15 | /5 | Steam | | |
| | | | | Moore | Long/2 | /14 | /5 | Steam | | |
| | | | | Moore | Long/3 | /15 | /5 | Steam | | |
| | | | | Coe | Long/1 | /15 | /6 | Steam | | |
| Pleasant Valley Plywood | Sweet Home | 22-7008 | 1 | --- | /2 | /8 | / | Wood | G.P. Scrubber | |
| | | | | | | | | | | |
| Willamette Industries | Sweet Home | 22-7128 | 2 | Prent. | Long/1 | /18 | / | Steam | Becker Sand Filter | |
| | | | | Prent. | Long/2 | /24 | / | Steam | | |
| Linnnton Plywood | Portland | 26-2073 | 2 | Moore | | | | Wood | G.P. Scrubber E.P.I. heat | |
| | | | | Moore | | | | Wood | | |
| Willamette Industries | Dallas | 27-0177 | 3 | Moore | Long/2 | /20 | / | Steam | Becker Sand Filter | |
| | | | | Moore | Rev./ | /16 | / | Steam | | |
| | | | | Moore | Long/ | /16 | / | Steam | | |
| Northwest Veneer | Grand Ronde | 27-3004 | 1 | Hilde | /2 | / | / | Gas | Process | |
| Boise Cascade | Independence | 27-4078 | 2 | | | | | Gas | Burley | |
| | | | | Moore | /2 | / | / | Gas | Burley | |
| Boise Cascade | Valsetz | 27-7001* | 2 | Coe | | | | Steam | Incineration in boiler | |
| | | | | | | | Steam | | | |
| Boise Cascade | Elgin | 31-0012 | 2 | Moore | Long/2 | /16 | /6 | Steam | None | |
| | | | | Moore | Long/2 | /16 | /6 | Steam | None | |
| Conrad Veneer | Tualatin | 34-2560 | 1 | --- | | | | Gas | None | |
| Coast Range Plywood | McMinnville | 36-5296 | 1 | --- | | | | Gas | Fuller | |

*Mill torn down September of 1984.

TABLE A-I, continued

MILL/VENEER DRYER IDENTIFICATION

| Company | Location | Permit No. | No. | Mfgr. | Dryer | | | Heat Source | Emission Control |
|------------------|-----------|---------------|-----|-------|--------|-----|----------|----------------|------------------------|
| | | | | | Type | Zne | Sec/Tray | | |
| Willamina Lumber | Willamina | 36-8008 | 3 | Moore | Long/ | /14 | /5 | Steam | Boiler Incineration |
| | | | | Moore | Long/ | /16 | /6 | Steam | |
| | | | | Moore | Long/ | /18 | /6 | Steam | |
| Willamina Lumber | Willamina | 36-8010 | | Coe | Jet /3 | /18 | /4 | Steam | Process |
| | | | | Coe | Jet /3 | /18 | /4 | Steam | Process |
| | | | | Coe | Jet /3 | /18 | /4 | Steam | Process |
| Boise Cascade | Adair | 02-2478* | 5 | --- | / | / | / | Gas | None |
| | | | | --- | / | / | / | Gas | None |
| | | | | --- | / | / | / | Gas | None |
| | | | | --- | / | / | / | Gas | None |
| | | | | --- | / | / | / | Gas | None |

*Torn down in 1984.

TABLE A-II

LRAPA
CONTROL SUMMARY
VENEER DRIERS
REPORT DATE: MAR 30, 1984

| EI NUMBER | COMPANY | LOCATION | NO. OF UNITS | HEAT SOURCE | CONTROLS |
|-----------|----------------------|---------------|--------------|----------------|-----------------------|
| 200506 | BOHEMIA | CULP CREEK | 2 | STEAM | BURLEY SCRUBBER |
| 200517 | BOHEMIA | JUNCTION CITY | 2 | STEAM | BURLEY SCRUBBER |
| 200543 | BOHEMIA | EUGENE | 1 | GAS | PROCESS |
| 200550 | BOHEMIA | VAUGHN | 2 | STEAM | RADAR WET SCRUBBER |
| 202516 | EMERALD FOREST PROD. | CRESWELL | 1 | GAS | BURLEY SCRUBBER |
| 202528 | EMERALD FOREST PROD. | EUGENE | 2 | STEAM | INCINERATION BOILER |
| 202817 | FALCON PLYWOOD | EUGENE | 2 | WOOD HEAT CELL | GP SCRUBBER |
| 203102 | GEORGIA PACIFIC | PRAIRIE ROAD | 2 | WOOD HEAT | GP SCRUBBER /RECIRC |
| 203105 | GEORGIA PACIFIC | SPRINGFIELD | 3 | STEAM | GP SCRUBBER |
| 204701 | LANE PLYWOOD | EUGENE | 1 | WOOD/ENEREX | PROCESS/RECIRC |
| 204701 | LANE PLYWOOD | EUGENE | 3 | STEAM | INCINERATION BOILER |
| 205145 | MURPHY COMPANY | NATRON | 3 | GAS | ROCK BED SCRUBBER |
| 206432 | PREMIER PLYWOOD | WESTFIR | 3 | STEAM | PROCESS-COMPL. SCHED. |
| 207050 | ROSBORO | SPRINGFIELD | 3 | STEAM | INCINERATION BOILER |
| 207451 | STATES VENEER | FOCH STREET | 2 | GAS | PROCESS |
| 207452 | STATES VENEER | ENID ROAD | 1 | STEAM | RADAR SCRUBBER |
| 207471 | SOUTHWEST FOREST IND | SPRINGFIELD | 1 | GAS | IONIC WET SCRUBBER |
| 208250 | TRIANGLE VENEER | EUGENE | 1 | GAS | BURLEY SCRUBBER |
| 208254 | TRUS JOIST | EUGENE | 3 | GAS | PROCESS |
| 208263 | TRUS JOIST | JUNCTION CITY | 2 | GAS | PROCESS |
| 208550 | CHAMPION | MAPLETON | 2 | STEAM | INCINERATION BOILER |
| 208853 | WEYERHAEUSER | COTTAGE GROVE | 2 | STEAM | INCINERATION BOILER |
| 208858 | WEYERHAEUSER | SPRINGFIELD | 3 | STEAM | SCRUBBER |
| 208864 | WILLAMETTE IND. | SPRINGFIELD | 2 | GAS | INCINERATION BOILER |

TABLE A-III

 VENEER DRYER EMISSION CONTROL SYSTEMS⁽¹⁾
 Type of Dryer Heat

| Control System | GAS | | STEAM | | WOOD | | TOTALS | |
|------------------------|--------|---------------|--------|---------------|--------|---------------|--------|------------------------------|
| | Dryers | Control Units | Dryers | Control Units | Dryers | Control Units | Dryers | Control Units ⁽²⁾ |
| Boiler Incineration | 0 | 0 | 15 | 6 | 0 | 0 | 15 | 6 |
| Bucholtz Scrubber | 2 | 2 | 0 | 0 | 0 | 0 | 2 | 2 |
| Burley Scrubber | 2 | 2 | 54 | 61 | 1 | 1 | 57 | 64 |
| Ceillcote | 5 | 1 | 0 | 0 | 17 | 7 | 22 | 8 |
| Co. Mfr. Scrubber | 3 | 3 | 0 | 0 | 2 | 2 | 4 | 4 |
| Co. Mfr. Sand Filter | 0 | 0 | 0 | 0 | 2 | 2 | 2 | 2 |
| Fuller | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 |
| G.P. Scrubber | 0 | 0 | 8 | 2 | 5 | 3 | 13 | 5 |
| Lo-Em Recirculation | 1 | 1 | 0 | 0 | 1 | 1 | 2 | 2 |
| Rader Sand Scrubber | 0 | 0 | 10 | 4 | 0 | 0 | 10 | 4 |
| Recirculation | - | - | - | - | 17 | 9 | 17 | 9 |
| Process ⁽³⁾ | 1 | 1 | 11 | 11 | 0 | 0 | 12 | 12 |
| Species ⁽⁴⁾ | 3 | 3 | 4 | 4 | 1 | 1 | 8 | 8 |
| None ⁽⁵⁾ | 7 | 7 | 4 | 4 | 0 | 0 | 12 | 12 |
| None-EQC Var. | - | - | 2 | 2 | - | - | 2 | 2 |
| Total | 25 | 21 | 108 | 94 | 46 | 25 | 179 | 141 |

(1) Excludes sources in Lane Regional Air Pollution Authority jurisdiction.

(2) Three control units serve both wood fired and gas fired dryers. The unit is tabulated as a wood fired control unit.

Where there are multiple emission stacks from dryers that have no external controls, as well as when there is only one stack, a single stack per dryer is designated a "control unit" for tabulating purposes.

(3) Process - means the source maintains emission compliance by regulating operating conditions such as temperature, veneer thruput speed, etc. Some dryer designated process control may also be species controlled.

(4) Species - means the source maintains emission compliance by restricting the species of wood dried, normally this means low resin woods.

(5) None - normally these will be dryers located in geographic areas (Eastern Oregon) where only "white woods" are processed.

TABLE A-IV

VENEER DRYER EMISSION CONTROL SYSTEMS IN LANE COUNTY

| Control System | Type of Dryer Heat | | | | | | | |
|------------------------|--------------------|---------------|--------|---------------|--------|---------------|--------|------------------------------|
| | GAS | | STEAM | | WOOD | | TOTALS | |
| | Dryers | Control Units | Dryers | Control Units | Dryers | Control Units | Dryers | Control Units ⁽¹⁾ |
| Rader Sand Air Filter | 0 | 0 | 3 | 2 | 0 | 0 | 3 | 2 |
| Boiler Incineration | 2 | 1 | 12 | 5 | 0 | 0 | 14 | 6 |
| Burley Scrubber | 2 | 2 | 4 | 4 | 0 | 0 | 6 | 6 |
| Ceilocote IWS | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 |
| Co. Rock Scrubber | 3 | 1 | 0 | 0 | 0 | 0 | 3 | 1 |
| G.P. Scrubber | 0 | 0 | 3 | 1 | 4 | 2 | 7 | 3 |
| Process ⁽²⁾ | 8 | 8 | 3 | 3 | 1 | 1 | 12 | 12 |
| Co. Wet Scrubber | 0 | 0 | 3 | 3 | 0 | 0 | 3 | 3 |
| | — | — | — | — | — | — | — | — |
| Total | 16 | 13 | 28 | 18 | 5 | 3 | 49 | 34 |

(1) Regardless of the number of exhaust stacks on a process controlled dryer, for this tabulation, one "control unit" is allotted to each dryer.

(2) Process - means emissions are controlled by regulating operating conditions of temperature, veneer thruput speed and/or veneer species.

TABLE A-V

WOOD FIRED - DIRECT HEATED VENEER DRYERS

| Company | Permit No. | Heat Source | No. of Dryers | Stack Controls |
|--------------------------|------------|---------------------------|----------------------|---|
| Leading Plywood | 02-2479 | Leading Heat Cell | 2 | 1 Sand filter, 1 Gravel filter ⁽¹⁾ |
| Multnomah Plywood | 05-2076 | Energy Products of Idaho | 3 | Recirculation |
| DAW Forest Products | 09-0003 | Energy Products of Idaho | 3 | Recirculation |
| Mt. Mazama Plywood | 10-0022 | Energex | 1 | Lo-Em |
| SWF Plywood #6 | 15-0006 | MCCI | 2-1/2 ⁽²⁾ | Ceilmote |
| Kogap | 15-0015 | Energy Products of Idaho | 5 | Ceilmote (1 Burley) |
| Boise Cascade, W.C. | 15-0020 | Advanced Combustion | 3 | Ceilmote |
| Four Ply | 17-0002 | Agnew Furnace | 2 | Recirculation |
| SWF Plywood #4 | 17-0007 | MCCI | 2 | Ceilmote |
| SWF Plywood #3 | 17-0030 | Energex | 2 | Ceilmote |
| Columbia Plywood | 18-0014 | Advanced Combustion | 2 | Recirculation |
| Falcon Plywood | 20-2817 | Georgia Pacific Heat C. | 2 | G. P. Scrubber |
| Georgia-Pacific | 20-3102 | Georgia-Pacific Heat C. | 2 | G. P. Scrubber |
| Lane Plywood | 20-4701 | Energex | 1 | Recirculation |
| Georgia Pacific | 21-0004 | Georgia Pacific Heat Cell | 1-1/2 ⁽³⁾ | G. P. Scrubber |
| Boise Cascade, Albany | 22-0511 | Energex | 2 | Recirculation |
| SWF Plywood, Albany | 22-0513 | Energex | 4 | Ceilmote |
| North Santiam | 22-2522 | Energy Products of Idaho | 3 | 2 N.S. Scrubbers 1 Recirculation |
| Willamette Industries | 22-5193 | Wellons | 2 | Recirculation |
| Willamette Ind., Griggs. | 22-5194 | Wellons | 2 | Recirculation |
| U.S. Plywood, Lebanon | 22-5196 | Advanced Combustion | 1 | Recirculation |
| Pleasant Valley Veneer | 22-7008 | Advanced Combustion | 1 | G. P. Scrubber |
| Linnton Plywood | 26-2073 | Georgia Pacific Heat Cell | 2 | G. P. Scrubber |

- NOTES: (1) Geoenergy Aerosol Recovery Systems are scheduled to be installed on both dryers by January 1, 1986.
 (2) One-half of one dryer is heated by gas.
 (3) One-half of one dryer is heated by steam.

OREGON ADMINISTRATIVE RULES
CHAPTER 340, DIVISION 25 — DEPARTMENT OF ENVIRONMENTAL QUALITY

**Board Products Industries
(Veneer, Plywood,
Particleboard, Hardboard)**

Definitions

- 340-25-305** (1) "Department" means Department of Environmental Quality.
- (2) "Emission" means a release into the outdoor atmosphere of air contaminants.
- (3) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.
- (4) "Operations" includes plant, mill, or facility.
- (5) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.
- (6) "Person" means the same as ORS 468.005(5).
- (7) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.
- (8) "Tempering oven" means any facility used to bake hardboard following an oil treatment process.
- (9) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.
- (10) "Opacity" is defined by section 340-21-005(4).
- (11) "Visual opacity determination" consists of a minimum of 25 opacity readings recorded every 15 to 30 seconds and taken by a trained observer.
- (12) "Opacity readings" are the individual readings which comprise a visual opacity determination.
- (13) "Fugitive emissions" are defined by section 340-21-050(1).
- (14) "Special problem area" means the formally designated Portland, Eugene-Springfield, and Medford AQMA's and other specifically defined areas that the Environmental Quality Commission may formally designate in the future. The purpose of such designation will be to assign more stringent emission limits as may be necessary to attain and maintain ambient air standards or to protect the public health or welfare.
- (15) "Wood fired veneer dryer" means a veneer dryer which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 132, f. & ef. 4-11-77;
DEQ 7-1979, f. & ef. 4-20-79

General Provisions

- 340-25-35-310** (1) These regulations establish minimum performance and emission standards for veneer, plywood, particleboard, and hardboard manufacturing operations.
- (2) Emission limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment, and refuse burning equipment, except as provided for in rule 340-25-315.
- (3) Emission limitations established herein and stated in terms of pounds per 1000 square feet of production shall be computed on an hourly basis using the maximum 8 hour production capacity of the plant.
- (4) Upon adoption of these regulations, each affected veneer, plywood, particle-board, and hardboard plant shall proceed with a progressive and timely program of air pollution control, applying the highest and best practicable treatment and control currently available. Each plant shall at the request of the Department submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with these regulations.

OREGON ADMINISTRATIVE RULES
CHAPTER 340, DIVISION 25 — DEPARTMENT OF ENVIRONMENTAL QUALITY

Veneer and Plywood Manufacturing Operations**340-25-315 (1) Veneer Dryers:**

(a) Consistent with sections 340-25-310(1) through (4), it is the objective of this section to control air contaminant emissions, including, but not limited to, condensible hydrocarbons such that visible emissions from each veneer dryer located outside special problem areas are limited to a level which does not cause a characteristic "blue haze" to be observable;

(b) No person shall operate any veneer dryer outside a special problem area such that visible air contaminants emitted from any dryer stack or emission point exceed:

(A) A design opacity of 10%;

(B) An average operating opacity of 10%; and

(C) A maximum opacity of 20%. Where the presence of uncombined water is the only reason for the failure to meet the above requirements, said requirements shall not apply.

(c) Particulate emissions from wood fired veneer dryers located outside a special problem area shall not exceed:

(A) 0.75 pounds per 1000 square feet of veneer dried (3/8" basis) for units using fuel which has a moisture content by weight of 20% or less;

(B) 1.50 pounds per 1000 square feet of veneer dried (3/8" basis) for units using fuel which has a moisture content by weight of greater than 20%;

(C) In addition to paragraphs (c)(A) and (B) of this section, 0.40 pounds per 1000 pounds of steam generated. The heat source for wood fired veneer dryers is exempted from rule 340-21-030.

(d) After May 1, 1979, no person shall operate a veneer dryer in existence prior to May 1, 1979, located outside a special problem area unless:

(A) The owner or operator has submitted a program and time schedule for installing an emission control system which has been approved in writing by the Department as being capable of complying with subsection (1)(b), and (c) of this rule;

(B) The veneer dryer is equipped with an emission control system which has been approved in writing by the Department and is capable of complying with subsection (1)(b), and (c) of this rule; or

(C) The owner or operator has demonstrated and the Department has agreed in writing that the dryer is capable of being operated and operated in continuous compliance with subsections (1)(b) and (c) of this rule. The schedule for wood fired veneer dryers shall result in compliance as soon as practicable, but by no later than January 1, 1981.

(e) The time schedule required in paragraph (d)(A) of this section for wood fired veneer dryers in existence prior to May 1, 1979 shall be completed as soon as practicable, but by no later than January 1, 1981. Wood fired veneer dryers constructed on or after May 1, 1979 shall comply with subsection (1)(b) and (c) of this rule upon startup. The Department may grant exceptions to this requirement if control equipment delivery and installation will significantly delay the startup of a wood fired veneer dryer and that operation of such dryer will not interfere with the maintenance of ambient air quality standards. In no case shall such exception be granted beyond January 1, 1981;

(f) Each veneer dryer shall be maintained and operated at all times such that air contaminant generating processes and all contaminant control equipment shall be at full efficiency and effectiveness so that the emission of air contaminants are kept at the lowest practicable levels;

(g) No person shall willfully cause or permit the installation or use of any means, such as dilution, which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this rule;

(h) Where effective measures are not taken to minimize fugitive emissions, the Department may require that the equipment or structures in which processing, handling, and storage are done, be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air;

(i) The Department may require more restrictive emission limits than provided in subsection (1)(b) and (c) of this rule for an individual plant upon a finding by the Commission that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emissions expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

(2) Other Emission Sources:

(a) No person shall cause to be emitted particulate matter from veneer and plywood mill sources, including, but not limited to, sanding machines, saws, presses, barkers, hogs, chippers, and other material size reduction equipment, process or space ventilation systems, and truck loading and unloading facilities in excess of a total from all sources within the plant site of one (1.0) pound per 1000 square feet of plywood or veneer production on a 3/8 inch basis of finished product equivalent;

(b) Exempted from subsection (2)(a) of this rule, are veneer dryers, fuel burning equipment, and refuse burning equipment.

(3) **Monitoring and Reporting:** The Department may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program shall be subject to review and approval by the Department and shall consist of the following:

(a) A specified minimum frequency for performing visual opacity determinations on each veneer dryer emission point;

(b) All data obtained shall be recorded on copies of a "Veneer Dryer Visual Emissions Monitoring Form" which shall be provided by the Department of Environmental Quality or on an alternative form which is approved by the Department; and

(c) A specified period during which all records shall be maintained at the mill site for inspection by authorized representatives of the Department.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 43(Temp), f. & ef. 5-5-72 thru 9-1-72; DEQ 48, f. 9-20-72, ef. 10-1-72; DEQ 52, f. 4-9-73, ef. 5-1-73; DEQ 83, f. 1-30-75, ef. 2-25-75; DEQ 132, f. & ef. 4-11-77; DEQ 7-1979, f. & ef. 4-20-79

APPENDIX C

The following is a summary of the development of the current rules of visible emissions for veneer dryers.

The December 11, 1975 "Discussion Draft" for a revision to the Oregon Administrative Rules 340-25-315 included the following:

"(1)(b) No person shall operate any veneer dryer [sic] such that visible air contaminants emitted from any stack or other emission point exceed:

- (1) A maximum opacity of 20 percent.
- (2) An average opacity of 10 percent which shall be based upon a sufficient number of visual opacity determinations accumulated over a period of time which are representative of normal veneer drier operations and which take into account possible seasonal and temporal variations.

Where the presence of uncombined water is the only reason for the failure to meet the above requirements, said requirements shall not apply."

This basic wording was supported by the American Plywood Association.

On August 27, 1976, a staff report to the Environmental Quality Commission requesting authorization to hold a public hearing on proposed amendments to the air quality regulations for the board products industry included the wording:

"No person shall operate any veneer dryer such that visible air contaminants emitted from any stack or the emission point exceed:

1. A maximum opacity of 20%, and
2. An average opacity of 10%; the average opacity shall be based upon a sufficient number of visual opacity determinations, accumulated over a period of time, which are representative of normal veneer drier operations and which take into account possible seasonal and temporal variations."

The staff report discussed this wording:

"Observations by users and Departmental representatives indicate that several of the control systems in use do not always perform within the 10% maximum opacity limit. The exact cause for the performance fluctuations is not known, but several factors are thought to contribute to the problem. To an extent, the weather is a parameter. In the summertime when it is hot, dry, cloudless and with intense sunshine, veneer drier emissions are at their worst. Condensate plumes dissipate more rapidly and the intensity of the sunshine apparently amplifies the visible emissions problem.

Other factors contribute to levels of visible emissions from the drier stacks. Some of these are the type, age and condition of the drier itself, the species of veneer dried and the drier temperature. A visible emissions control system, whether it operates on just one stack, several stacks of the same drier or on stacks from several different driers, must contend with these variations.

Added to this, of course, is any variability in the performance of the control systems themselves.

The Department agrees with the plywood industry that the above factors justify a rule revision to accommodate the situation when veneer drier visible emissions may not be able to assure control below the 10% maximum opacity limit. These excursions above 10% opacity are proposed to be accommodated by a 10% average opacity limit qualified by a 20% maximum opacity. Furthermore, the average opacity of 10% is proposed to be based upon a sufficient number of visual opacity determinations accumulated over a period of time which are representative of normal veneer drier operations and which take into account possible seasonal and temporal variations."

The rule draft, which was the discussion for the March 4, 1977 public hearing on proposed amendments to the air quality regulations for the board product industry, read as follows:

OAR 340-25-315(1)(b):

"No person shall operate any veneer dryer outside a special problem area such that visible air contaminants emitted from any dryer stack or emission point exceed:

- (A) A design opacity of 10%,
- (B) An average operating opacity of 10%, and
- (C) A maximum opacity of 20%.

Where the presence of uncombined water is the only reason for the failure to meet the above requirements, said requirements shall not apply."

The staff report to the EQC contained the following discussions:

"The emission limits are essentially a simplification of the rule proposed in the August 27, 1976 staff report to the Commission.

The proposed opacity rule is designed to accommodate occasional visual emissions above 10%, but within the 20% maximum opacity limit. In other words, if veneer dryer emissions are at or below 10% opacity, the dryer is in compliance. If the emissions exceed 20%, the dryer is in immediate violation. If a dryer operates consistently between 10% and 20% opacity, a program must be negotiated to bring the mill down to a 10% average operating capability within a reasonable time limit.

Veneer dryers do not consistently operate at a given opacity range, due to a combination of several factors. The 10% to 20% opacity range therefore accommodates these performance anomalies. If the 10% average opacity cannot be maintained, the Department would evaluate and review the emissions problem at a given mill on an individual basis."

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOURCE SAMPLING METHOD 9

Visual Determination of Opacity from Stationary Sources

1. METHOD AND APPLICABILITY

1.1 Method

The opacity of emissions from stationary sources is determined visually by a qualified observer. Opacity is defined as the percentage to which a plume obscures a reference background.

1.2 Applicability

This method is applicable for the determination of the opacity of emissions from stationary sources and for qualifying observers for visually determining opacity of emissions.

2. PROCEDURES

The observer, qualified in accordance with paragraph 3 of this method, shall use the following procedure for visually determining the opacity of emissions:

2.1 Position

The qualified observer shall stand at a distance of 100 ft. to 1/4 mile to provide a clear view of the emissions with the sun oriented in the 140° sector at his back. When the sun and sky are occluded by clouds, the position of the sun relative to the observer is not critical. Consistent with maintaining the above requirements, the observer shall, as much as possible, make his observations from a position such that his line of vision is approximately perpendicular to the plume direction, and when observing opacity of emissions from rectangular outlets (e.g. roof monitors, open baghouses, non-circular stacks), approximately perpendicular to the longer axis of the outlet. The observer's line of sight should not include more than one plume at a time when multiple stacks are involved, and in any case the observer should make his observations with his line of sight perpendicular to the longer axis of such a set of multiple stacks (e.g. stub stacks on baghouses).

2.2 Field Records

The observer shall record the name of the plant, emission location, type of facility, observer's name and affiliation, and the date on a field data sheet (Figure 9-1 or 9-2). The time, estimated distance to the emission location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds) and plume background are recorded on a field data sheet at the time opacity readings are initiated and completed. The observer, when

applicable, should make note of the ambient relative humidity, ambient temperature and the point in the plume that the observations were made when water vapor is present. The estimated depth of the plume at the point of observation and the color and dispersal shape of the plume should be noted. It is recommended, but not required, that pictures of the plume are taken.

2.3 Observations

Opacity observations should be made through the densest part of the plume and where the plume is approximately the diameter of the stack. The observer shall not look continuously at the plume, but instead shall observe the plume momentarily at 15 second intervals.

2.3.1 Attached Steam Plumes

When condensed water vapor is present within the plume as it emerges from the emission outlet, opacity observations shall be made beyond the point in the plume at which condensed water vapor is no longer visible. The observer shall record the approximate distance from the emission outlet to the point in the plume at which the observation is made.

2.3.2 Detached Steam Plume

When water vapor in the plume condenses and becomes visible at a distinct distance from the emission outlet, the opacity of emissions should be evaluated at the emission outlet prior to the condensation of water vapor and the formation of the steam plume, if this is the area of maximum opacity, i.e. veneer dryers.

2.4 Recording Observations

Opacity observations shall be recorded to the nearest 5 percent at 15 second intervals on an observational record sheet. (See Figure 9-1 or 9-2). A minimum of 24-60 observations shall be recorded unless due to the variability of the source, the observer deems more readings are necessary. Each momentary observation recorded shall be deemed to represent the average opacity of emissions for a 15 second period.

2.5 Data Reduction and Reporting

2.5.1 When Rules Require Opacity Averaging

Opacity readings are to be averaged when applicable under EPA and/or DEQ rules. An example would be DEQ rules for veneer dryers. Opacity shall be determined as an average of 24 consecutive observations recorded at 15 second intervals. Divide the observations recorded on the record sheet into sets of 24 consecutive observations. A set

is composed of any 24 consecutive observations. Sets need not be consecutive in time and in no case shall two sets overlap. For each set of 24 observations, calculate the average by summing the opacity of the 24 observations and dividing the sum by 24. If an applicable standard specifies an averaging time requiring other than 24 observations, calculate the average for all observations made during the specified time period. Record the average opacity on the record sheet. (See Figure 9-2). Both the observational record and averaging calculations shall be submitted in the report.

2.5.2 When Rules Do Not Require Opacity Averaging

When averaging of opacity is not required in the regulations, the observational record sheet (see Figure 9-1) shall be submitted. Averaging of the opacity readings may be submitted at the observers discretion or at the agencies request.

3. QUALIFICATIONS AND TESTING

3.1 Certification Requirements

The observer must be currently certified by the State of Oregon, Department of Environmental Quality. This certification initially requires attending and successfully completing a plume evaluation training course provided by DEQ. There exists a reciprocity agreement between the States of Oregon and Washington. Recertification is required upon expiration of current certification date to maintain certification.

4. REFERENCES

- 4.1 Standards of Performance for New Stationary Sources, EPA-340/1-77-015, Environmental Protection Agency, Washington, D.C. November, 1977.
- 4.2 "Criteria for Smoke and Opacity Training School 1970-71", Oregon-Washington Air Quality Committee, 1979 Revisions.

List of veneer dryer operations which are not currently subject to specific emission limits and which would be affected by amending the veneer and plywood manufacturing operation rule to include sources in special problem areas.

Medford AQMA

Southwest Forest Products, Plant 6 - 3 dryers, wood-fired
Kogap Manufacuring - 5 dryers, wood-fired
Boise Cascade Corporation - 3 dryers, wood-fired

Portland AQMA

Linnton Plywood - 2 dryers, wood-fired
The Murphy Company - 2 dryers, gas heat
Conrad Veneer - 1 dryer, gas heat

LRAPA

Falcon Plywood - 2 dryers, wood-fired
Lane Plywood - 1 dryer, wood-fired
Georgia-Pacific Corporation - 2 dryers, wood-fired

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

**Proposed Revisions to Veneer Dryer Rules
NOTICE OF PUBLIC HEARING**

Date Prepared: March 26, 1985
Hearing Date: June 4, 1985
Comments Due: June 7, 1985

- WHO IS AFFECTED:** Board products industries that operate veneer dryers located in the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas, and citizens and local governments in those areas.
- WHAT IS PROPOSED:** The Department of Environmental Quality is proposing to amend OAR 340-25-315, rules for Veneer and Plywood Manufacturing Operations, by extending the applicability of veneer dryer emission limits to include sources located in special problem areas.
- WHAT ARE THE HIGHLIGHTS:** The Department is proposing to revise language in OAR 340-25-315 so that emission standards which currently apply only to veneer dryers located outside special control areas will be applicable uniformly throughout the state. The Department is also proposing to delete obsolete language where compliance dates have already been achieved.
- 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 Donald K. Neff at (503) 229-6480.
- A public hearing will be held before a hearings officer at:
- 10:00 a.m.
Tuesday, June 4, 1985
522 SW 5th Avenue, Rm 1400
Portland, 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 June 7, 1985.
- WHAT IS THE NEXT STEP:** After public hearing the Environmental Quality Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted rules will be submitted to the U. S. Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation should come in July 1985 as part of the agenda of a regularly scheduled Commission meeting.
- A Statement of Need, Fiscal and Economic Impact Statement, and Land Use Consistency Statement are attached to this notice.

AS1296



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 1-800-452-7313, and ask for the Department of Environmental Quality.

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RULEMAKING STATEMENTS

for

Proposed Revisions to Veneer Dryer Rules

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

STATEMENT OF NEED:

Legal Authority

This proposal amends OAR 340-25-315. It is proposed under authority of ORS 468.295, which authorizes the Commission to adopt emission standards for the entire state, or for an area of the state.

Need for the Rule

When veneer dryer rule revisions were adopted in 1977, it was expected that different rules would be developed for veneer dryers located in special problem areas. The Department has utilized "highest and best practicable treatment and control" in setting emission limits for sources located in special problem areas. The proposed rule revision would set specific emission limits for all veneer dryers in the state. The proposed rule revision also deletes obsolete language where compliance schedules have already been achieved.

Principal Documents Relied Upon

1. OAR 340-25-305 to 25-325, Rules for Board Products Industries
2. Staff Reports to the commission, dated 04/01/77 and 03/30/79
3. Special Study of Veneer Dryer Visible Air Contaminant Emissions, DEQ, March 1985.

FISCAL AND ECONOMIC IMPACT STATEMENT:

Since the sources in the areas affected are generally in compliance with emission limits equivalent to the proposed rules, the Department does not anticipate that expenditures for new control equipment will be necessary. No small businesses would be affected by the proposed rules.

LAND USE CONSISTENCY STATEMENT:

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

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

Goal 11 (public facilities and services) is deemed unaffected by the rule. 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.

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List of veneer dryer operations which are not currently subject to specific emission limits and which would be affected by amending the veneer and plywood manufacturing operation rule to include sources in special problem areas.

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Oregon Department of Environmental Quality

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1-800-452-4011



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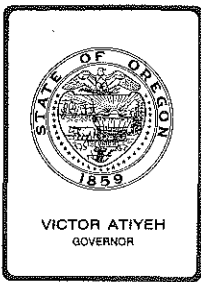
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Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. F, April 19, 1985, EQC Meeting

Informational Report: Review of FY 86 State/EPA Agreement and Opportunity for Public Comment

Background

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

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

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

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

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

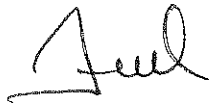
Public comment will be closed on April 29, ten days after the public hearing. A public participation summary will be prepared by May 24 and mailed to those who commented. EPA Region 10 Administrator, Ernesta Barnes and the director of the DEQ, Fred Hansen, are expected to sign the agreement by June 20, 1985 and the award should be granted the first of July, 1985.

EQC Agenda Item No. F
April 19, 1985
Page 2

Director's Recommendations

It is recommended that the Commission:

1. Provide opportunity for public comment at today's meeting on the draft State/EPA Agreement; and
2. Provide staff its comments on the policy implications of the draft agreement.



Fred Hansen

FH:y

MY318

Attachment: State/EPA Agreement Executive Summary

Judy Hatton

229-5389

March 27, 1985

STATE/EPA AGREEMENT
STATE FISCAL YEAR 1986
JULY 1, 1985 TO JUNE 30, 1986

BETWEEN

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
AND
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10

EXECUTIVE DOCUMENT

DRAFT

OREGON STATE/EPA AGREEMENT

FY 1986

TABLE OF CONTENTS

SECTION I: EXECUTIVE DOCUMENT

| | <u>Page</u> |
|---|-------------|
| STATE/EPA AGREEMENT | 1 |
| TERMS AND CONDITIONS OF THE AGREEMENT | 3 |
| INTRODUCTION | 6 |
| ENVIRONMENTAL GOALS, PROFILES, AND PRIORITIES | |
| Air Quality | 8 |
| Water Quality | 17 |
| Hazardous Waste | 27 |
| SUMMARY OF PROGRAM RESOURCES | 34 |
| APPENDIX: FY 86 POLICY DIRECTION STATEMENT | 35 |

SECTION II: SEA PROGRAM DOCUMENT

Page

CONSOLIDATED GRANT APPLICATION

DETAILED PROGRAM WORK PLANS

Air Quality Program
Water Quality Program
Hazardous Waste Management Program

APPENDICES

SECTION III: SUMMARY OF PUBLIC PARTICIPATION

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

(either referenced or included)

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

FY 1986
STATE/EPA AGREEMENT

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

AND

U.S. ENVIRONMENTAL PROTECTION AGENCY

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

Air Quality
Water Quality

Hazardous Waste Control and
Disposal

The agreement, known as the Oregon State/EPA Agreement (SEA), describes priorities, tasks, and resources which comprise the cooperative federal and state environmental management program in Oregon during fiscal year 1986. This agreement includes required workplans and is the application for consolidated EPA program grants to Oregon under provisions of the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and Safe Drinking Water Act (for underground injection control).

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

- Section I - An Executive Document including this agreement -- to provide the public and agency program managers with the formal agreement, a clear overview of environmental issues, program priorities, and major tasks for the fiscal year.
- Section II - A Program Document -- to provide detailed workplans to be carried out by each program during the fiscal year. This document also contains the FY 86 consolidated grant application.

This agreement covers the period of time from July 1, 1985 through June 30, 1986. The two agencies hereby agree to cooperatively work towards achieving environmental results and comply with the provisions set forth herein.

FOR THE STATE OF OREGON:

Frederic J. Hansen, Director
Department of Environmental Quality

Date

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

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

Date

FY 1986
OREGON STATE/EPA AGREEMENT

TERMS AND CONDITIONS

State/EPA Coordination

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

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

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

Local Government Coordination

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

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

Fiscal Reporting

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

State Primacy

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

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

Performance and Evaluation

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

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

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

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

INTRODUCTION

The Oregon State/EPA Agreement (SEA) describes environmental program commitments, priority problems, and solutions which the State of Oregon (represented by the Department of Environmental Quality) and the U.S. Environmental Protection Agency, Region 10, have agreed to work on during Fiscal Year 1986 (July 1, 1985, to June 30, 1986). The programs include:

Air Quality
Water Quality

Hazardous Waste Control
and Disposal

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

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

1. Effective and efficient allocation of limited federal and state resources.
2. Achievement and maintenance of established environmental standards.

This Executive Document has been written to facilitate use of the SEA by state and federal program managers and by the public. Following this introduction, there is a discussion of Oregon's environmental goals and priorities, profiles of existing environmental conditions, and summaries of the FY 86 program strategies. After each discussion, a table shows program priorities, specific problems, FY 86 tasks, and expected outcomes. There is also a budget summary table showing both state and federal resources.

Appended to this Executive Document is the FY 86 Policy Direction Agreement, signed on March , 1985, by the EPA Regional Administrator and the DEQ Director, which sets forth the policy and program framework for developing and conducting the FY 86 SEA work programs.

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

--Delegation to the State. The State should be the primary and delegated authority implementing environmental programs in Oregon and not the federal government, whose role should be one of guidance, assistance, and limited oversight. Highest FY 86 priorities will be to maintain effective on-going delegated programs; proceed to final RCRA authorization (hazardous materials); and annually update delegation for applicable New Source Performance Standards (air), and National Emission Standards for Hazardous Air Pollutants. DEQ will also proceed with delegation of the sewerage works Construction Grants Program if the budget package submitted

to the Oregon Legislature is approved. The initial 205(g) delegation agreement for the program will be signed and implemented by September 1985.

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

--Compliance Assurance/Enforcement. As regulatory agencies, ensuring compliance with environmental standards and requirements is a fundamental mission of both EPA and DEQ. Enforcement action in cases of persistent or serious violations is recognized as a necessary step to ensuring a consistently high level of compliance with state and federal laws.

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

The relative roles and responsibilities of each agency to support this goal are outlined in specific program-by-program compliance assurance agreements. The agreements for the air, water, and hazardous waste programs are currently being updated to reflect the most recent policy on state/federal enforcement responsibilities. Both agencies agree to modify, as needed, and finalize the compliance assurance agreements by July 1, 1985, and to implement the agreements in a firm, fair, and even-handed way.

Finally, all Oregonians are affected by and, therefore, interested in environmental programs described in the FY 86 State/EPA Agreement. A public participation plan was prepared and conducted to encourage public input to this SEA. The plan and a detailed Public Responsiveness Summary is included as an appendix to the Executive Document (Section I).

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

AIR

Program Goals:

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

Profile:

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

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

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

Air quality has shown improvement in certain areas. DEQ redesignated Medford as an attainment area for ozone in 1985.

Although an official designation of nonattainment has not been made, exceedances of the lead standard have been recorded in Portland. By the end of 1985, it is expected that the lead standard will be attained.

The Grants Pass area has recently been designated as nonattainment for carbon monoxide. During FY 86, DEQ will develop an attainment strategy and adopt an approvable SIP revision for the area.

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

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

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

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

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

Strategy:

During FY 86, DEQ will continue to implement Part D State Implementation Plan (SIP) revisions. The Department will continue to monitor impacts of human activities on visibility impairment in completing a long-range Statewide Visibility Control Plan. Monitoring for and assessment of attainment/nonattainment for a new PM₁₀ (particulate matter 10 microns or less) standard will proceed.

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

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

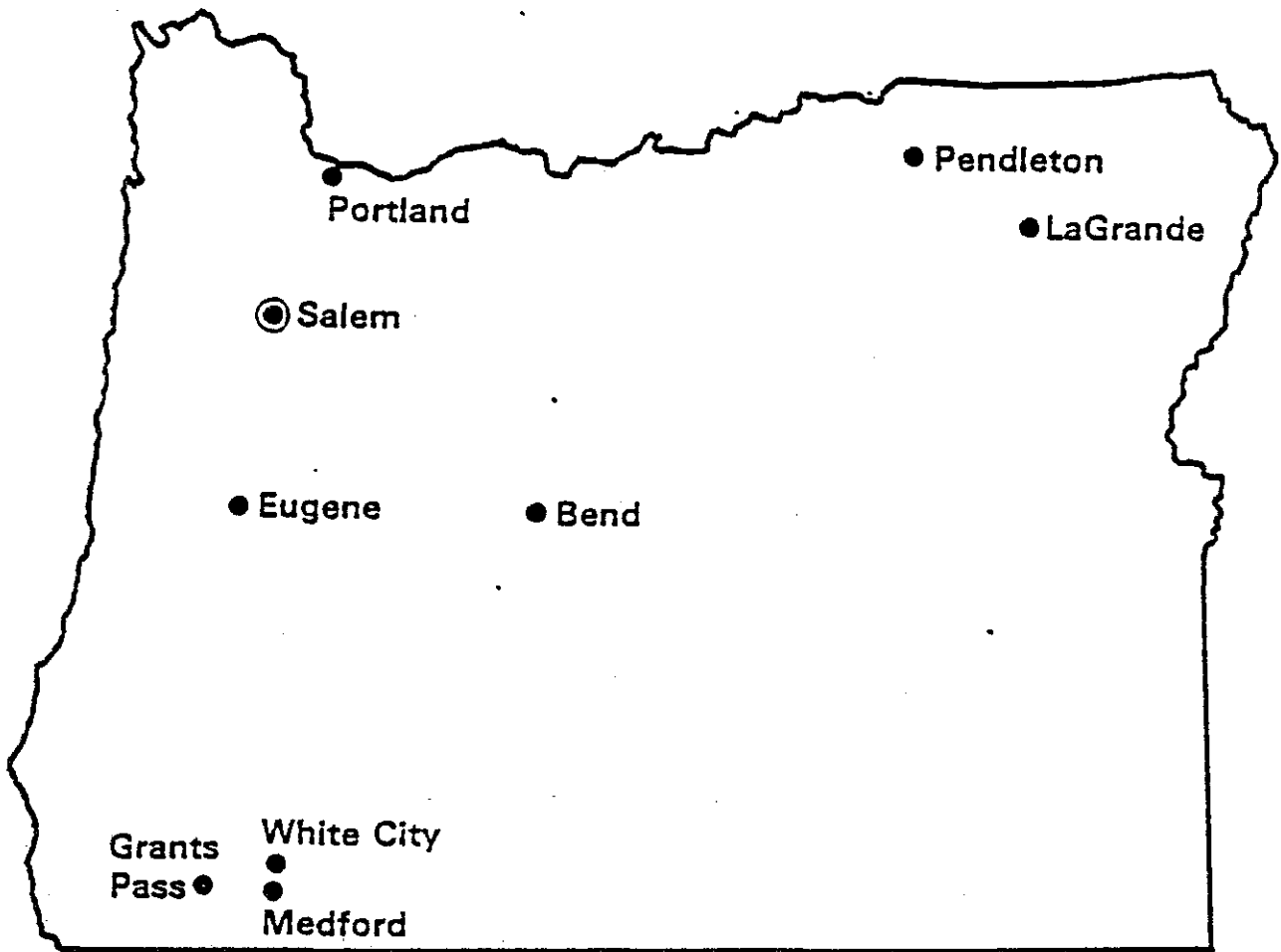
Vehicle Inspection/Maintenance (I/M) including anti-tampering inspections will continue for the Portland Metropolitan Service District area. If authorized by the State Legislature, an I/M program with anti-tampering inspections will be instituted in Medford.

DEQ will continue implementation of a woodstove control program as authorized by the 1983 Legislature.

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

DEQ will assist the City of Grants Pass to develop a carbon monoxide attainment strategy, and make appropriate revisions to the State Implementation Plan.

Figure 1
Oregon Cities Exceeding
Air Quality Standards
In 1983



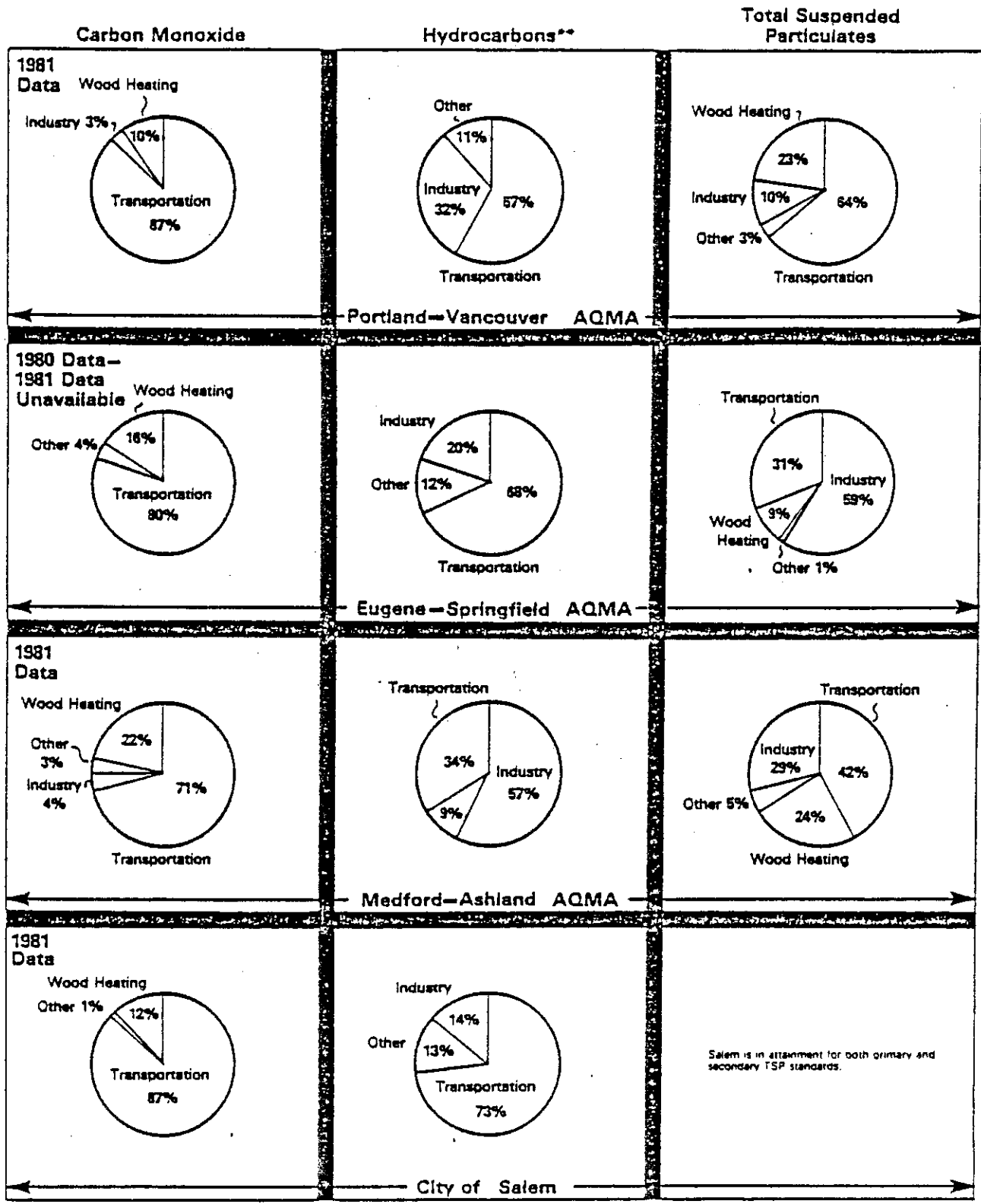
Number of Days
Exceeding Standards (Primary or Secondary)
For the Pollutant Indicated

| City | TSP | CO | O ₃ |
|-------------|-----|----|----------------|
| Bend | 0 | • | • |
| Eugene | 2 | 2 | 0 |
| Grants Pass | 0 | 13 | • |
| La Grande | 2 | • | • |
| Medford | 0 | 34 | 0 |
| Pendleton | 2 | • | • |
| Portland | 2 | 8 | 3 |
| Salem | 0 | 0 | 0 |
| White City | 2 | • | • |

Legend

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

Figure 2
Sources of Emissions in
Nonattainment Areas
Annual Average Impacts*



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

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

**Hydrocarbons are a factor in Ozone formation.

OREGON FY 86 PRIORITIES

Air Quality Management

| <u>Priority</u> | <u>Problem or Purpose</u> | <u>Task</u> | <u>Expected Outcome</u> | <u>Geographic Focus</u> |
|-----------------|---|---|---|-------------------------|
| 1 | State assumption of Federal program. | Request delegation of recent New Source Performance Standards. | Oregon will request delegation of remaining applicable and appropriate NSPS during first quarter of FY 85 (July - September). | Statewide |
| 1 | | Request delegation of new NESHAPS. Accomplish necessary coordination to result in delegation of National Emission Standards for Hazardous Air Pollutants for airborne radionuclides to Health Division. | Oregon will request delegation of applicable and appropriate NESHAPS during first quarter of FY 85, and ensure complete implementation of the standards. | Statewide |
| 1 | | Implement the Prevention of Significant Deterioration program. | Sources constructed or modified in attainment areas will not significantly degrade air quality. | Attainment areas |
| 1 | Ensure adequate progress toward attainment of National Ambient Air Quality Standards. | Track Reasonable Further Progress (RFP) and revise control strategies as necessary. | State and local agencies will collect, summarize, and report data (on an annual basis) that documents RFP toward attainment of NAAQS. For stationary sources, data will be in the form of emissions inventory. For mobile sources, progress in implementing TCMs and VMT reductions should be emphasized. Newly discovered nonattainment areas will be so designated. | Nonattainment areas |
| 1 | Attain National Ambient Air Quality Standards for carbon monoxide in Grants Pass. | Assist the City of Grants Pass in the development of an attainment strategy for carbon monoxide. | The Grants Pass area will attain the carbon monoxide standard. | Grants Pass |

OREGON FY 86 PRIORITIES

| <u>Priority</u> | <u>Problem or Purpose</u> | <u>Task</u> | <u>Expected Outcome</u> | <u>Geographic Focus</u> |
|-----------------|--|---|--|---------------------------------------|
| 1 | Rapid increases in wood stove emissions are jeopardizing attainment and maintenance of TSP air quality standards in several areas. | Continue implementing control strategies for wood burning stoves as well as public education program. | DEQ will implement certification procedures for new wood stoves. | Statewide |
| 1 | Attain National Ambient Air Quality Standards (NAAQS) for carbon monoxide in Medford. | Implement a mandatory I/M program in Medford, if authorized by the State Legislature. | The Medford area will attain the carbon monoxide standard by 1987. | Medford |
| 1 | Attain new particulate standard. | Assess existing particulate data, monitoring, and strategies for conformance with new standard and make modifications as necessary. | EPA has proposed a new particulate standard. EPA will provide guidance on monitoring, data assessment, modeling, and strategy development. EPA anticipates that Oregon's data base for the new standard will be adequate and that the State will begin development of revised control strategies for nonattainment areas during FY 86 including such things as preliminary modeling analysis, monitoring network installation, development of alternative strategies, development of an emission inventory, and determination of needed emission reductions. Completion of SIP revisions will occur on a schedule consistent with EPA regulations. | Fine Particulate Nonattainment areas. |
| 1 | Visibility needs to be protected, especially in Class I areas. | Implement the monitoring and new source review portions of the Phase I Visibility SIP. Adopt the Phase II SIP by December 1986. Participate in the Regional Haze Study. | Visibility in Class I areas will be protected and enhanced. | Class I areas |

OREGON FY 86 PRIORITIES

| <u>Priority</u> | <u>Problem or Purpose</u> | <u>Task</u> | <u>Expected Outcome</u> | <u>Geographic Focus</u> |
|------------------------|---|--|--|-------------------------|
| 1 | Toxic pollutants need to be controlled. | Develop and implement a formal program for better assessing and controlling toxic and hazardous emissions. | Toxic pollutants not currently regulated by NESHAPS will be better controlled. | Statewide |
| 1 | Management of field burning program. | Provide smoke management during field burning season. Provide enforcement for field burning rule violations. Monitor smoke impacts. Provide a research program to reduce field burning. | Smoke impacts on air quality will be minimized. Smoke intrusions on major population centers will be nearly eliminated. Alternatives to field burning will be developed. | Willamette Valley |
| Air Permits/Compliance | | | | |
| 1 | Operation of I/M Program in Portland. | Maintain I/M test facilities in Portland. Provide certification of tested vehicles that meet emission and anti-tampering rules. | Automotive-caused air pollution will be reduced. Ambient air standards for carbon monoxide and ozone will be attained in Portland. | Portland |
| 1 | To implement and maintain emission control strategies, it is necessary to continue existing compliance assurance efforts. | States and locals maintain compliance program, including inspection, surveillance, complaint investigations, enforcement actions, and source testing. State and EPA update and implement the compliance assurance agreement. EPA will assist State and local compliance programs and, where necessary, will take direct action to ensure compliance. | Sources out of compliance will come into compliance; complying sources will maintain compliance. | Statewide |
| 1 | | DEQ will evaluate the test procedures of sources that monitor their own emissions, and ensure that the monitoring data have satisfactory reliability and accuracy. | Excess emissions from self monitoring sources will be minimized. | Statewide |

OREGON FY 86 PRIORITIES

Ambient Air Monitoring

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

WATER QUALITY PROGRAM

Program Goals:

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

Background:

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

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

Profile of Water Quality

Surface Water Quality

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

Groundwater Quality

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

Strategy

In FY 86, DEQ will continue to operate its historic program of preventing the creation of new water quality problems. To accomplish this, DEQ will continue to carefully regulate existing and new sources of water and waste generating activities. Efforts to assure the protection of beneficial uses will be furthered by the reduction of bacterial contamination through controls of both point and nonpoint sources of fecal coliform. The groundwater program will be intensified with federal assistance through policy refinements, development of groundwater quality standards, and initiation of a statewide ambient groundwater quality monitoring program. Efforts will continue to monitor identified groundwater pollution areas and to sewer those areas where groundwater pollution has been identified. The DEQ will direct activities toward toxics pollution by evaluating data collected in toxics screening surveys, oversee pretreatment of municipal wastes, and define areas where technical assistance is needed.

TABLE 1
ASSESSMENT OF
USE SUPPORT FOR RIVERS AND STREAMS

1982
Use Support Assessment
(miles)

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

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

OREGON FY 86 PRIORITIES

Water Quality Management

20

| <u>Priority</u> | <u>Problem or Purpose</u> | <u>Task</u> | <u>Expected Outcome</u> | <u>Geographic Focus</u> |
|-----------------|---|---|---|-------------------------|
| 1 | Identify stream segments for further efforts. | Evaluate priority water quality limited segments identified in the status assessment process to reassess present water quality management strategies. | Assure cost-effective control strategies to achieve acceptable water quality. | Statewide |
| 2 | | Initiate development of a plan to protect shellfish growing areas. Add additional areas as a result of problem identification process. | Assure protection of shellfish growing areas. | Yaquina Bay |
| 2 | | Complete the followup survey to evaluate effectiveness of Best Management Practices. | Assure protection of shellfish growing areas. | Tillamook Bay |

OREGON FY 86 PRIORITIES

Construction Grants

21

| <u>Priority</u> | <u>Problem or Purpose</u> | <u>Task</u> | <u>Expected Outcome</u> | <u>Geographic Focus</u> |
|-----------------|---|--|--|-------------------------|
| 1 | Achieve appropriate delegation of Construction Grants program to State. | Provide positive cooperative program framework to facilitate delegation to State. | Final decision on delegation, schedule for implementation, and transfer program to State according to schedule. | Statewide |
| 1 | Provide effective EPA/State/Corps partnership in management of the Construction Grants program consistent with federal law and regulations, and national goals. | <p>a. Cooperatively negotiate and implement respective roles in achieving commitments in Office of Water Accountability System.</p> <p>b. Manage projects to meet obligation schedules; outlay projections; provide priority list data for and make use of Grants Information Control System; and manage projects to achieve timely completion, project closeout, and audit.</p> | <p>Efficient program management to achieve expected commitment.</p> <p>Specific project completion schedules met. Inflationary aspects of project delays is minimized, therefore more waste treatment and water quality improvement for the money.</p> | Statewide |
| 1 | Assure that grant funds are allocated to projects that provide significant water quality or public health benefits pursuant to applicable laws and appropriate regulations. | <p>a. Continue to fund projects which provide significant benefit to water quality and public health.</p> <p>b. Manage priority list to fund highest ranked projects and assure timely use of all funds.</p> | <p>Most significant water quality and public health problems are solved.</p> <p>Efficient use of funds. Maximize waste treatment and water quality improvement with available funds.</p> | Statewide |

OREGON FY 86 PRIORITIES

22

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

OREGON FY 86 PRIORITIES

Water Monitoring/Quality Assurance

| <u>Priority</u> | <u>Problem or Purpose</u> | <u>Task</u> | <u>Expected Outcome</u> | <u>Geographic Focus</u> |
|-----------------|---|--|---|----------------------------|
| 1 | Gather ambient water quality data to identify quality of Oregon's public waters; assure that data is of known and appropriate quality. | Maintain minimal ambient monitoring network to provide accurate, representative data on the most significant streams (including 13 BWMP stations), estuaries, lakes, and groundwater. | Data to track basic quality and trends on significant water studies; support planning decisions. | Statewide |
| 2 | | Ensure quality of data by implementing quality assurance program. | Data of known and appropriate quality for use by users. | Statewide |
| 2 | Assess potential toxics problems. | Expand baseline information by collecting samples for metals and organics at several key locations. | Identification of toxic problem areas if any. Provide basis for saying toxic pollutants are or are not a problem in Oregon waters. | Statewide |
| 1 | Assess water quality status and identify current water quality needs by analyzing, interpreting, displaying, and reporting data gathered from the monitoring network. | Develop, operate, and maintain a user oriented ADP based data system. Prepare status biennial report under 305(b) by February 1, 1986. Final to be submitted by April 1, 1986. | More effective use of data with less manpower required. A report which defines water quality status, problem areas, and needs. | Statewide Statewide |
| 1 | As identified in the 1984 305(b) Report, Lower Willamette River has quality problems. | As resources become available, conduct selective, intensive water monitoring to update Lower Willamette River model to help provide basis for evaluating problems and developing protection plans. | Initiate studies in Lower Willamette River during FY 86. | Lower Willamette River |

OREGON FY 86 PRIORITIES

NPDES Permits/Compliance

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

OREGON FY 86 PRIORITIES

| <u>Priority</u> | <u>Problem or Purpose</u> | <u>Task</u> | <u>Expected Outcome</u> | <u>Geographic Focus</u> |
|-----------------|--|---|---|-------------------------|
| 2 | Implement program to assure pretreatment of certain industrial discharges to municipal sewerage systems. | DEQ will continue to assist cities to implement pretreatment programs which satisfy State and federal requirements. | Individual city pretreatment programs are implemented as approved by DEQ. | Statewide |

OREGON FY 86 PRIORITIES

Groundwater/Underground Injection Control Program

| <u>Priority</u> | <u>Problem or Purpose</u> | <u>Task</u> | <u>Expected Outcome</u> | <u>Geographic Focus</u> |
|-----------------|--|---|---------------------------------------|-------------------------|
| 1 | Implement Underground Injection Control Program. | Update inventory and assess impacts of Class V wells. Develop appropriate control programs. | Groundwater protected from pollution. | Statewide |
| 1 | Continue to implement groundwater protection activities. | Update Statewide Groundwater Quality Protection Policy and initiate establishment of groundwater standards. | Groundwater protected from pollution. | Statewide |

HAZARDOUS WASTE

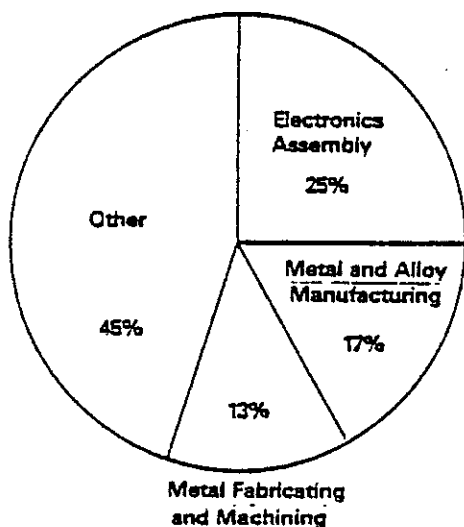
Program Goal:

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

Profile:

The "hazardous" part of the total waste stream is a threat to public health and safety and to the environment unless adequate safeguards are part of transport, disposal, treatment, storage, and recycling practices. Figure #3 shows the sources of hazardous waste in Oregon, and the methods of disposal.

HAZARDOUS WASTE GENERATION BY INDUSTRIAL CATEGORY
1978 SURVEY DATA



HAZARDOUS WASTE MANAGEMENT PRACTICES
1978 SURVEY DATA

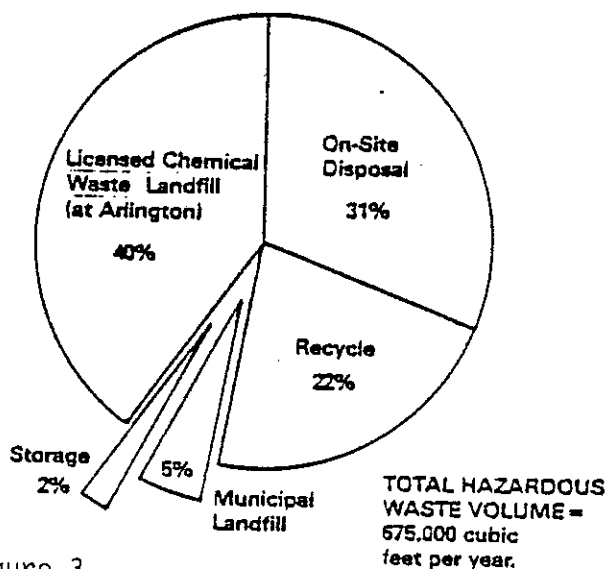


Figure 3

Note: Updated charts will be provided in final document.

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

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

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

Strategy:

By January 1986, DEQ expects to receive Final Authorization for its hazardous waste management program. Throughout FY 86, DEQ will carry out an extensive compliance inspection, monitoring, and enforcement program with priority being to ensure that storage, treatment, and disposal facilities are in compliance with the groundwater monitoring, financial assurance, insurance, and closure/post closure requirements.

OREGON FY 85 PRIORITIES

Hazardous Waste (RCRA Subtitle C)

| <u>Priority</u> | <u>Problem or Purpose</u> | <u>Task</u> | <u>Expected Outcome</u> | <u>Geographic Focus</u> |
|-----------------|---|--|---|-------------------------|
| 1 | Permits incorporating minimum standards will be issued to hazardous waste management facilities. | DEQ and EPA will issue joint permits or DEQ will issue permits under authorized programs. | Facilities will be given specific standards with which to ensure environmentally safe operation. | Statewide |
| 1 | Assurance of proper hazardous waste management practices. | (a) Compliance inspections of and enforcement actions at HW generators, transporters, and TSD facilities will be carried out under authorized State programs. (b) Priority will be given to ensure TSD facilities are in compliance with groundwater monitoring, financial assurance, insurance and closure/post-closure requirements. (c) Assure compliance with manifest requirements by all inspected facilities. (d) State will identify "non-notifiers" and assure such facilities are managed under State HW program. | Compliance with standards will be carried out and assure that facilities out of compliance will be brought into compliance. | Statewide |
| 1 | Having developed a "substantially equivalent" program, for interim authority, the State needs to develop an equivalent program for final authorization. | A complete application for Final Authorization will be submitted late in FY 85. Until authorization for Final, DEQ will continue to implement its interim authorized program. | State will be qualified for final authorization. | Statewide |

OREGON FY 85 PRIORITIES

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

20

OREGON FY 85 PRIORITIES

Superfund*

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

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

31

47

OREGON FY 85 PRIORITIES

| <u>Priority</u> | <u>Problem or Purpose</u> | <u>Task</u> | <u>Expected Outcome</u> | <u>Geographic Focus</u> |
|---|---|---|---|-------------------------|
| For sites on the National Priority List where Superfund dollars will be used; | | | | |
| 1 | Superfund statute requires the State to share the costs of remedial response at Superfund sites -- 10% of the remedial response costs for privately owned sites and 50% for publicly owned sites. | EPA will assist the State to identify and secure resources for the State's cost-share requirements. | State will meet statutory requirement to share remedial response costs at Superfund sites. | Statewide |
| 32 1 | Assurance of coordination between the State and EPA in the area of enforcement including determinations of responsible parties and cost recovery actions. | EPA will keep the State informed of progress and provide opportunity for State input to case/project development. The State will assist EPA: (a) In identifying responsible parties and determining enforcement potential at Superfund sites. (b) In determining an enforcement strategy for each Superfund site identified. (c) In compiling a profile of previous enforcement history at each Superfund site. (d) In notifying responsible parties. | Timely determination of responsible parties and appropriate funding procedures. An effective enforcement strategy which incurs timely and cost-effective cleanup of each Superfund site. A thorough enforcement profile for each Superfund site. Timely and clear opportunity for responsible party to take action before Superfund dollars are spent. | Statewide |

OREGON FY 85 PRIORITIES

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

SUMMARY OF PROGRAM RESOURCES

FY 86

SUMMARY OF PROGRAM RESOURCES

(July 1, 1985 - June 30, 1986)

| <u>PROGRAM</u> | <u>RESOURCES</u> | | | |
|---|-------------------------------|----------------------------|----------------------------|------------------|
| | Federal Grant Funds Requested | Non-Federal | Total | Staff-Years |
| Air Quality Program | \$1,386,015 (1,386,015) | \$2,064,394 (1,802,768) | \$3,450,409 (3,188,783) | 65.5 (64.9) |
| Water Quality Program | | | | |
| Section 106 | \$ 944,750 (884,000) | \$1,735,344 (1,562,002) | \$2,680,094 (2,446,002) | 49.9 (45.0) |
| Underground Injection Control (SDWA) | 116,523 (84,200) | 38,841 (28,067) | 155,364 (112,267) | 3.0 (3.0) |
| Water Quality Planning [Section 205(j)] | 100,000 (131,893) | -0- (-0-) | 100,000 (131,893) | 2.0 (2.0) |
| Construction Grants [Section 205(g)] | 311,480 (-0-) | -0- (-0-) | 311,480 (-0-) | 8.0 (0) |
| Hazardous Waste Program (RCRA) | 591,940 (523,400) | 942,219 (207,010) | 1,534,159 (730,410) | 22.8 (14.7) ? |
| FY 86 Totals | 3,450,708 (3,009,508) | 4,780,798 (3,599,847) | 8,231,506 (6,609,355) | 151.2 (129.6) |

(FY 85 figures in parentheses)

The amounts shown in the left-hand column above are federal funds requested by DEQ to fully fund the related FY 86 (July 1, 1985, to June 30, 1986) workplan commitments presented in the Program Document (Section II). The requested federal amounts are consistent with available EPA guidance. Final FY 86 federal grant resources are not yet available. Once a budget is adopted and Congress appropriates funds, grant amounts and, as necessary, program commitments will be reviewed and adjusted accordingly.

FY 86 POLICY DIRECTION AGREEMENT

(Appendix)

FY 1986
POLICY DIRECTION FOR THE
STATE/EPA AGREEMENT

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

AND

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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

The first step in the process is agreement, in principle, between EPA and DEQ on the major priorities to be addressed in the SEA and in the coming year. This initial document, entitled "Policy Direction for the State/EPA Agreement," provides direction for development of the full FY 1986 SEA, and may be revised as a result of public review and staff refinement.

Major state and federal environmental priorities for Oregon for the coming year are discussed below.

Maintenance of Ongoing Programs

Much of the environmental effort by DEQ and EPA is directed to operation of the ongoing activities of the air, water, solid and hazardous waste programs, e.g., regulation development, permits issuance, source inspection, monitoring, etc. While these activities are not specifically discussed in this policy direction document, they do constitute a significant portion of both agencies' priority work. The full FY 1986 SEA, which will be available in draft form for public review and comment in March and April 1985, will include detailed discussions of outputs and commitments for these ongoing programs.

As a focus for the ongoing programs, the priorities listed below are agreed to be of special importance during FY 1986.

RCRA Compliance and Permits

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

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

Prior to final authorization, EPA will continue to issue joint RCRA permits with DEQ. Following permit issuance, DEQ will be lead agency in monitoring compliance with permit conditions. DEQ will continue to build and demonstrate RCRA permitting capability. DEQ will maximize the scope of its participation in joint permitting with EPA.

EPA will provide an IPA position to DEQ to assist in program development and RCRA authorization. Further, EPA will provide training opportunities to DEQ to assist the state in building and enhancing state program capability.

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

RCRA Final Delegation

DEQ will continue to seek final authorization to operate the Federal RCRA hazardous waste management program. EPA will consider documented program performance by DEQ under Phase I - Interim Authorization and the Cooperative Arrangement Addendum to the MOA (for Phase II - permitting) as factors in its evaluation for approval of final authorization. Upon request from DEQ, EPA will conduct a comprehensive program audit prior to making a decision on final authorization. By September 1, 1985, DEQ expects to ask EPA to initiate the program audit and final authorization process, leading to a final decision by EPA on the State's application by January 31, 1986. When EPA reaches a tentative decision on DEQ's final authorization application, EPA and DEQ will enter into a Letter of Agreement, as appropriate, to address any remaining program enhancements needed by DEQ to attain full state program capability.

DEQ will modify the state program as needed and in accordance with the time periods provided in 40 CFR 271.21, to address new federal RCRA regulatory requirements.

Carbon Monoxide and Vehicle Inspection/Maintenance in Medford

Medford continues to experience frequent violations of the ambient air standards for carbon monoxide. Studies show that implementing a vehicle inspection and maintenance (I/M) program is the critical step needed to bring the area into attainment. The 1983 State legislature authorized Jackson County to implement an I/M program, but when an ordinance was adopted, County residents voted 3 to 1 against ratification. A "generic" bill has been introduced in the 1985 legislature that would give the Environmental Quality Commission authority to implement an I/M program in any area which requires this control strategy to attain compliance. If the bill is adopted, DEQ will implement the appropriate provisions, and submit a modified State Implementation Plan for Medford. If the plan demonstrates attainment of the carbon monoxide standard by 1987, EPA will approve the plan and remove sanctions from Jackson County.

In the event the Medford I/M bill is defeated, EPA will consider appropriate options for seeking earliest possible attainment of the carbon monoxide standard, including sanctions on the air program grant, federal promulgation of an I/M program, or other possible actions.

Enforcement/Compliance Assurance

As regulatory agencies, ensuring compliance with environmental standards and requirements is a fundamental mission of both EPA and DEQ. Enforcement action in cases of persistent or serious violations is recognized as a necessary step to ensuring a consistently high level of compliance with state and federal laws.

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

The relative roles and responsibilities of each agency to support this goal are outlined in specific program-by-program compliance assurance agreements. The agreements for the air, water, and hazardous waste programs are currently being updated to reflect the most recent policy on state/federal enforcement responsibilities. Both agencies agree to modify, as needed, and finalize the compliance assurance agreements by July 1, 1985, and to implement the agreements in a firm, fair, and even-handed way.

Construction Grants Management and Delegation

The DEQ completed two studies on assuming responsibilities for administering the wastewater treatment construction grants program under Section 205(g) of the Clean Water Act. The latest study, entitled "Preliminary Study Regarding EPA's Proposed Delegation of Management Responsibilities in the Construction Grants Program," provided the basis for a budget package which

was considered by the 1983 state legislature and is again being considered by the 1985 legislature.

If approved by the 1985 state legislature, the initial 205(g) delegation agreement for the program will be signed and implemented by September 1985. Once signed, federal funds will be available from the sewerage works construction grants allocation to support the delegated management function in the program. Under the initial 205(g) delegation agreement, DEQ will consider assuming in FY 86 responsibilities for those activities that are currently being accomplished under the existing 1975 Memorandum of Agreement (plans and specifications, including B/C reviews; addenda; change orders, including eligibility determination; and O&M manual reviews) plus all preapplication functions, including the preparation of environmental assessments; application functions; and the Grants Information and Control System (GICS). These activities may be modified based on the update of the above study.

Groundwater

Over 800,000 Oregonians depend on groundwater for domestic, commercial, industrial, and agricultural uses. The quality of groundwater in Oregon is generally very high. However, concern over man-caused groundwater contamination has increased. Groundwater contamination has been caused by sewage disposal practices, industrial and solid waste disposal site leachate, agricultural practices, leaking underground tanks and lines, and spills.

In several areas of the state, groundwater pollution has been documented. Elevated nitrate-nitrogen concentration and bacterial contamination have been two primary indicators of wastes seeping underground. Recently, data has also been collected which suggests the need to investigate toxic chemical and hydrocarbon contamination in groundwater.

This concern for groundwater protection led the Oregon Environmental Quality Commission (EQC) to adopt the Oregon Groundwater Quality Protection Policy in 1981. Aquifer protection plans consistent with the policy have been developed by DEQ with federal assistance and adopted by the EQC for several contaminated aquifers, including Clatsop Plains, North Florence, La Pine, and the River Road/Santa Clara area near Eugene. Work is currently underway to adopt a plan to protect the aquifer as a drinking water source in Mid Multnomah County.

Emphasis on protection of groundwater aquifers from contamination by surface activities or waste disposal practice will continue in FY 1986 with federal assistance. Specific DEQ initiatives, which includes hiring additional staff in FY86, will include:

1. Reviewing present statewide groundwater protection policy and revising as appropriate.

2. Implementing the statewide groundwater protection policy including appropriate revisions.
3. Developing groundwater quality standards to support the groundwater protection efforts.
4. Reviewing statewide water quality management plans to include new or updated areawide groundwater management plans.
5. Initiating statewide ambient groundwater quality monitoring program.
6. Developing and evaluating groundwater quality assessment plans for significant permitted sources.
7. Developing monitoring well installation guidance material.

These initiatives will result in the state's capability to protect the groundwater from man-caused contamination.

Superfund Implementation

EPA will initiate remedial design activities at the United Chrome Products site, which is included on the Superfund National Priorities List. DEQ will seek state matching funds (50% of remedial planning, design, and construction costs) prior to EPA proceeding with fund-financed cleanup. DEQ will also pursue establishment of a stable and continuing source of Superfund cleanup funding. EPA will undertake a comprehensive site discovery effort in Oregon and will coordinate any subsequent site follow-up with DEQ. DEQ will consider entering into a management assistance agreement with EPA for funding certain state-conducted Superfund program activities.

EPA will take the lead in negotiating a consent order for a remedial investigation/feasibility study at the GNB Batteries (Gould) site, with DEQ's support.

MBE/WBE Fair Share

EPA and DEQ recognize their responsibilities to ensure that their procurement practices reflect equal opportunity for small, minority, and women-owned business utilization. To encourage full participation in federally supported programs and projects, EPA and DEQ have developed "fair share" commitments which apply to procurement under both construction grants and program grants awarded in FY 86. EPA and DEQ will commit to overall goals of 8%/10% for Minority Business Enterprises and 2%/3% for Women-Owned Business Enterprises.

Priority Water Quality Concerns

As part of its water quality management effort, DEQ identifies priority issues and/or geographic areas which need special attention by the agency to prevent or solve water quality problems. Such issues/areas may include an

area of rapid unplanned industrial growth, the problem of widespread and continuing contamination of a large aquifer by domestic sewage, and other major water quality concerns. DEQ is working now to develop a current list of such priority water quality concerns. For each issue or area to be addressed in FY 86, a short profile of the problem and a discussion of the approach to solving it will be prepared. The FY 86 water quality program workplan will identify appropriate state and EPA activities to begin addressing these problems. EPA will provide resources as available to assist DEQ in carrying out the identified workplans.

This agreement covers the period of time from July 1, 1985, through June 30, 1986. DEQ and EPA agree to cooperatively work towards achieving environmental results for the priorities discussed above.

FOR THE STATE OF OREGON:

Frederic J. Hansen
Frederic J. Hansen, Director
Department of Environmental Quality

3/8/85

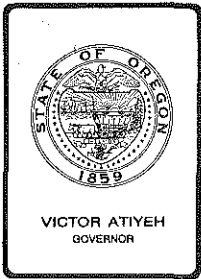
DATE

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

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

MAR 15 1985

DATE



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G, April 19, 1985, EQC Meeting

Status Report and Proposed Amendments to the Portland International Airport Noise Abatement Program

Background

On August 19, 1983 the Environmental Quality Commission approved a noise abatement program for Portland International Airport (PDX) pursuant to Commission rule Noise Control Regulations for Airports (OAR 340-35-045). Condition 3 of the approval was the following requirement:

"Prior to January 1, 1985, the Department shall submit an informational report on the status of this abatement program, an evaluation of implementation progress, and the need to amend the program."

On November 2, 1984 the Commission, at the request of the Port of Portland, the proprietor of PDX, amended the above referenced review date from January 1, 1985, to May 1, 1985. The purpose of this report is to satisfy the above condition of approval of the PDX noise abatement program.

Evaluation

The approved noise abatement program has two major elements. The first element, the airport operational control plan, is designed to reduce the size of the noise impact contours or to shift the contours over noise compatible land uses. The second element is the land use management plan. This element attempts to increase compatibility of uses with noise and to prevent future incompatibilities.

OPERATION CONTROL PROGRAM

The abatement plan contains the following airport operational controls that have been fully implemented:

- a) The north-south crosswind runway (Runway 2/20) is not used by any aircraft unless dictated by weather or field conditions. Limited use of this runway is allowed by light general aviation aircraft when either of the main parallel runways is closed for maintenance work.
- b) A Very high frequency Omnidirectional Range station and Distance Measuring Equipment (VOR/DME) navigational aid has been installed on the airport field to provide necessary cockpit information to the pilot to fly the required arrival and departure flight tracks. This equipment was commissioned on January 23, 1985 and was purchased without federal funds at a cost of approximately \$200,000.
- c) All air carrier, military F-4 fighters, and business jets are complying with the following procedure:
 1. East departures on Runways 10R and 10L turn left approximately 20 degrees after takeoff to follow the 85 degree VOR radial for approximately 11 nautical miles DME before turning toward a destination.
 2. West departures on Runways 28R and 28L maintain runway heading, 276 degrees VOR, for a DME distance of 8 nautical miles or to an altitude of 6,000 feet before turning on course.
 3. When the crosswind runway is dictated due to weather conditions, departures to the south on Runway 20 initiate a right turn after takeoff and follow a heading of either 280 degrees or 310 degrees for a distance of 8 miles before turning on course.
 4. When landing to the east (RW 10R/10L), aircraft follow a straight-in path on the runway heading from a point 8 miles from the airport.
- d) All commuter aircraft and the military T-33 trainers are complying with the following procedures:
 1. Fly the departure procedures as designated for the air carrier aircraft, except they turn on course at 3,000 feet altitude.
 2. Fly the same arrival procedures specified for air carrier aircraft.

- e) General aviation aircraft, as the other categories, are prohibited from using the crosswind runway, except during periods when weather conditions dictate its use or when either of the main parallel runways are closed for maintenance work. Normally these aircraft operate on the main runways and are turned on course as soon as practicable after departure.

The following item in the operational control program has not been implemented:

Approaches by air carrier and F-4 military aircraft from the east toward the west on the main parallel runways, RW 28R/28L, are to use a visual river approach during good weather conditions. This procedure will require aircraft to establish a final approach over the Columbia River approximately 10 miles east of the airport. The aircraft will then follow the river to a point approximately four miles from the airport, at which time the runway heading will be established for landing.

Under poor weather conditions the visual river approach will not be used and aircraft will establish a straight-in approach approximately eight miles from the airport. This path will bring the aircraft over the populated areas of Gresham and Wood Village.

The visual river approach has not yet been implemented due to the need for the new VOR/DME navigational aid to become operational, and to develop and publish this new procedure. The VOR/DME aid became operational during January 1985. The Federal Aviation Administration and the air carrier operators are reviewing this proposed procedure, and it is believed a visual river approach procedure will be published and implemented by October 31, 1985. Until the visual river approach procedure is in place, aircraft will use the straight-in approach procedure.

A number of operational controls not included in the approved abatement plan are being investigated for feasibility to include in the plan.

Two operational changes could improve noise impacts from the military F-4 operations. Most F-4 operations are conducted over the Pacific Ocean west of the airport; therefore, returning aircraft will be returning from the west. When wind conditions dictate landings toward the west, these aircraft fly over population areas south of the airport prior to landing. A proposal is being considered to shift the returning flight track north of Vancouver, Washington, to avoid flying over large population areas.

The second issue that might reduce noise impacts from the military F-4 aircraft is the proposed side-step landing procedure. When landing toward the west, these aircraft prefer to land on the left runway (28L) due to its length and arresting cables. The side-step procedure would have these aircraft approach toward the right runway (28R) and then shift (side-step) to the left runway approximately three to four miles from the airport. This procedure would shift some of the approach noise north over the river during typical F-4 aircraft operations.

Other proposed changes to the operational plan are being recommended and investigated by the Port of Portland and its advisory committee. Any major changes to the plan that are adopted for inclusion must also be approved by the Commission. At this time no major changes in the operational plan are proposed.

LAND USE CONTROL PROGRAM

Although the land use controls included in the noise abatement program are being developed, only one major element has been accomplished. In April 1984 Multnomah County approved a noise overlay zone that implements the plan's land use controls. Except for industrial uses, this ordinance requires the following:

- a) Within the Ldn 65 contour, sound insulation is required for new construction, reconstruction, and additions.
- b) An easement for existing noise levels must be granted to the Port of Portland in order to obtain a building permit within the Ldn 65 contour.
- c) Within the Ldn 65 contour, a disclosure statement regarding noise impacts must be provided to all prospective purchasers or tenants.
- d) No new residential zoning is allowed within the Ldn 65 contour.

Remaining land use controls included in the plan include the following:

- a) The City of Portland needs to amend its noise overlay zone to address the plan recommendations. Its current ordinance uses the Ldn 68 contour instead of the recommended Ldn 65 contour. Action taken by the Portland Planning Commission in its March 1985 meeting indicates concern that this ordinance will not conform with the plan. The Planning Commission refused to amend the Ldn 68 contour designation and deleted the existing requirements for disclosures and easements. It is believed the Port of Portland will appeal these decisions by the Planning Commission.
- b) The plan proposed to eliminate all noise sensitive uses within the Ldn 75 contour. Only the Lemon Island houseboat moorage is within this contour. This moorage contains approximately 59 houseboats and 125 residents. The Port of Portland, as the owner of this moorage, has developed a relocation plan that would move the houseboats to a new location that is near the Ldn 60 contour. The moorage residents have agreed to the relocation plan and it is expected that this item will be completed and houseboats moved by the end of 1985.

- c) The plan proposes to provide noise insulation to the homes (approximately 230) located within the Ldn 70 contour. The Port of Portland hopes this project will be funded with federal airport noise abatement monies. In order to be eligible for these funds the noise abatement program must be approved by the Federal Aviation Administration. It is believed the program will be approved by July 1985, and thus, noise insulation funds will be approved by the first quarter of 1986.
- d) A tax relief program to encourage noise insulation between the Ldn 65 to 70 contours is being pursued through the Oregon Legislature. House Bill 2588, which is being considered by the 1985 Regular Session, would provide tax credits for noise insulation to approximately 925 homeowners located near this airport.
- e) House Bill 2587 would require a disclosure of noise impacts to a prospective purchaser, lessee or renter within the Ldn 65 noise zones established by local zoning ordinances.
- f) House Bill 2586 would require noise insulation in new construction located within noise zones near airports as established by local political subdivisions.

PROGRAM IMPACTS

The PDX noise abatement program has significantly reduced the number of people exposed to excessive aircraft noise. In the baseline year of 1982, it was calculated that 177,700 people were exposed to aircraft noise exceeding the Commission's criteria of Ldn 55 decibels. The plan hoped to reduce this exposure to 108,700 during the first year, or a 39 percent reduction. In the Port's June 1984 review of the abatement plan it found that 94,000 people were within the Ldn 55 contour, or a 47 percent reduction. The Port's analysis of its 1985 annual report (now being drafted) shows 90,400 people within the Ldn 55 contour, or a 49 percent reduction from the baseline. It should be noted that this reduction may not remain as the number of aircraft operations are somewhat less than projected. For example, the plan assumed 78,560 air carrier operations would occur in 1983, while the actual number was 73,909, or a 6 percent shortfall. If the airline economy improves, these operations may increase, and thus, cause noise impacts similar to those projected.

PROGRAM AMENDMENTS

Several elements of the PDX noise abatement plan have not been accomplished within the schedule developed when the plan was approved by the Commission in August 1983. Following are those elements not yet implemented and a proposed effective date:

- a) The visual river approach for aircraft landing to the west on the main runways (28R/28L) should be implemented by October 31, 1985. Although

this procedure will only be used when weather conditions allow, significant reductions of noise impacts should result in the Gresham and Wood Village areas.

- b) The noise overlay zone within the City of Portland needs to be amended to conform with the plan. Although the Port of Portland cannot be held responsible for actions taken by the City, they are required under the plan to pursue the necessary amendments. We have been advised by the Port of Portland that they will make the necessary appeals of the recent decision by the Portland Planning Commission to not update the noise overlay zoning ordinance. Because of the lengthy appeal process, it is difficult to establish a schedule for completion of this element of the plan.
- c) The elimination of noise sensitive uses within the Ldn 75 contour is the relocation of the Lemon Island houseboat moorage. It is believed this project will be completed by January 1986.
- d) The Port of Portland's project to provide noise insulation to the approximately 230 existing homes within the Ldn 70 contour is dependent upon approval of a federal grant that would provide 90 percent of the funding. It is estimated this grant is likely to be awarded prior to April 1986.
- e) The 1985 Oregon Legislative Assembly is considering three bills, HB2586, HB2587 and HB2588, that would respectively require noise insulation for new construction within impact zones, provide noise disclosures to purchasers, and provide noise insulation tax credits.

These proposed laws will be considered during the 1985 session, and if approved, will be effective in late-1985.

Summation

The following facts and conclusions are offered:

1. The Port of Portland has been implementing a noise abatement program for Portland International Airport in accordance with a plan approved by the Commission on August 19, 1983.
2. Not all elements of the plan have been fully implemented, and thus, the plan must be amended to incorporate a new schedule.
3. The effectiveness of the portion of the plan now implemented is reflected by the estimated 49 percent reduction of people exposed to excessive aircraft noise.
4. The Commission's approved plan should be amended to incorporate a new schedule for plan elements that were not completed within the schedule approved in 1983.

5. As new elements are developed and proposed to be included in the abatement plan, the Commission should review and, as necessary, amend the plan to reflect these elements.

Director's Recommendation

Based on the Summation, it is recommended that the Commission approve the amended implementation schedule dates for the following elements of the Portland International Airport Noise Abatement Program:

1. Visual River Approach to Runway 28R and 28L shall be implemented by October 31, 1985.
2. The revisions to the Portland Noise Overlay Zone ordinance shall be pursued by the Port of Portland.
3. The Lemon Island houseboat moorage shall be relocated by January 31, 1986.
4. The noise insulation program for homes within the Ldn 70 decibel contour shall be initiated by April 30, 1986 subject to federal grant approval.
5. The proposed legislation required in the plan shall be pursued by the Port of Portland with the 1985 Assembly.



Fred Hansen

John Hector:n
229-5989
March 26, 1985

AS1294



STATE OF OREGON

INTEROFFICE MEMO

TO: Fred Hansen

DATE: April 16, 1985

FROM: John Hector *JH*

SUBJECT: Testimony from Roger Parsons on Agenda Item G

Roger Parsons' letter to the EQC, dated April 11, 1985, is primarily concerned with the implementation schedule for the "River Visual Approach" procedure in the Portland International Airport noise abatement plan. When the EQC approved the plan on August 19, 1983, this procedure was scheduled to be implemented by mid-1984. The schedule has now slipped to a proposed October, 1985 date. Parsons wants the airport to use an interim procedure until the final procedure is in place.

The River Visual Approach procedure is designed to reduce noise for residents of East Multnomah County. When the airport is operating under west flow conditions (landing and takeoff toward the west), landing aircraft normally make a straight-in approach from a point located between Gresham and Wood Village. This is also the normal instrument approach path used in adverse weather conditions. The River Visual procedure requires aircraft to initiate landing from a point over Reed Island in the Columbia River north of Corbett. From this point (which is about 10 nautical miles from the airport) aircraft follow the river to about three to four miles from the airport, at which time the aircraft is placed on the runway alignment for landing on either the right (28R) or left (28L) runway. Naturally, this procedure may only be used when weather conditions allow. In addition, the FAA wishes to have the flexibility to discontinue the procedure when high volume of traffic would cause delays and congestion using the River Visual procedure.

The Port has proposed the October, 1985 schedule, instead of an earlier date, for two primary reasons. First, they believe they need to build a consensus with pilots and airlines to use this procedure. As the pilot has the option to request an "instrument approach" using the normal straight-in procedure, without their understanding and cooperation, the procedure would not be used. The second issue is the need to have a "published" procedure instead of verbal instructions from the tower. Based on the experience gained last summer when a modified approach was used during reconstruction of the north runway (28R), FAA believes the published procedure is needed.

The October, 1985 schedule is primarily geared to the timeframe needed to have the River Visual Approach reviewed, approved, and published by FAA.

JH:dj

cc: Tom Bispham ✓

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
APR 15 1985

April 11, 1985

Environmental Quality Commission
Box 1760
Portland, Oregon 97207

AIR QUALITY CONTROL
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
APR 15 1985

OFFICE OF THE DIRECTOR

Dear Sirs:

I am in recent receipt of a copy of your Director's Memorandum to you concerning the Status Report and Proposed Amendments to the Portland International Airport Noise Abatement Program. By way of introduction, I am currently a member of the Port's Noise Advisory Committee representing outer East Multnomah County, and have been involved with the Planning Advisory Committee and the noise abatement plan since its inception.

Let me apologize in advance for not personally attending your meeting in Salem on April 19th, but my current plans call for me to be out of town on that date. In lieu of my attendance, please use this letter as my input concerning the Port's request for revision of implementation dates for the Visual River Approach.

As was pointed out in your Director's Memo, it was in August 1983 that your Commission approved a noise abatement program at PDX. That's right, over 1½ years ago and one of the key elements to the approved plan has not been implemented, the Visual River Approach to runways 28! Please refer to the enclosed recent correspondence between myself and the Port's Director of Aviation, Bill Supak, concerning my frustrations that no interim or permanent implementation of this procedure has taken place. I pointed out to Mr. Supak the growing disenchantment that residents in outer East Multnomah County are experiencing with the plan that informed them via the media 1½ years ago that aircraft would be flying over the river on departure and arrival and thus reducing noise levels in the densely populated corridor east of the airport stretching out to Gresham.

The Port's request for implementation of the River Visual Approach delayed to the end of October 1985 has some real problems attached to it. Let me elaborate: 1) Loss of credibility by East Multnomah County residents in the plan that was approved over 1½ years ago, 2) No interim River Visual Approach this summer when PDX has the weather required for Visual Approaches and has a predominant West wind, dictating landings to the West causing increased noise levels for residents east of the airport and 3) An implementation date, basically in Winter 1985, when predominant East winds and cloudy weather prevent visual approaches to the west anyway.

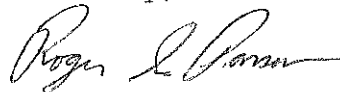
As I stated to Mr. Supak in my letter to him, I agree wholeheartedly that a published River Visual Approach using the Hood VOR/DME at PDX for pilot guidance and assistance is the desirable permanent implementation aid for this procedure. However, to completely disregard an interim implementation is absurd. The claim that there must be a published procedure to implement this approach is fallacious. In fact, the current procedure your Director alludes to in his Memo whereby aircraft departing to the East intercept the 085° radial and fly over the Columbia River to 11nm before proceeding to their destinations is, in fact, not published at this time, but given to the pilots as a verbal instruction when they receive their air traffic control clearances. Also, let me reiterate that when the North runway was closed for several months last year

for repair work, west arrivals were in fact instructed to fly a modified River Visual Approach when weather permitted by "Crossing over the Troutdale Airport at a specified altitude and following the River as long as practical when landing on runway 28 at Portland." Not a difficult nor cumbersome interim procedure with a significant noise abatement benefit.

Finally, Mr. Supak's letter to me suggests that the FAA, Air Transport Association and Airlines are the ones working with the Port on this and requesting relief on this procedure until published. Please remember that the yearlong study process was made up of a Planning Advisory Committee that included representatives from all the above named organizations and Coffman and Associates (the consultants) included a River Visual Approach in the approved plan. This approach procedure was not dependent on a VOR/DME being installed, only improved as a result of having said navigation aid.

Yes, the October 1985 River Visual Approach permanent published procedure implementation is reasonable, but only if an interim procedure is implemented immediately. Residents of East Multnomah County have waited long enough for their promised noise relief.

Sincerely,



Roger S. Parsons
Member, Noise Abatement Advisory Committee
Outer East Multnomah County

Enc: 2
CC: John Hector
Bill Supak

February 28, 1985

Mr. William Supak
Director of Aviation
Port of Portland
Box 3529
Portland, Oregon 97208

Dear Bill:

I am in recent receipt of correspondence from you concerning ATA's attempt to severely restrict the ability of local Port authorities to regulate their own airports through FAA channels. I agree that this would all but negate the work the Port of Portland has done toward reducing aircraft noise impact at PDX through the 1983 Noise Abatement Plan and make enforcement of said plan impossible. You and the Oregon DEQ should be applauded for your strong resistance to ATA's petition.

I must take exception to paragraph three of your January 22, 1985 letter to the FAA. Concerning your comment that "The plan was a major success in several respects:...", was somewhat misleading since the plan could be a major success, but at this point a glaring omission to the plans noise abatement procedures exists, namely the implementation of a Visual River Approach. With the weather improving to accommodate visual approaches and the surface winds beginning to predominate out of the West, dictating runway 28 operations, I have already begun to receive phone calls from neighbors asking why aircraft are flying overhead and not over the river on approach as was promised in the plan.

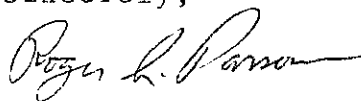
Remember Bill, just as you stated, "In June, 1983, the Port completed a Noise Abatement Plan for PDX". That's approaching two years ago and we still do not have a Visual River Approach in place and all of outer East Multnomah County is suffering as a result. While I realize that the VOR/DME has only been operational for two months and it takes an inordinate amount of red tape to publish any FAA approved approach procedure, an interim Visual River Approach program can and should be implemented immediately. A program similiar to that used when the north parallel runway was closed last year and aircraft were routed over the river for for west flow visual arrivals is appropriate until the Visual River Approach is approved and published.

As for the F-4 side-step maneuver being shelved in lieu of the Visual River Approach, fine, but we don't have that approach in place yet. In the interim, at a minimum, the Port and the OANG should have a letter of agreement in place whereby F-4 pilots would preference visual or instrument approaches to the north runway (28R) with a side-step approximately 3-4 miles out to runway 28L, in lieu of an extended, noise sensitive overfly straight in approach to the South runway. These aircraft are by far the noisiest flying out of Portland and should be a top priority for interim noise abatement procedures.

Let me close by stating that I am most apprehensive about the FAA's desire to be able to exempt some aircraft from executing the Visual River Approach when arriving from the South during high traffic volume periods. Their claim of single runway operations is a little bit misleading. Remember during marginal weather conditions the airport is in fact limited to a single runway (ILS) arrival condition and the FAA is able to handle this. When good weather permits Visual River Approaches, an yes, more aircraft (specifically general aviation) would be flying, that increased volume is still able to be effectively sequenced due to the ability to break off arriving turbojet aircraft to either runway approximately 3-4 miles out while at the same time not being restricted to Visual River Approaches for most general aviation aircraft. By permitting judgemental exceptions to the Visual River Approach you open the potential for abuse of the noise abatement plan and invalidate so much of the positive results attained in reducing single event noise occurrences over East County neighborhoods.

I urge you to act on the Visual River Approach procedure, both interim and permanent plans, or you will risk losing the credibility in the plan you have built with Outer East County neighborhoods over the past two years.

Sincerely,



Roger S. Parsons
Highwood Homeowners
Member, NAAC

CC: John Newell
John Hector



Port of Portland

Box 3529 Portland, Oregon 97208
503/231-5000
TWX: 910-464-6151
March 15, 1985

Mr. Roger S. Parsons
Highwood Homeowners Association
16405 N.E. Fargo Court
Portland OR 97230

Dear Roger:

We are currently working with the FAA, ATA and the airlines to develop the "River Visual Approach" procedure. We have made a special point to include airline pilots in this process because it's not going to be a popular procedure to fly. We hope that by getting their direct involvement, we can overcome objections to the added distance and complexity of this procedure versus what they now fly. Hopefully, we will get their (pilots) willing support, rather than looking for ways to beat the system.

To date, I think we have that cooperative support; however, we have had a great deal of confusion and a good deal of pilot opposition to flying procedures and using navigational aids that are not charted. Because of this confusion and opposition, the FAA and the Air Transport Association have requested that we plan implementation in conjunction with publication of the procedure. With due consideration to your concerns, I agree that it's in the best interest of the Plan to wait for publication.

I can appreciate your frustration with the timing and process required in this case. While I cannot agree with your recommendation for early adoption of an interim procedure, I can push to expedite the procedure development and publication process. Additionally, I will direct staff to explore the possibility of building an interim procedure for the F-4s to mitigate their impact upon East Multnomah County.

Thank you for taking the time to state your concerns regarding the impact of the Noise Abatement Plan on outer East Multnomah County.

Sincerely,

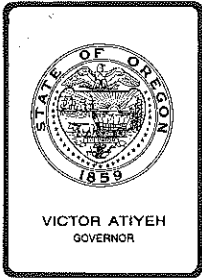
Bill Supak
Director of Aviation

0062N

cc: John Hector



Port of Portland offices located in Portland, Oregon, U.S.A., Boise, Idaho, Chicago, Illinois, New York, N.Y., Washington, D.C., Hong Kong, Manila, Seoul, Singapore, Sydney, Taipei, Tokyo, Henley-on-Thames, England



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, April 19, 1985, EQC Meeting

Proposed Adoption of Amendments to the Vehicle Inspection
Program Operating Rules (OAR 340-24-300 through 24-350)

Background and Problem Statement

The Environmental Quality Commission, at its meeting of December 14, 1984, authorized public hearings on proposed rule amendments for the Vehicle Inspection Program. Rule amendments, included as Attachment A, are proposed for the following areas:

1. The modification of a special test procedure, currently limited to 1981 through 1983 model year Ford vehicles (OAR 340-24-310) to include newer model year Ford cars and 1984 through 1986 Honda Preludes.
2. The adoption of a provision for providing alternative criteria when factory pollution control equipment or acceptable alternatives are unavailable due to discontinuation of parts inventory (OAR 340-24-310)
3. The modification of the analyzer calibration procedure for licensed self-inspecting fleets (OAR 340-24-350).
4. The inclusion of a limitation that vehicle noise inspection be limited to those vehicles located within Clackamas, Multnomah and Washington Counties (OAR 340-24-310).

In addition to these modifications, public comment was also requested on the appropriateness of emission testing heavy duty diesel vehicles and motorcycles. The public hearing was held February 19, 1985. Two hearings were held; one in the morning and the other in the evening. The hearing officer's report is included as Attachment B. Statement of Need for Rulemaking is included as Attachment C.

Alternatives and Evaluations

OAR 340-24-310, Vehicle Inspection Test Method This section includes the proposed modifications of the rules governing the inspection test method and a limitation of geographic scope of the noise inspections. It was proposed to extend the key-off/restart procedure for Ford Motor Company cars through the 1985 model year. No comments were received on this particular provision, and staff is not proposing any additional modifications.

In the request for hearing authorization, staff discussed a request by Chrysler Corporation for a change in the testing procedure. It was the staff's recommendation that the Chrysler request not be honored. Attachment D is the service bulletin from Chrysler announcing the availability of the exchange module. The new computer module keeps the car in closed loop when placed in park or neutral. Attachment E is a letter from the California Bureau of Automotive Repair indicating that California will not honor the Chrysler request for a special test procedure.

Attachment F is a letter from American Honda Motor Company, Inc. American Honda, by this letter and at the public hearing, requested a change in the test procedure for its 1984 through 1986 Honda Prelude automobiles. The reason cited is that an air pump cutoff switch on this particular car deactivates, or dumps, the air pump's secondary air for catalyst operation after three minutes of operation below 15 mph. Without this secondary air the exhaust emissions, as measured by the state's idle test, may exceed standards or cutpoints. The air pump does not switch back on until a front wheel speed of 15 miles per hour is exceeded. The reported purpose of incorporating this design feature was to prevent catalyst overheating.

During the public hearing, Mr. Brian Gill of American Honda made a formal request that a key off/restart test procedure, similar in nature to that already in use for Ford vehicles, be used for Honda Preludes. Mr. Gill indicated that Honda was not preparing an in-field repair and that Honda intended to petition the U.S. Environmental Protection Agency (EPA) for a special test procedure. During the hearing Mr. Gill indicated that Honda would not deny their customers warranty claims under Section 207(b), but normally there are not any specific mechanical repairs that could be made to correct this condition.

There was a division of opinion among the staff as to the appropriateness of granting Honda's request. The reasons for not accepting the Honda request are as follows:

1. It would appear that by design Honda's incorporation of this air pump bypass was finalized after the federal government had approved the various short tests. The incorporation of this feature appears to be a design oversight at best, or an emission control defeat device.

2. The federal provision for a special test procedure for Ford vehicles does not apply to all vehicles. This was made very evident during the adoption of the special procedure by EPA. One reason cited is that the provision could penalize some vehicle manufacturers.
3. Since this provision would be more selective than the Ford provision, the inspection staff could find it more difficult to differentiate between vehicles which might need this modified procedure.
4. The integrity of the test is eroded. An additional variance from the set procedure could tend to encourage more manufacturers to request variances from the established test.
5. The public could begin to question the fair and equitable treatment if there were so many different procedures for so many different vehicles.
6. With the 3 minute idle (i.e., operation below 15 mph) and the 15 mph reset design feature, it would appear highly probable that during periods of congested traffic, the vehicles in question could actually be emitting far above the design levels of exhaust emissions.
7. Several other states, including California, have rejected Honda's request. A copy of California's letter to that effect is attached as Attachment G.

The reason to accept Honda's request for a special test procedure is to insure that we do not cause unnecessary hardship on those vehicle owners who own these cars. A vehicle which fails the test may be taken to a dealer. The dealer might simply tell the owner to turn the key off and restart the car prior to the emissions test. This process serves little purpose. Corrective repair is not made and no air pollution benefit is achieved. If the vehicle still fails after the restart, however, there is no doubt, but that the vehicle has high emissions and has been identified for repair. For this reason it is the Department's recommendation that Honda's request for a key off/restart, as detailed in the proposed rule change of OAR 340-24-310 (12) be approved.

The final inspection test method modification contains a wording change for paragraph 14 concerning vehicle noise inspection. The wording change is proposed to clearly identify that only those vehicles licensed within the testing area incorporated in the tri-county area are subject to the vehicle noise inspection requirements. This change is being proposed to clearly reflect that vehicular noise inspection is the result of a citizen petition within the tri-county area. The result of adopting this proposed amendment would be to limit noise testing to the greater Portland area in the event the emission inspection program would be required elsewhere.

OAR 340-24-320 and 325, Light and Heavy Duty Motor Vehicle Emission Test Criteria Staff had proposed modifications to paragraph 3(c) in both sections, 24-320 and 325. These changes would provide for limited alternative criteria when factory pollution control equipment or acceptable alternatives are unavailable due to discontinuation of parts inventory. Comment was received on this proposal from a Mr. Jim Houser, representing the Portland unit of the Automotive Service Council. It was that group's consensus that the suggested provision not be adopted because it would appear that the Department would be letting the vehicle manufacturers "off-the-hook."

It is the staff's position that this proposed change will not encourage poor supply of emission control parts. In a survey completed last year, the auto manufacturers and people in the automotive service industry indicated that parts supply was not a serious problem. The staff is proposing that alternative criteria can be applied in those few instances where pollution control equipment is no longer available because of being dropped from the manufacturer's parts inventory and comparable replacements cannot be provided. In such instances, the customer would need to apply to the Department for such relief, and the Department would be required to verify the nonavailability of the original part, replacement part, or an alternative solution.

The Department received a letter from the Specialty Equipment Market Association (SEMA) requesting a rule revision. In this letter, Mr. Burch of SEMA requested that the Department modify the rule to make the interpretation in Section 24-320 more liberal. This section contains the guidelines for evaluating aftermarket parts. The SEMA proposed wording would allow the use of any part which the part manufacturer considered appropriate for "street use." This could include those parts which have an adverse effect on emission control. Mr. Burch in his letter attached a copy of correspondence from the California Bureau of Automotive Repair (BAR). That letter, dated May 23, 1984, was intended to indicate California's acceptance of this position on aftermarket parts.

To determine that the referenced letter represented California policy, the staff contacted both the California Air Resources Board and the Bureau of Automotive Repair. Included as Attachment H is an excerpt from the California Bureau of Auto Repair I/M manual dated October 1984. It describes the aftermarket parts policy and emphasizes the relationship between the California Air Resources Board's product evaluation program, and those parts' proper use and application in automobiles. Attachment I contains two letters, dated in December 1984, between BAR and SEMA counsel, which appear to clarify the original BAR positions taken in the letter submitted to the hearing record.

Based upon the information submitted at the hearing, documentation in Attachments H and I, and other staff discussions with Mr. Burch, it is the staff's opinion that the inclusion of the SEMA proposed wording is neither necessary nor warranted. In the staff's opinion paragraph (4) (a) contains sufficient safeguards regarding replacement parts to cover SEMA interests. Changing paragraph (4) (b) would allow adverse emission effects from add-on equipment. This particular section of the rule was discussed in a previous report to the Commission. The report of June 20, 1980 is included as Attachment J. That discussion centered on aftermarket turbochargers. There is an extensive certification program for turbo chargers in which SEMA members are participating. Replacement parts, on the other hand are generally not prohibited under the Inspection Program's operating rules. For example, exhaust headers and intake manifolds are generally considered to be replacement parts, rather than aftermarket parts.

OAR 340-24-350, Analyzer Calibration by Fleets No comments on this section of the rule proposal was received. There are no other changes proposed.

Informational subject of the public hearings. Comments on the appropriateness of including heavy duty diesels and motorcycles into the emission inspection program were requested. Comments were received on both subjects.

Heavy duty diesel vehicles. Richard Brandman of METRO discussed the DEQ/METRO Diesel Particulate Study Group. This group's finding was previously reported to the Commission at its November 2, 1984 meeting. The METRO study recommended that the Department initiate a study to determine if heavy duty diesel vehicle emission testing is cost-effective; and that if such is the case, the Department should then initiate heavy duty diesel emission inspection.

Two recent studies by the New York City Department of Environmental Protection have been reviewed. The August 1983 study was on diesel buses, and the September 1984 report was a status update on their Diesel Taxi Study. In the 1983 study, they concluded that I/M for diesel buses did not appear cost effective; but that because of timing, the new generation of diesel buses were not included. Only buses operated by the City were evaluated. In New York there is also a large group of buses which are privately operated. The final New York City recommendation was to continue the evaluation on the new style buses and those operated privately in order to determine the effectiveness. No update on that study has been received.

In the study of diesel taxis, they concluded that diesel taxis should be included in their triannual emission inspection system. They noted correlation difficulties between simple opacity measurements and particulate measurements taken during FTP's (Federal Emission Test Procedure). They found that the high rate of errors of omission and commission make opacity a poor indication of mass particulate emission

rates. They found, however, that if they could identify vehicles with high hydrocarbons or carbon monoxide emission rates, they would also be identifying those vehicles which would fail a particulate emission test.

The State of New Jersey has had an ongoing diesel bus inspection program. In a recent environmental impact statement, New Jersey concluded that it was not possible to quantitatively estimate the particulate emission control benefit from the inspection of diesel buses. Nevertheless, it was their conclusion that the inclusion of diesel buses in the inspection process contributes to the environmental good.

Particulate emissions on heavy duty diesel vehicles can also be related to the level of sulfur in the diesel fuel. It would appear that consideration to reducing the sulfur content of diesel fuel might be a desirable avenue aimed at reducing areawide particulate emissions. This type of control strategy has been recently adopted in the Los Angeles area where fuel sulfur has been limited to 0.05 percent.

It is the the staff's opinion that heavy duty diesel vehicle inspection/maintenance may be an appropriate control strategy for particulate control. It is proposed that the staff study and report on the alternatives of heavy duty diesel vehicle inspection/maintenance. It is also proposed that the staff explore what benefits might be accrued if a switch to low sulfur diesel fuel were possible. The study would coincide with the recently proposed noise inspection study for heavy duty vehicles. Such a report would be available for the Commission by May 1986.

Motorcycles Comments regarding the emission testing of motorcycles were received from both American Honda and Harley-Davidson. Both motorcycle manufacturers indicated that there was no short emission test that correlates with the original federal certification testing procedure. Harley-Davidson noted that they have attempted to develop a short cycle emissions measurement technique to identify vehicles with faulty engines, but were unsuccessful.

The staff has just received a letter from the Motorcycle Industry Council (MIC). The letter, Attachment K, responds to several Department questions about motorcycle emission characteristics. Two of the responses bear on the issue of in-use motorcycle emission testing. MIC states that there is very little published data on in-use motorcycle emissions to draw upon, and that idle emission standards to identify "gross emitters" would have to be established by locally generated test data.

The staff intends to conduct a pilot project on short cycle emission measurements for motorcycles. These tests will be made in conjunction with the noise inspections to start July 1. This project will provide valuable data establishing a short cycle emissions baseline for in-use motorcycles. The Department should be able to report back to the Commission to May 1986.

Summation

1. A public hearing on proposed rule modifications was held February 19, 1985.
2. Public comment was received in the following areas: test procedure, test criteria, heavy duty diesel vehicles, and motorcycles. Based on the input from the people responding, there was support for the Department's proposals.
3. American Honda Motor Company Inc. requested a change in the test procedures for their 1984 through 1986 Honda Preludes. It is the Department's recommendation that Honda's request for a change in procedures be approved. It is further recommended that the Commission direct the Department to communicate with EPA in the strongest terms, urging that EPA not grant further exceptions to the approved short cycle tests, especially to those manufacturers who petition EPA after their cars are already in the hands of the owners.
4. The Department will conduct pilot studies on diesel and motorcycle emission testing.
5. It is recommended that noise testing be limited to the inspection of vehicles in the Portland metropolitan area.
6. SEMA made a request for a wording change regarding the aftermarket parts policy described in OAR 340-24-320(4)(b). It is the staff's recommendation that the wording change is unnecessary, based on the reasons outlined in the report.

Director's Recommendation

Based upon the Summation, it is recommended that the proposed rule modifications, as shown in Attachment A, be adopted. The effective date of these rule changes would be April 29, 1985.


Fred Hansen

- Attachments
- A. Proposed Rule Modification: OAR 340-24-310, 340-24-320, 340-24-325 and 340-24-350.
 - B. Report of February 19, 1985 Public Hearing
 - C. Statement of Need for Rulemaking
 - D. Chrysler Corp. Technical Service Bulletin No. 25-01-85
 - E. John Wallauch (California BAR) to Phil Lorang (EPA), December 31, 1984.
 - F. Brian Gill (American Honda) to Ron Householder (DEQ), December 4, 1984.
 - G. John Wallauch (California BAR) to Brian Gill (American Honda), January 11, 1985.
 - H. California Smog Check Inspection and Repair Manual, October 1984 Excerpts.
 - I. John Grow (California BAR) to John Dean (SEMA), December 27, 1984. John Dean (SEMA) to John Grow (California BAR), December 14, 1984.
 - J. EQC Agenda Item Q, June 20, 1980 EQC Meeting.
 - K. Paul Golde (MIC) to William Jasper (DEQ)

William P. Jasper:s
229-5081
March 21, 1985
VS1223

Light Duty Motor Vehicle Emission Control Test Method

340-24-310 (1) The vehicle emission inspector is to insure that the gas analytical system is properly calibrated prior to initiating a vehicle test.

(2) The Department approved vehicle information data form is to be completed at the time of the motor vehicle being inspected.

(3) Vehicles having coolant, oil, or fuel leaks or any other such defect that is unsafe to allow the emission test to be conducted shall be rejected from the testing area. The emission test shall not be conducted until the defects are eliminated.

(4) The vehicle transmission is to be placed in neutral gear or park position with the hand or parking brake engaged.

(5) All vehicle accessories are to be turned off.

(6) An inspection is to be made to insure that the motor vehicle is equipped with the required functioning motor vehicle pollution control system in accordance with the criteria of Section 340-24-320(3). Vehicles not meeting this criteria shall be rejected from the testing area without an emission test. A report shall be supplied to the driver indicating the reason(s) for rejection.

(7) With the engine operating at idle speed, the sampling probe of the gas analytical system is to be inserted into the engine exhaust outlet.

(8) The steady state levels of the gases measured at idle speed by the gas analytical system shall be recorded. Except for diesel vehicles, the idle speed at which the gas measurements were made shall also be recorded.

(9) Except for diesel vehicles, the engine is to be accelerated with no external loading applied, to a speed of between 2,200 RPM and 2,700 RPM. The engine speed is to be maintained at a steady speed within this speed range for a 10 to 15 second period and then returned to an idle speed condition. In the case of a diesel vehicle, the engine is to be accelerated to an above idle speed. The engine speed is to be maintained at a steady above idle speed for a 10 to 15 second period and then returned to an idle speed condition. The values measured by the gas analytical system at the raised rpm speed shall be recorded.

(10) The steady state levels of the gases measured at idle speed by the gas analytical system shall be recorded. Except for diesel vehicles, the idle speed at which the gas measurements were made shall also be recorded.

(11) If the vehicle is equipped with a multiple exhaust system, then steps (7) through (10) are to be repeated on the other exhaust outlet(s). The readings from the exhaust outlet, or the average reading from the exhaust outlets are to be compared to the standards of rule 340-24-330.

(12) If the vehicle does not comply with the standards specified in rule 340-24-330, and it is a 1981 [through 1983] or newer Ford Motor Company vehicle, or if its a 1984 through 1986 Honda Prelude; the vehicle shall have the ignition turned off, be restarted, and have steps (8) through (11) repeated.

(13) If the vehicle is capable of being operated with both gasoline and gaseous fuels, then steps (7) through (10) are to be repeated so that emission test results are obtained for both fuels.

(14) If it is judged that the vehicle may be emitting propulsion exhaust noise in excess of the noise standards of rule 340-24-337, adopted pursuant to ORS 467.030, then a noise measurement is to be conducted and recorded while the engine is at the speed specified in Section (9) of this rule. A reading from each exhaust outlet shall be recorded at the raised engine speed. This provision for noise inspection shall apply only within inspection boundaries located within Clackamas, Multnomah and Washington Counties.

(15) If it is determined that the vehicle complies with the criteria of rule 340-24-320 and the standards of rule 340-24-330 and 340-24-337, then, following receipt of the required fees, the vehicle emission inspector shall issue the required certificates of compliance and inspection.

(16) The inspector shall affix any certificate of inspection issued to the lower left-hand side (normally the driver side) of the front windshield, being careful not to obscure the vehicle identification number nor to obstruct driver vision.

(17) No certificate of compliance or inspection shall be issued unless the vehicle complies with all requirements of these rules and those applicable provisions of ORS 468.360 to 468.405, 481.190 to 481.200, 483.800 to 483.825 and 467.030.

NOTE: Paragraphs 14, 15, and 17 contain wording adopted at the November 2, 1984 EQC meeting to be effective April 1, 1985.

Light Duty Motor Vehicle Emission Control Test Criteria

340-24-320 (1) No vehicle emission control test shall be considered valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust gas being sampled by the gas analytical system. For the purpose of emission control tests conducted at state facilities, except for diesel vehicles, tests will not be considered valid if the exhaust gas is diluted to such an extent that the sum of the carbon monoxide and carbon dioxide concentrations recorded for the idle speed reading from an exhaust outlet is 8 percent or less, and on 1975 and newer vehicles with air injection systems 7 percent or less.

(2) No vehicle emission control test shall be considered valid if the engine idle speed either exceeds the manufacturer's idle speed specifications by over 200 RPM on 1968 and newer model vehicles, or exceeds 1,250 RPM for any pre-1968 model vehicle.

(3) (a) No vehicle emission control test for a 1970 through 1974 model year vehicle shall be considered valid if any of the following elements of the original factory installed pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in section (5) or as provided by 40 CFR 85, 1701-1709.

(A) Positive crankcase ventilation (PCV) system.

(B) Air injector reactor (AIR) system.

(C) Evaporative control system.

(b) No vehicle emission control test for a 1975 or newer model vehicle shall be considered valid if any element of the following factory-installed motor vehicle pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in section (5) or as provided for by 40 CFR 85.1701-1709. Motor vehicle pollution control systems include, but are not necessarily limited to:

(A) Positive crankcase ventilation (PCV) system.

(B) Exhaust modifier system:

(i) Air injection reactor system;

(ii) Thermal reactor system;

(iii) Catalytic converter system;

- (C) Exhaust gas recirculation (EGR) systems;
- (D) Evaporative control system;
- (E) Spark timing system:
 - (i) Vacuum advance system;
 - (ii) Vacuum retard system.
- (F) Special emission control devices. Examples:
 - (i) Orifice spark advance control (OSAC);
 - (ii) Speed control switch (SCS).
 - (iii) Thermostatic air cleaner (TAC).
 - (iv) Transmission controlled spark (TCS).
 - (v) Throttle solenoid control (TSC).
 - (vi) Fuel filler inlet restrictors.
 - (vii) Oxygen Sensor
 - (ix) Emission Control Computer

(c) The Department may provide alternative criteria for (a) and (b) of this section when it can be determined that the component or an acceptable alternative is unavailable. Relief may be granted on the basis of the nonavailability of the original part, replacement part, or comparable alternative solution.

(4) No vehicle emission control test for a 1975 or newer model vehicle shall be considered valid if any element of the factory-installed motor vehicle pollution control system has been modified or altered in such a manner so as to decrease its efficiency or effectiveness in the control of air pollution in violation of ORS 483.825(2), except as noted in section (5). For the purposes of this section, the following apply:

(a) The use of a non-original equipment aftermarket part (including a rebuilt part) as a replacement part is not considered to be a violation of ORS 483.825(2), if a reasonable basis exists for knowing that such use will not adversely effect

emission control efficiency. The Department will maintain a listing of those parts which have been determined to adversely affect emission control efficiency.

(b) The use of a non-original equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part or system, is not considered to be a violation of ORS 483.825(2), if such a part or system is listed on the exemption list of "Modifications to Motor Vehicle Emission Control System Permitted Under California Vehicle Code Section 27156 granted by the Air Resources Board," or is on the list maintained by the U.S. Environmental Protection Agency of "Certified to EPA Standards," or has been determined after review of testing data by the Department that there is no decrease in the efficiency or effectiveness in the control of air pollution.

(c) Adjustments or alterations of a particular part or system parameter, if done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not considered violations of ORS 483.825(2).

(5) A 1970 and newer model motor vehicle which has been converted to operate on gaseous fuels shall not be considered in violation of ORS 483.825(1) or (2) when elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by ORS 483.825(3).

(6) The following applies:

(a) to 1970 through 1979 model year motor vehicles. When a motor vehicle is equipped with other than the original engine and its factory installed vehicle pollution control systems, it shall be classified by the model year and manufacture make of the non-original engine and its factory-installed motor vehicle pollution control systems, except that when the nonoriginal engine is older than the motor vehicle any requirement for evaporative control system and fuel filler inlet restrictor and catalytic convertor shall be based on the model year of the vehicle chassis. Diesel (compression ignition) engine powered vehicles changed to gasoline (spark ignition) engine power shall be required to maintain that model years equivalent or better factory pollution control system, including, but not limited to, catalytic convertors, unleaded fuel requirements, and computer controls.

(b) to 1980 and newer motor vehicles. These motor vehicles shall be classified by the model year and make of the vehicle as designated by the original chassis, engine, and its factory-installed motor vehicle pollution control systems, or

equivalent. This in no way prohibits the vehicle owner from upgrading the engine and emission control system to a more recent model year category including a diesel (compression ignition) power plant providing that all of the newer factory installed pollution control system is maintained.

Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria

340-24-325 (1) No vehicle emission control test shall be considered valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust gas being sampled by the gas analytical system. For the purpose of emission control tests conducted at state facilities, tests will not be considered valid if the exhaust gas is diluted to such an extent that the sum of the carbon monoxide and carbon dioxide concentrations recorded for the idle speed reading from an exhaust outlet is 8 percent or less.

(2) No vehicle emission control test shall be considered valid if the engine idle speed either exceeds the manufacturer's idle speed specifications by over 200 RPM on 1970 and newer model vehicles, or exceeds 1000 RPM for any age model vehicle.

(3) (a) No vehicle emission control test for a 1970 through 1974 heavy duty vehicle shall be considered valid if any of the following elements of the factory installed motor vehicle pollution control system has been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in section (5):

- (A) Positive Crankcase
- (B) Evaporative Emission System
- (C) Air Injection System

(b) No vehicle emission control test for a 1975 or newer model vehicle shall be considered valid if any element of the following factory-installed motor vehicle pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in section (5):

- (A) Positive crankcase ventilation;
- (B) Exhaust modifier system. Examples:
 - (i) Air injection system

- (ii) Thermal reactor system
- (iii) Catalytic convertor system.
- (C) Exhaust gas recirculation (EGR) systems;
- (D) Evaporative control system;
- (E) Spark timing system. Examples:
 - (i) Vacuum advance system;
 - (ii) Vacuum retard system.
- (F) Special emission control devices. Examples:
 - (i) Orifice spark advance control (OSAC);
 - (ii) Speed control switch (SCS);
 - (iii) Thermostatic air cleaner (TAC);
 - (iv) Transmission controlled spark (TCS);
 - (v) Throttle solenoid control (TSC);
 - (vi) Fuel filler inlet restrictor.

(c) The Department may provide alternative criteria for (a) and (b) of this section when it can be determined that the component or an acceptable alternative is unavailable. Relief may be granted on the basis of the nonavailability of the original part, replacement part, or comparable alternative solution.

(4) No vehicle emission control test conducted for a 1975 or newer model vehicle shall be considered valid if any element of the factory-installed motor vehicle pollution control system has been modified or altered in such a manner so as to decrease its efficiency or effectiveness in the control of air pollution in violation of ORS 483.825(2), except as noted in section (3). For the purposes of this section, the following apply;

(a) The use of a non-original equipment aftermarket part (including a rebuilt part) as a replacement part is not considered to be a violation of ORS 483.825(2), if a reasonable basis exists for knowing that such use will not adversely effect emission control efficiency. The Department will maintain a listing of those parts which have been determined to adversely affect emission control efficiency.

(b) The use of a non-original equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part or system, is not considered to be a violation of ORS 483.825(2), if such part or system is listed on the exemption list maintained by the Department.

(c) Adjustments or alterations of a particular part or system parameter, if done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not considered violations of ORS 483.825(2).

(5) A 1970 or newer model motor vehicle which has been converted to operate on gaseous fuels shall not be considered in violation of ORS 483.825(1) or (2) when elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by ORS 483.825(3).

(6) For the purposes of these rules, a 1970 or newer motor vehicle with an exchange engine shall be classified by the model year and manufacturer make of the exchange engine, except that any requirement for evaporative control systems shall be based upon the model year of the vehicle chassis.

GAS ANALYTICAL SYSTEM LICENSING CRITERIA

340-24-350 (1) To be licensed, an exhaust gas analyzer must:

(a) Conform substantially with either:

(A) All specifications contained in the document "Specifications for Exhaust Gas Analyzer System Including Engine Tachometers" dated July 9, 1974, prepared by the Department and on file in the office of the Vehicle Inspection Program of the Department,

(B) The technical specifications contained in the document "Performance Criteria, Design Guidelines, and Accreditation Procedures for Hydrocarbon (HC) and Carbon Monoxide (CO) Analyzers Required in California Official Motor Vehicle Pollution Control Stations," issued by the Bureau of California, and on file in the office of the Vehicle Inspection Program of the Department. Evidence that an instrument model is approved by the California Bureau of Automotive Repair will suffice to show conformance with this technical specification, or

(C) If a gas analytical system is purchased after January 1, 1982, the technical specifications contained in the document "The California Exhaust Gas Analyzer Specification - 1979" on file in the office of the Vehicle Inspection Program of the Department.

(D) Notwithstanding any of the above certifications, no license shall be issued or renewed for any battery powered exhaust gas analytical system after December 31, 1984.

(b) Be owned by the licensed motor vehicle fleet operation or the Department.

(c) Be span gas calibrated and leak checked within a [minimum of once a month (at least every 30] 14 calendar day[s] period prior to the test date [] by the licensed inspector. The calibration and leak check is to be performed following the analyzer manufacturer's specified procedures. The manufacturer's operation manual and calibration and leak check procedures are defined as an integral part of the analyzer, and shall be kept with the analyzer at all times. The date of calibration and leak check and the inspector's initials are to be recorded on a form provided by the Department [the back of the exhaust gas analyzer's license] for verification [by the Department]. Prior to any day of testing for the purposes of issuing a Certificate of Compliance, the analyzer shall be mechanically checked and corrected for zero and span drift.

(2) Application for a license must be completed on a form provided by the Department.

(3) Each license issued for an exhaust gas analyzer shall be valid through December 31 of each year, unless returned to the Department or revoked.

(4) A license for an exhaust gas analyzer system shall be renewed upon submission of a statement by the motor vehicle fleet operation that all conditions pertaining to the original license issuance are still valid and that the unit has been gas calibrated and its proper operation verified [within the last 30 days] by a vehicle emission inspector in their employment.

(5) Grounds for revocation of a license issued for an exhaust gas analyzer system include the following:

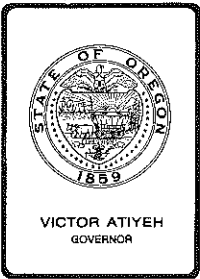
(a) The unit has been altered, damaged, or modified so as to no longer conform with the specifications of subsection (1)(a) of this rule.

(b) The unit is no longer owned by the motor vehicle fleet operation to which the license was issued.

(c) The Department verifies that a Certification of Compliance has been issued to a vehicle which has been emission tested by an analyzer that has not met the requirements of subsection (1)(c) of this section.

(6) No license shall be transferable.

(7) No license shall be issued until all requirements of section (1) of this section are fulfilled and required fees paid.



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: Hearings Officer

SUBJECT: Report on February 19, 1985 Public Hearing

Background

At the December 14, 1984 EQC meeting authorization was given to conduct a public hearing on proposed rule amendments to the vehicle inspection program. Two public hearings were scheduled for February 19, 1985. One was at 10:00 a.m. and the other at 7:00 p.m. In addition to the oral testimony presented at the hearings, written testimony was received from SEMA, Oregon Highway Department and Harley-Davidson Motor Company, Inc. Those letters are attached to this report.

Summary of Testimony - 10:00 a.m. February 19, 1985

The following is the summary of testimony received: Approximately 15 people were in attendance at this morning session.

John Graf, Oregon Department of Transportation. As a representative of a licensed, self inspecting fleet, Mr. Graf, requested that, if and when heavy duty diesel vehicles are included in the inspection program, consideration be given to making less stringent the inspection standards for older vehicles. Mr. Graf also requested that, if and when rules are adopted, there be sufficient time to allow for orderly budgeting and purchasing of the necessary test equipment.

Brian Gill, American Honda Motor Company, Inc. Mr. Gill addressed two issues - motorcycle inspection and the inspection test procedure as it applies to 1984-85 Honda Preludes. On the issue of motorcycle emission inspection, Mr. Gill indicated that while there are federal emission standards for new motorcycles; there is no EPA approved short test procedure for motorcycles. Mr. Gill also indicated that the emissions warranty provisions of 207(b) do not apply to motorcycles. He further stated that the emission systems and the emission performance of the past few years productions' of motorcycles have proved very effective and durable; and that no emission deterioration has been measured in some of their on-going performance audits. Mr. Gill indicated that American Honda would be interested in assisting the Department to develop standards and procedures for motorcycle emission testing.

On the subject of the Preludes, Mr. Gill referenced a letter sent to the Department late last year. American Honda is requesting that the same key off/restart procedure that is being used on Ford cars be applied to the 1984 through 1986 Honda Preludes. He indicated that these subject vehicles had an air injection cutoff switch which activates when the car has been idling for more than three minutes. In Honda's design, the switch does not reset until the vehicle speed exceeds 15 mph. He indicated that Honda intends to petition EPA for a special short test procedure. He indicated that there is no field fix available. Mr. Gill stated that to date no other inspection program had yet honored Honda's request for a key off/restart, and that several states with contractor operated programs had specifically rejected their proposal citing cost impacts.

Mr. Richard Downing, America Honda Motor Company, Inc. Mr. Downing addressed the issue of emission inspection of motorcycles. Mr. Downing stated that there was no in-use test emissions test for motorcycles that had been approved by EPA. He stated that no work had been done establishing a level of correlation between the federal certification tests for motorcycles and in-use short tests. Mr. Downing indicated that the state should do lots of testing of in-use motorcycles prior to establishing any mandatory emissions test for motorcycles.

Donald M. Bailey, Multnomah County DES. Mr. Bailey indicated that if the Department proposes inspection procedures and standards for heavy duty diesel vehicles, that the standards not be too stringent on the older equipment. Mr. Bailey also had concern that there be an adequate amount of lead time, in order to budget for the necessary testing equipment.

Richard Brandman, Metropolitan Service District. Mr. Brandman discussed the results of the diesel exhaust task force that had been a joint DEQ/METRO project. Mr. Brandman cited statistics indicating that diesel vehicles are and will continue to be a significant source of particulate pollution in the Portland Metropolitan area. A major recommendation of the task force was that the Department analyze the air quality benefits of inspecting trucks and buses; and if I/M was cost effective then the Department should revise the state implementation plan to include heavy duty diesel inspection and maintenance.

That concluded the morning session. During the evening session only one person came to the hearing to present testimony.

7:00 p.m. February 19, 1985

Mr. Jim Houser, Hawthorne Auto Clinic, Inc. Mr. Houser was representing the Portland unit of the Automotive Service Council. Mr. Houser addressed the proposed rule change that concerned alternative criteria for emission equipment that was no longer available from the original vehicle manufacturer. Mr. Houser stated that while he personally felt that there should be some allowance, it was his groups consensus that the proposal was letting the auto manufacturers off the hook. It was stated that the

biggest offender for not maintaining good supplies of emission equipment for their vehicles was General Motors. He stated that even Fiat, which no longer markets a car in the United States, has better emission parts availability. He further stated that when a manufacturer does not supply parts and there is no other aftermarket source, the repair mechanic is then put in a position of having to tamper with the vehicles emission system in order to repair the car. Again it was stated that the auto manufacturer should not be let off the hook.

That concluded the oral testimony received.

SEMA

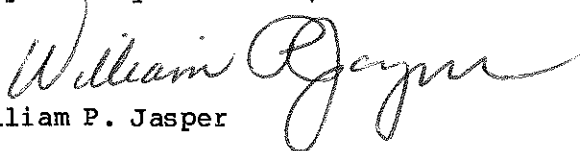
In a letter Robert C. Burch of the Specialty Equipment Market Association (SEMA) proposed a wording change to CAR 340-24-320(4) (b). SEMA suggested the addition of the phrase "makes provisions for all required emission controls and are intended for street use as opposed to racing only." Mr. Burch enclosed a copy of a letter from Mr. John M. Grow, of the California Bureau of Automotive (BAR) repair, dated May 23, 1984 to indicate BAR policy how this wording could be considered compatible to California's inspection program.

Mr Joe Speight, of the Oregon Highway Department, briefly recommended through the State clearing house system, that the inspection program be kept up to date. A copy of those comments is attached.

John Schmidt, P.E. of Harley-Davidson Motor Co., Inc. commented on motorcycle testing. He cited the lack of correlation between short tests and the federal motorcycle certification procedures. He discussed certain technical anomalies peculiar to motorcycles and other small displacement engines. He cited an extensive in-house testing program aimed at detecting engines with flaws that affected emissions; and the finding that that program did not achieve its desired purpose. Harley-Davidson concluded that the current inspection test would not be appropriate for the inspection of motorcycles.

The above summarizes all of the testimony received. Your hearings officer makes no recommendation in this matter.

Respectfully submitted,


William P. Jasper

W.P. Jasper:n

- Attachments: 1) SEMA Letter
2) Oregon State Highway Dept. Comments
3) Harley-Davidson Letter

(503) 229-5081

March 18, 1985

ANL7



Dedicated to serving the interest of the specialty automotive aftermarket

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* Executive Committee

11540 E. Slauson Ave.
P.O. Box 4967
Whittier, CA 90607
213/692-9402
Telex: 880395

STATE OF OREGON
RECEIVED

FEB 14 1985

Dept. of Environmental Quality
Vehicle Inspection Division

February 12, 1985

Oregon Department of Environment Quality
Vehicle Inspection Program
P.O. Box 1760
Portland, Oregon 92707

Dear Sirs:

The Specialty Equipment Market Association (SEMA) is an Association made up of over 1,600 manufacturers, distributors, and retailers of specialty aftermarket automotive parts, of which a considerable number will be affected by your proposed rule relating to the use of such parts in the inspection program.

First, SEMA would like to thank the Department of Environment Quality (D.E.Q.) for the opportunity to comment on the proposed rule making to be heard at the February 19, 1985 public hearing, and trust you will give our comments serious consideration.

There are 880 businesses selling specialty add-on and modified parts in the state of Oregon, of which the majority are in, or selling into, the Portland area. It is SEMA's belief that it is not the intent of the D.E.Q. to place undue burdens on the merchants or citizens of the control area. SEMA, therefore, respectfully requests the D.E.Q. amend Sections 340-24-320(4)(b) and 340-24-325(4)(b) to reflect the California Bureau of Automotive Repair (BAR) policy for aftermarket parts, including add-on and modified parts. BAR's policy (see enclosed letter written by John Grow, Chief, Bureau of Automotive Repair) accepts the use of any aftermarket part, as long as they make provision for all required emission controls and that the part(s) installed is intended for street use as opposed to race only. The intent of the California law is to ensure that the original emission controls remain intact and functioning. SEMA believes that a program more stringent than this is onerous, with no measurable improvement in ambient air quality.

SEMA's suggested language for Sections 340-24-320(4)(b) and 340-24-325(4)(b) is as follows:

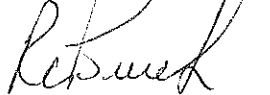
The use of a non-original equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part or system, is not considered to be a violation of ORS 483-825(2), if such a part or system makes provisions for all required emission controls and are intended by the manufacturer for street use

Letter to Oregon Department of Environment Quality
Vehicle Inspection Program
February 11, 1985
Page 2

as opposed to racing only, or is listed on the exemption list of "Modifications to Motor Vehicle Emission Control Systems Permitted Under California Vehicle Code Section 27156 granted by the Air Resources Board," or is on the list maintained by the U.S. Environmental Protection Agency of "Certified to EPA Standards," or has been determined after review of testing data by the department that there is no decrease in the efficiency or effectiveness in the control of air pollution.

SEMA would like a copy of the staff report, and any amendments to the proposed rule, in sufficient time prior to the adoption of the final rule.

Sincerely,



Robert C. Burch
Vice President
Technical/Legislative Affairs

RCB/aq
Enclosure

21



BUREAU OF AUTOMOTIVE REPAIR
3116 BRADSHAW ROAD, SACRAMENTO, CA 95827
PHONE: (916) 366-5050



May 23, 1984

Mr. Bob Burch
Technical Director
Specialty Equipment Market Association
11540 East Slauson Avenue
Whittier, CA 90606

Dear Mr. Burch:

Thank you for your letter of May 23, 1984. The process is regrettably slow and we cannot expect the Office of Administrative Law to publish amendments to regulations affecting the Motor Vehicle Inspection Program before mid-summer. It is clear, however, that the amended regulations will reflect and be consistent with existing BAR policy enunciated in the training of qualified mechanics, in the blue Smog Check Program Inspection & Repair Manual dated December 1983, and in my March 14 bulletin to Qualified Mechanics.

Your membership and the mechanics we have trained and licensed should be familiar with BAR policy regarding the emission control visual inspection and especially with the language on page 28 of the manual:

"Replacement of aftermarket components such as carburetors, intake manifolds, ignition systems, headers, etc., are acceptable if they are designed and marketed by the component manufacturer for street use on the vehicle in question and the required emission control components can be installed -OR- they are listed by the California Air Resources Board as an approved modification or replacement component."

That policy is restated in paragraph 7 of my March 14 letter to Qualified Mechanics:

"An aftermarket component is acceptable as long as it is marketed by the manufacturer for street use, and it does not preclude the installation and proper operation of the required emission controls -OR- is Air Resources Board approved for that application and year model. For example, a set of headers are acceptable on a late model vehicle, as long as the required emission controls are connected, such as AIR, TAC, CAT, EFE, oxygen (O2) sensor, etc. Refer to Section 7.8(b) for a detailed description."

(over)

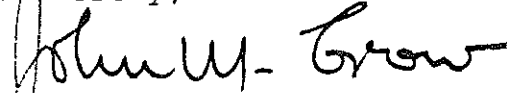
Mr. Bob Burch
May 23, 1984

Page 2

Installation of required emission controls on an acceptable replacement component does not render inoperative the \$50 cost limit. For example, if an EGR valve fails a required functional test, the cost limit is the same whether the valve is bolted to the original manifold, or to an acceptable replacement manifold.

The \$50 cost limit applies to adjustments and/or repairs needed to reduce tailpipe emissions, unless tampering (e.g. installation of an "off-road" carburetor) is found while attempting to reduce tailpipe emissions from a vehicle that failed the tailpipe emission test. Then, if correcting the tampered condition did not bring emissions within required standards, the \$50 cost limit could be applied to additional adjustments or repairs.

Sincerely,



JOHN M. GROW
Chief

JMG/GA:ncp



OREGON INTERGOVERNMENTAL PROJECT REVIEW

State Clearinghouse
Intergovernmental Relations Division
155 Cottage Street N. E.
Salem, Oregon 97310

STATE OF OREGON
RECEIVED
FEB 20 1985
Dept. of Environmental Quality
Vehicle Inspection Division

Phone (503)378-3732 or Toll Free in Oregon 1-800-722-6900

C O N C L U S I O N S

APPLICANT: DEPARTMENT OF ENVIRONMENTAL QUALITY

PROJECT TITLE: PROPOSED REVISION OF MOTOR VEHICLE EMISSION INSPECTION RULES

DATE: February 19, 1985

The State of Oregon (and local clearinghouses if listed) has reviewed your project and reached the following conclusions:

- No significant conflict with the plans, policies or programs of state or local government have been identified.
- Relevant comments of state agencies and/or local governments are attached and should be considered in the final design of your proposal.
- Potential conflicts with the plans and programs of state and/or local government:
 - may exist.
 - have been identified and remain unresolved. The final proposal has been reviewed and the final comments and recommendations are attached.
 - have been satisfactorily resolved. No significant issues remain.

A copy of this notification and attachments, if any, must accompany your application to the federal agency.

FEDERAL CATALOG # _____

NOTICE TO FEDERAL AGENCY

THE FOLLOWING IS THE OFFICIALLY ASSIGNED STATE IDENTIFIER NUMBER:

OR 850109-008-6

IPR #3
cc:EPA

Dolores Streater
Clearinghouse Coordinator



OREGON INTERGOVERNMENTAL PROJECT REVIEW

State Clearinghouse
Intergovernmental Relations Division
155 Cottage Street N. E.
Salem, Oregon 97310

STATE OF OREGON
RECEIVED
FEB 20 1985
Dept. of Environmental Quality
Vehicle Inspection Division

Multnomah Clackamas Washington
DEQ Phone (503)378-3732 or Toll Free in Oregon 1-800

Proposed Revision of Motor Vehicle Emission Inspection
STATE AGENCY REVIEW

Project Number OR850109-008-6 Return Date: 21

To Agency Addressed: If you intend to comment but cannot respond by the return date, please notify us immediately. If no response is received by the due date, it will be assumed that you have no comment and the file will be closed.

PROGRAM REVIEW AND COMMENT

TO STATE CLEARINGHOUSE: We have reviewed the subject Notice and have reached the following conclusions on its relationship to our plans and programs:

- () It has no adverse effect.
- () We have no comment.
- () Effects, although measurable, would be acceptable.
- () It has adverse effects. (Explain in Remarks Section.)
- () We are interested but require more information to evaluate the proposal. (Explain in Remarks Section.)
- () Additional comments for project improvement. (Attach if necessary.)

REMARKS (Please type or print legibly)

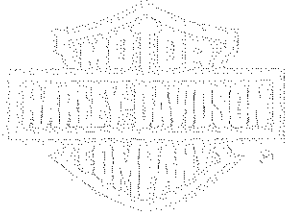
DEQ's VIP has been one of the most successful in the nation. It is important that it be kept up to date.

Agency Highway

By Joe Speight

IPR #2

Phone Number 378-8486



Harley-Davidson Motor Co., Inc., 3700 W. Juneau Ave., P.O. Box 653, Milwaukee, WI 53201 414/342-4680

STATE OF OREGON
RECEIVED

FEB 19 1985

February 18, 1985

Dept. of Environmental Quality
Vehicle Inspection Division

Department of Environmental Quality
Vehicle Inspection Program
P. O. Box 1760
Portland, Oregon 97207

Gentlemen:

The Harley-Davidson Motor Co., Inc. would like to take this opportunity to comment on the possibility of inspecting motorcycles for exhaust emissions.

We would agree that detection of "gross emitters" would be desirable from the standpoint of environmental quality. Unfortunately, stationary test procedures such as those being used on automobiles cannot discriminate among motorcycles. Only by collecting all the exhaust emissions (such as with an EPA Federal Test Procedure) can emissions from a motorcycle be measured accurately.

Harley-Davidson has found that there is no correlation between stationary test results and the FTP results. While many studies have confirmed the lack of correlation (in fact, there is a consensus to this effect among motorcycle manufacturers), the following description of two Harley-Davidson programs should serve to illustrate the difficulties with stationary testing.

The first program was conducted in our Environmental Laboratory. It was observed that the sampling probe could not be inserted to a satisfactory depth due to the short tail pipe and the baffles in the muffler. Further, it was found that the characteristic flow of exhaust gas was not steady. Fresh air was drawn into the exhaust stream at certain points in the engine's cycle. No way could be found to correlate results of sampling with a probe with the known emission characteristics of the vehicle. The only solution was to cut open the exhaust pipe and to insert the sampling probe at a point close to the exhaust valve.

Cutting into exhaust systems is time consuming and expensive. We had economic incentives to find a way to correlate test results from sampling at the exhaust, but could not.

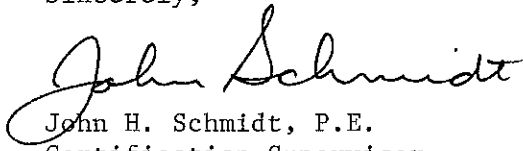
The second program was conducted in our manufacturing plants. Both carbon monoxide and hydrocarbon emissions were measured after engine assembly, after vehicle assembly and, on audit samples, in the quality assurance and environmental engineering laboratories. More than 100,000 engines were tested. We could find no correlation.

Department of Environmental Quality
Vehicle Inspection Program
Page 2
February 18, 1985

Testing by sampling of exhaust fumes was intended as a quality assurance check of production. Considerable time and effort was expended in an attempt to identify engines with flaws that affected emissions. The program failed to develop the slightest indication of which (if any) were the "bad" engines. Again, we had economic incentive to find correlation, but could not.

We would welcome your questions or a request for additional information on our test programs. Harley-Davidson would respectfully suggest that one conclusion to be reached is that motorcycles cannot be tested accurately by the procedures used on automobiles and trucks in the Oregon vehicle emission inspection program.

Sincerely,

A handwritten signature in cursive script that reads "John Schmidt". The signature is written in dark ink and is positioned above the typed name.

John H. Schmidt, P.E.
Certification Supervisor

/mk

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...
 Proposed Amendments to Vehicle Emission Inspection Program Rules
 NOTICE OF PUBLIC HEARING

Date Prepared: December 27, 1984
 Hearing Date: February 19, 1985
 Comments Due: February 20, 1985

HOW TO COMMENT:

- o Certain rules currently in the federally-enforceable state Clean Air Act Implementation Plan (SIP) were revised in November 1984 to add provisions for noise testing of motor vehicles. The Department does not intend to incorporate the noise standards into the SIP. However, the Department is proposing to incorporate changes to the Definitions (OAR 340-24-305(20) and (22)), and the Light Duty Motor Vehicle Emission Control Test Method (OAR 340-24-310) to make the federal rules consistent with state rules.

Copies of the complete proposed rule package may be obtained from the Vehicle Inspection Program in Portland (522 S.W. Fifth Avenue). For further information contact William Jasper at (503) 229-6235.

Public hearings will be held before a hearings officer at:

| | |
|---|---|
| 10:00 a.m. February 19, 1985 DEQ Conference Room Yeon Building, Room 1400 522 SW Fifth Avenue Portland, Oregon | 7:00 p.m. February 19, 1985 State Office Building Room 707 1400 SW Fifth Avenue Portland, Oregon |
|---|---|

Oral and written comments will be accepted at the public hearings. Written comments may be sent to the DEQ Vehicle Inspection Program, P.O. Box 1760, Portland, OR 97207, but must be received by no later than February 20, 1985.

WHO IS AFFECTED: Motor vehicle owners, people engaged in the business of repairing vehicles and licensed fleets operating in the Portland metropolitan area will be affected by this proposal.

WHAT IS PROPOSED: The Department of Environmental Quality is proposing to amend OAR 340-24-300 through 24-350, the operating rules of the Motor Vehicle Inspection Program.

WHAT ARE THE HIGHLIGHTS: The Department of Environmental Quality is proposing modifications to the current inspection program rules. Interested parties should request a copy of the complete proposed rule package. Some highlights are:

- o Rule modifications in the test method section detailing specific changes in the inspection test procedure for late model Fords (OAR 340-24-310).
- o Changes in the test criteria section, which provides for limited alternative criteria to the emission equipment inspection (OAR 340-24-320 and 325).
- o Changes in the licensed fleet analyzer calibration protocol requiring more frequent gas calibrations (OAR 340-24-350).
- o In addition to the above referenced changes, the Department solicits public comments on all of the program rules. The Department also specifically requests that interested parties comment on the appropriateness of including of heavy duty diesel powered vehicles and motorcycles in the inspection program - specifically on the air quality benefits that might be accrued and on possible test procedures and standards that might be used. No test procedures or inspection standards are being proposed at this time.

WHAT IS THE NEXT STEP: After public hearing the Environmental Quality Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted rules will be submitted to the U. S. Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation should come in April 1985 as part of the agenda of a regularly scheduled Commission meeting.

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

VS684



P.O. Box 1760
 Portland, OR 97207

FOR FURTHER INFORMATION

Contact the person or persons 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 1-800-452-4018 and ask for the Department of Environmental Quality.

1-800-452-4018

ATTACHMENT C
 Agenda Item No. H
 4/19/85, EQC Meeting

RULEMAKING STATEMENTS
for
Proposed Rules Revisions to
Vehicle Inspection Program Rules

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

STATEMENT OF NEED:

Legal Authority

This proposal amends OAR 340-24-300 through 24-350. It is proposed under authority of ORS 468.370.

Need for the Rule

The proposed amendments are needed to modify and update the inspection program to reflect changes in operational criteria, test procedures and licensed fleet requirements.

Principal Documents Relied Upon

The existing rules, a letter from Chrysler Corp. (dated September 14, 1984), automobile and motor vehicle manufacturer's shop manuals and service manuals have been relied upon. Exhaust gas analyzer procedure manuals have also been relied upon.

FISCAL AND ECONOMIC IMPACT STATEMENT:

Estimated fiscal impacts are that some motorists will experience savings. There should be no significant adverse economic impact on small businesses. Some small businesses will continue to economically benefit from the Department's operation of the inspection program. There should be only a minimal fiscal impact on licensed fleets due to increased calibration requirements.

LAND USE CONSISTENCY STATEMENT:

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

VS684.A

Technical Service Bulletin

ATTACHMENT D
Agenda Item No. H
4/19/85, EQC Meeting

Technical Information +
Professional Service =
Customer Satisfaction

Of Interest General Manager Sales Manager Service Manager Parts Manager Service Technicians

SYMPTOM/CONDITION

A subject model vehicle fails a state "CO" emission idle inspection performed with transmission in park/neutral.

DIAGNOSIS/CORRECTION

If vehicle passes "CO" idle emissions test in drive gear, but fails in park/neutral, the logic module must be replaced with service module PN 5226870.

If vehicle still fails when tested in drive or after module is replaced, further diagnosis is required to find cause and correction.

INFORMATION

Service logic module PN 5226870 is calibrated identical to the original module, except the service module remains in closed loop fuel control in park/neutral. The original module allowed open loop fuel control in park/neutral, which in some cases causes excessive "CO" in state idle emission testing.

POLICY: Reimbursable within the provisions of the warranty

TIME ALLOWANCE: Refer to existing Labor Operation Time Schedule for logic module replacement.

FAILURE CODE: 0X - Wrong Part


R. Stone
Manager, Service Engineering

Models

All 1984 Front
Wheel Drive Cars
With EFI Engine
(Non-Turbo) &
Automatic
Transmission

Subject

Failing State "CO"
Emission Inspection

Index

EMISSIONS

Date

January 29, 1985

No.

25-01-85



(THIS BULLETIN IS SUPPLIED AS
TECHNICAL INFORMATION ONLY
AND IS NOT AN AUTHORIZATION
FOR REPAIRS) REPRINT OF THIS
MATERIAL NOT AUTHORIZED
UNLESS APPROVED.





BUREAU OF AUTOMOTIVE REPAIR

3116 BRADSHAW ROAD, SACRAMENTO, CA 95827
PHONE: (916) 366-5050ATTACHMENT E
Agenda Item No. H
4/19/85, EQC Meeting

December 31, 1984

STATE OF OREGON
RECEIVED

FEB 20 1985

Dept. of Environmental Quality
Vehicle Inspection DivisionPhil Lorang
Chief, Technical Support Staff
U. S. Environmental Protection Agency
Ann Arbor, Michigan 48105Subject: Letter of December 7, 1984 Concerning Chrysler 2.2 Liter Vehicles

Dear Mr. Lorang:

The Bureau of Automotive Repair, which has the responsibility of administering California's Biennial Motor Vehicle Inspection and Maintenance Program would like to offer the following comments to your letter of December 7, 1984.

We have received and reviewed the Chrysler Corporation letter of September 14, 1984, requesting our consideration to modify the idle short cycle test procedure.

As you may recall a similar request was made in 1983 by the Ford Motor Company. At that time we were able to include their request into the design of the analyzer control software.

However, we are not in a position at this time to accept such requests for a number of reasons some of which are noted below:

- o Our equipment software has been designed and is in place. There is no provision to key the test procedure to the make or engine family of the vehicle being tested.
- o Our test and repair mechanics have already been trained. As of this date, California has trained and qualified over twenty thousand mechanics. We know of no easy method of asking the repair industry to use differing test procedure for selected makes of vehicles to assure consistency. To grant such request from time to time based upon manufacturer's design problems would be very disruptive and subject to error.
- o The public would begin to question the "fair and equal treatment" of a program which uses different test procedures for different vehicles.
- o Testing cars in drive presents a safety problem as pointed out in the recent Oregon report on Chrysler's request. In addition, testing vehicles in drive can result in false failures due to the load placed on an idling engine. This is particularly true if the engine idle rpm is incorrectly adjusted to below the manufacturers specified setting.

- o If a modified test procedure is allowed for one group of vehicles the door is now open to requests for additional procedure changes. The additional requests would be difficult to deny when a precedent has already been set.

Manufacturers of new motor vehicles have been aware of in use vehicle inspection by states for a sufficient number of years to plan and design their product to meet the short cycle test procedures. With the advent of the new tamper resistant exhaust gas analyzer that utilizes a process controller and supporting software the ability to modify test procedures is limited at best.

As you are aware, California implemented a decentralized I/M program consisting of over six thousand five hundred licensed garages, over seven thousand tamper resistant analyzers and twenty thousand trained mechanics. Whenever changes are proposed that have an effect on the analyzers or the inspection procedure, serious consideration must be given to the software update costs and logistics necessary to implement retraining of qualified mechanics.

This is not to say we would not be willing to make changes to the program when a legitimate request is made. However, in the case of Chrysler's situation, we feel that the short cycle test procedure, what tests the vehicle in neutral, (or park) is not new or unique to California. A majority of other states involved in I/M use the EPA approved short test cycle.

It would appear from the Oregon report that the Chrysler Corporation has already modified their design to limit the potential problem to a limit number of vehicles. It would be reasonable to assume that the design modification could be installed, under warranty, to those 1984 vehicles failing the I/M test.

We appreciate this opportunity to respond to Chrysler's request and trust that both the EPA and Chrysler understand the position of the Bureau in denying the request for an alternative short test procedure.

Sincerely,



JOHN R. WALLAUCH
Deputy Chief
Field Operations

JRW:rw

cc: John Grow
Tom Cackette
James V. Tracy
Bill Highfield
Ron King



HONDA

ATTACHMENT F
Agenda Item No. H
4/19/85, EQC Meeting

AMERICAN HONDA MOTOR CO., INC.
P.O. BOX 50 — 100 W. ALONDRA BLVD., GARDENA, CALIF. 90247
CABLE ADDRESS — AMEHON, GARDENA, CALIF. (213) 327-8280

December 4, 1984

STATE OF OREGON
R E C E I V E D

DEC 10 1984

Dept. of Environmental Quality
Vehicle Inspection Division

Mr. Ron Householder
Department of Environmental Quality
Post Office Box 1760
Portland, OR 97207

Dear Mr. Householder:

Enclosed are two Service Bulletins distributed to Honda automobile dealers which explain the procedures necessary to ensure that certain models will meet state Inspection and Maintenance Standards.

Please note that all vehicles comply with Federal Emissions Standards when tested according to the Federal Test Procedures.

Service Bulletin 84-051 concerns 1984 and 1985 model year Honda Preludes. These vehicles may not meet the two-speed idle emission standard after idling for an extended period. This is because the vehicles are equipped with a system designed to protect the catalyst from overheating. If the engine has been idling for longer than 3 minutes, it is necessary to stop and restart the engine to re-set the system timer.

Service Bulletin 84-053 concerns certain 1982 Honda Accords and Preludes which may fail the standard when tested at high engine speed with the drive wheels stationary. This abnormal operating mode results in activation of the carburetor power valve, a condition which would normally be prevented by the operation of a speed sensor, as described in the bulletin.

A modification was made to later production cars on the assembly line which has the same effect as the procedure described in the bulletin.

We appreciate the importance of state Inspection and Maintenance Programs, and we would like to ensure that Honda owners do not experience any unnecessary problems. As mentioned above, the vehicles do comply with U. S. E.P.A. regulations in their original configurations.

We would greatly appreciate your cooperation in providing this information to the staff at your testing stations. We shall be pleased to provide additional copies of the service bulletins, if you wish.

Please contact me if you have any questions about this material, or call our Emission Tech Line at (213) 604-2679.

Yours truly,

AMERICAN HONDA MOTOR CO., INC.

Brian Gill
Manager
Certification Department

SERVICE BULLETIN

 **HONDA**
AUTOMOBILE SERVICE DEPARTMENT

| | | | |
|--------------------|---------------|------------|---------------------------|
| Model | Applicable To | File Under | Bulletin No. |
| '84/'85 PRELUDE | ALL | ENGINE | 84-051 |
| | | | Issue Date OCT. 1, '84 |

State Emission Inspection Tests

PROBLEM

1984 and '85 Preludes won't meet state idle or high idle CO standards if tested after the car has been idling for three minutes or more.

CAUSE

To prevent the catalyst overheating, the secondary air and feedback systems shut off automatically after idling for three minutes.

NOTE: These cars *do* meet EPA standards under the Federal Test Procedure (under normal driving conditions, a car will seldom remain stationary for as long as three minutes; thus the secondary air and feedback systems will shut off only infrequently).

SOLUTION

Turn the engine off before testing, then restart and test within three minutes.

IMPORTANT INFORMATION FOR:

General Manager

Parts Manager

Technician

Service Manager

Warranty Clerk

Sales Manager

SERVICE BULLETIN

HONDA
AUTOMOBILE SERVICE DEPARTMENT

| Model | Applicable To | File Under | Bulletin No. |
|---------------------------|---------------|------------|----------------------------|
| '82 ACCORD '82 PRELUDE | ALL | ENGINE | 84-053 |
| | | | Issue Date OCT. 15, '84 |

State Emission Inspection Tests of '82 Accords and Preludes

PROBLEM

Some '82 Accords and Preludes may fail the high idle (2500 rpm) mode of the emission test used in many states, particularly at high altitude.

CAUSE

The test procedure results in abnormal operation of the power valve: When in the high idle mode, manifold vacuum to the power valve is cut off, allowing the power valve to open, thereby causing an excessively rich mixture. This condition would normally be prevented by the operation of the speed sensor. In the state inspection, however, the wheels are stationary.

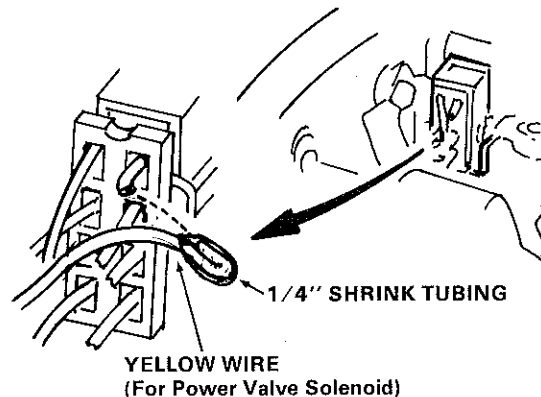
NOTE: All Honda production cars *do* meet the U.S E.P.A. and California emission standards when tested under the E.P.A. test procedure.

SOLUTION

Cut the yellow wire (for the power valve solenoid) at the emission control box. Double the end of the wire over and insulate it with a 1 to 2" length of 1/4" diameter heat shrink tubing.

NOTE:

- A modification was made on later production cars which has the same effect as the procedure above.
- If the car still fails the test, the cause may be:
 - A ruptured power valve diaphragm.
 - Fuel boiling in the float bowl (hose it down with cool water).
 - A clogged air filter.
 - Incorrect timing or failed timing control (advance/retard diaphragm).
 - Misfire (spark plugs, wires, etc.).
 - Dirt in the carburetor.
 - Vacuum leaks.
 - Misadjustment of the carburetor idle mixture circuit.



WARRANTY CLAIM INFORMATION

Operation Number: 120025

Flat Rate Time: 0.2

Defect Code: 074

Contention Code: C99

Failed Part H/C: Accord - 112939

Prelude - 119944

IMPORTANT INFORMATION FOR:

General Manager

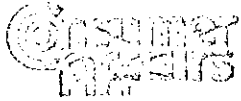
Parts Manager

Technician

Service Manager

Warranty Clerk

Sales Manager



BUREAU OF AUTOMOTIVE REPAIR

3116 BRADSHAW ROAD, SACRAMENTO, CA 95827

PHONE: (916) 555-5059

ATTACHMENT G

Agenda Item No. H

4/19/85, EQC Meeting

January 11, 1985

Mr. Brian Gill, Manager
 Certification Department
 American Honda Motor Co., Inc.
 P. O. Box 50
 Gardena, CA 90247

Dear Mr. Gill:

Thank you for the technical Service Bulletins regarding field repairs for 1984 and 1985 Preludes.

We support your efforts to minimize inconvenience that would result from Honda owners failing the Smog Check Program.

However, the Bureau cannot direct our licensees to undertake modification to your products as a part of the Smog Check inspection procedures. Such repairs must be accomplished at repair dealers authorized to conduct factory directed field modifications.

In addition, it appears that the design problem that allows these vehicles to fail the EPA approved short cycle emissions test should be covered under the 5 year and 50,000 mile emission warranty.

I am sure you would agree that such warranty repairs can only be accomplished at authorized Honda dealerships.

Furthermore, we believe that Honda should consider a recall of effected models to correct the deficiencies. This would assure the best level of service to your customers and would eliminate unnecessary problems during Smog Check inspections. Copies of the Bulletins will be forwarded to our referee stations and field offices to assist in resolving repair problems on the subject year models.

We are concerned with the contention that the subject vehicles meet the federal standards even though they have failed the EPA approved short cycle test. The California pass/fail emission standards were selected to minimize the errors of commission (i.e., the failing vehicles which meet the FTP). We have asked the Air Resources Board to comment on this apparent anomaly in light of the fact that all new motor vehicles certified for California must pass a 100 percent end of the assembly line test.

Sincerely,

JOHN R. WALLAUCH, Deputy Chief
 Field Operations

By

E. F. Achterberg

ELMER ACHTERBERG
 Program Manager I

JRW:rw

STATE OF OREGON
 RECEIVED
 MAR 11 1985
 Dept. of Environmental Quality
 Vehicle Inspection Division

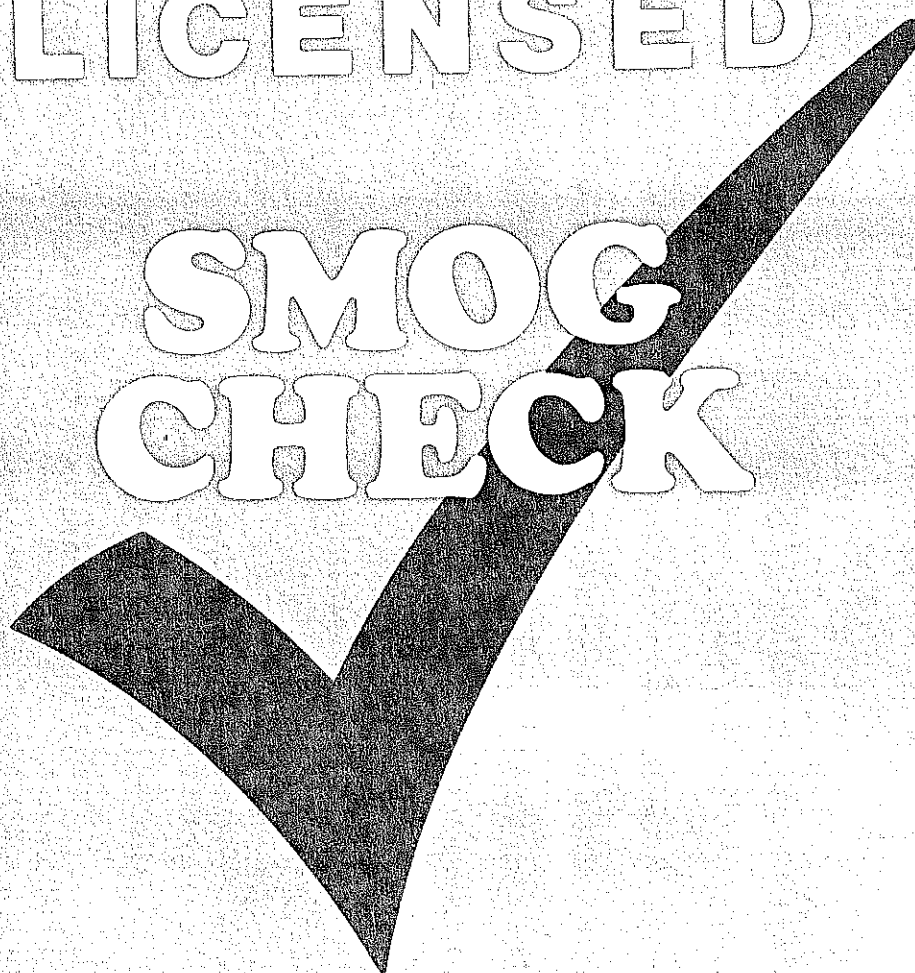
RECEIVED

JAN 31 1985

BUREAU OF AUTOMOTIVE REPAIR
 SACRAMENTO

State of California
LICENSED

SMOG
CHECK



INSPECTION &
REPAIR MANUAL

OCTOBER 1984

1.9

Identifying the Emission Control System Applications

Inspection and certification of a vehicle requires the qualified mechanic to enter into the test analyzer the year model of the vehicle, whether it was manufactured for sale in California or is a federal vehicle, the engine size, number of cylinders, etc.

Once this information has been determined, the mechanic can reference a published emission control system application manual or use the following procedure to identify the required emission control systems.

For 1972 and newer vehicles, look at the underhood label. Both California and federal laws require that every new vehicle have a permanent label in the engine compartment, containing the following information:

- a. Name of manufacturer;
- b. Statement as to whether the vehicle conforms to California or federal (U.S. EPA) emission control requirements;
- c. Engine size in cubic inches, liters or cc's;
- d. Exhaust emission control type initials like EM (engine modification), AIR (air injection reactor), and FI (fuel injection) may be used; and
- e. Engine tune-up specifications and adjustments recommended by the manufacturer, may include the idle speed, ignition timing, air/fuel mixture and idle CO setting.

Many manufacturers provide labels that do not list systems which are common to all vehicles in that year, such as PCV, fuel evap., fuel restrictor, etc.

If no underhood label exists, refer to one of the commercially available emission control system application manuals.

Appendix B lists and defines abbreviations used on automotive tune-up labels as well as some other abbreviations.

1.10

Definition of Tampering for the Emission Control System Inspection (Missing, Modified or Disconnected)

A visual inspection is made to determine if any required devices are missing, modified or disconnected. The following definitions define tampering for the visual inspection portion of the biennial inspection. These definitions define the scope of the visual emission control system inspection. They are not intended to replace or limit any other requirements of law or regulation. The terms, missing, modified and disconnected, are defined in the inspection procedures as follows:

a. Missing

All or part of an emissions control system has been removed from the vehicle.

Example 1: Your manual shows that a catalytic converter is required. During your inspection you see that a test pipe has been installed in place of the converter. You would then identify the catalytic converter as "Missing" to the TAS.

Example 2: The underhood label shows that an Air Injection System was originally installed on the engine. You notice that the air pump has been removed. You would identify the Air Injection System as "Missing" to the TAS.

b. Modified

Any vehicle required to have emission control devices (as defined in Appendix B, Exhaust Emission Controlled Motor Vehicles) which are found to be modified, as defined below, will fail the smog check inspection. The mechanic must refer the customer to the BAR for a referee inspection.

An emission control system or component has been modified if:

- (1) it has been physically or functionally altered; or
- (2) it has been replaced with a non-OEM part which has been identified by the manufacturer as not legal for use in California on pollution controlled vehicles; or
- (3) a replacement part designed for one application is used on a different application for which it was not designed; or
- (4) an add-on part, which has not been approved by the State Air Resources Board, has been installed.

The following examples should help you interpret this definition.

Example 1: (altered device) An EGR system is present and all hoses are connected. You notice, however, that the diaphragm cover has been crushed to prevent the valve from opening. On the TAS you would identify the EGR system as "Modified".

Example 2: (altered device) The fill plug is missing or damaged and the pellets have been removed from a catalytic converter. The catalytic converter would then be shown as "Modified".

Example 3: (use of non-OEM replacement parts) You determine that the engine is equipped with a non-OEM part and that all controls and connections are hooked up. You must now determine if the non-OEM is intended by its manufacturer not to be used in California on pollution controlled vehicles. To do so, you will have to consult a parts application catalog published by the manufacturer of the non-OEM part. You may call a parts house and ask them for the information, or you may call the local BAR office, which has some of the application catalogs on hand. If the application catalog indicates the part is not for use in California on pollution controlled vehicles, identify "Other Emissions Related Parts" as "Modified" on the TAS.

Example 4: (misuse of replacement parts) A Cadillac carburetor is used on a Volkswagen.

Example 5: (add-on part) Examples of emission related add-on parts include non-OEM turbochargers, air bleeds and vapor injectors. If you determine that one of these add-on devices is present, call your local BAR office. They will consult the list of approved add-on parts to determine if use of the add-on part is acceptable. (Do not call a parts supplier when checking on add-on parts). If the add-on part is not on the ARB approved parts list, identify "Other Emissions Related Parts" as "Modified" on the TAS.

c. Disconnected

An emission control system has been disconnected if a hose, wire, belt or component required for the operation of the system is present, but has been disconnected.

Example 1: The vacuum hose to the EGR valve has been disconnected or blocked.

Example 2: The drive belt to the air pump has been removed.

In either of the above examples you would identify the systems involved as "Disconnected" to the TAS.

Example 3: The engine is equipped with a thermal vacuum switch normally placed between a ported vacuum source and the vacuum advance mechanism. However, you notice that a hose has been routed directly from the vacuum advance to manifold vacuum thereby bypassing the TVS valve.

You would identify the Spark Advance Controls as "Disconnected" to the TAS.

1.11 Performing the Emission Control Visual Inspection

The emission control systems inspection is a visual inspection of the following emission control systems:

a. Positive Crankcase Ventilation (PCV)

Check to see if the PCV system is installed as required. Verify that the valve, required hoses, connections, flame arresters, etc., are present, routed properly and in serviceable condition.

If the PCV Crankcase Ventilation system is missing, modified or disconnected, it must be reported as such on the Inspection Report. The cost limit does not apply to missing, modified or disconnected PCV systems. Missing, modified or disconnected PCV systems must be made fully operational before a certificate may be issued.

Note: When a crankcase retrofit device is required on a change of ownership or initial registration, enter "missing" on the TAS for this item and make a note on the Vehicle Inspection Report "Crankcase Retrofit Required".

b. Thermostatic Air Cleaner (TAC)

(1) Check to see that required heat stoves, delivery pipes, etc. are present and installed properly.

(2) Check to see that any required thermostatic vacuum switches are in place and the hoses are installed and in serviceable condition.

- (3) Check to see that the air cleaner lid is installed right side up. Also, check for oversized filter elements, additional holes in the housing, etc. (Modified air cleaner systems may also affect the PCV and Fuel Evaporation systems.)

If the TAC system is missing, modified or disconnected, it must be reported as such on the Inspection Report. The cost limit does not apply to missing, modified or disconnected TAC systems. Missing, modified or disconnected TAC systems must be made fully operational before a certificate may be issued.

c. Air Injection (AI)

(1) Air Pump Systems

- (a) Examine the air pump for a missing or disconnected belt, check valve(s), diverter valve, distributor hoses or vacuum signal line.

(2) Air Pump and Pulse Air Systems

- (a) Inspect for the presence of required check valves, diverter valve(s), air distribution manifolds, etc. Damaged components should be reported to the vehicle owner.
- (b) Check for the Air Injection system proper hose routing. If the hoses are improperly routed show the system as modified. Charred delivery hoses indicate malfunctioning check valves. Charred hoses are not cause for failure but the vehicle owner should be made aware of the problem.

If the AI system or any component is missing, modified or disconnected it must be reported as such on the Inspection Report. The cost limit does not apply to missing, modified or disconnected AI systems. Missing, modified or disconnected AI systems must be made fully operational before a certificate may be issued.

Note: Rusted or corroded air distribution manifolds that leak cause dilution of the exhaust and poisonous fumes in the engine compartment. Air distribution manifold leaks should be repaired even if the leaks are not a result of tampering. If the leaks are great enough to cause the Test Analyzer System to be unable to test the vehicle due to dilution the leaks will have to be repaired before the emissions test may be performed.

d. Fuel Evaporation System (FE)

- (1) Check for the presence of the vapor storage canister or crankcase storage connections when required.
- (2) Verify that required hoses, solenoids, etc. are present and connected properly.
- (3) Check for the proper type of fuel tank cap.
- (4) Check any non-OEM or auxiliary fuel tanks for compliance (ARB approved, etc.) and the required number of evaporation canisters. Nonapproved fuel tanks must be brought into compliance with fuel filler and/or evaporation controls before a certificate can be issued.

Contact your local BAR office for a listing of approved fuel tanks.

If the Fuel Evaporation system is missing, modified or disconnected, it must be reported as such on the Inspection Report. The cost limit does not apply to missing, modified or disconnected FE systems. Missing, modified or disconnected FE systems must be made fully operational before a certificate can be issued.

e. Fillpipe Restrictor - Applicable to all vehicles required to be equipped with a catalytic converter and vehicles required to use unleaded fuels.

- (1) Check the fillpipe restrictor for any obvious modification performed to allow leaded fuel nozzles to be inserted. (Note: worn restrictors shall not fail the inspection).
- (2) Check auxiliary fuel tanks for fillpipe restrictors.

If the fillpipe restrictor has been modified to allow the introduction of a leaded fuel nozzle, the fillpipe restrictor must be shown as "Modified." The cost limit does not apply to missing or modified fillpipe restrictors. The fillpipe restrictor must be replaced or repaired before a certificate may be issued.

f. Oxidizing Catalyst (OC)

- (1) Visually check for the presence of the catalytic converter(s) (thermal reactors shall be entered under Item 1 "Other Emissions Related Components").
- (2) Check for external damage such as severe dents, removed or damaged heat shields, etc. Also check for pellets or pieces of the converter in the tailpipe. If damage is found report it to the vehicle owner.

If the catalytic converter is missing, modified or disconnected, it must be reported as such on the Inspection Report. The cost limit does not apply to missing or disconnected catalytic converters. The converter must be replaced or otherwise made functional before a certificate may be issued.

Note: A few vehicles require a catalytic converter on only one side of their dual exhaust systems. If you find a vehicle with a dual exhaust system which has only one catalytic converter, do not fail it until you check an emissions control application manual.

g. Three-Way Catalyst (TWC)

- (1) Visually check for the presence of the catalytic converter(s) (thermal reactors shall be entered under Item 1 "Other Emissions Related Components").
- (2) Check for external damage such as severe dents, removed or damaged heat shields, etc. Also check for pellets or pieces of the converter in the tailpipe. If damage is found report it to the vehicle owner.
- (3) Check for the presence of any required air supply systems for the oxidizing section of the converter.

If the catalytic converter is missing, modified or disconnected, it must be reported as such on the Inspection Report. The cost limit does not apply to missing, modified or disconnected three-way catalyst. The converter must be replaced or otherwise made functional before a certificate may be issued.

h. Exhaust Gas Recirculation (EGR) - Includes both factory and retrofitted EGR systems.

- (1) Check visually to verify that the EGR valve is present and not visually modified or purposely damaged.
- (2) Check to see that any thermal vacuum switches, pressure transducers, speed switches, etc., are present and not obviously bypassed or modified.
- (3) Check to see that the vacuum hoses and wiring are installed and the hoses are not plugged.

If the EGR system is missing, modified or disconnected, it must be reported as such on the Inspection Report. The cost limit does not apply to missing, modified or disconnected EGR systems. Missing, modified or disconnected EGR systems must be made fully operational before a certificate may be issued.

Telltale signs of disconnected EGR retrofit devices include plugged manifold taps, empty mounting brackets, windshield stickers, etc.

Note: Some engines built in the early 1970's (mainly Chrysler products) had floor jet type EGR systems. These are not visible from the outside of the intake manifold. Refer to an emission control reference manual for specific information.

To inspect the floor jet system, remove the air cleaner from the carburetor. With the engine off, open the throttle and shine a flashlight down into the intake manifold. The jets should be present and not plugged.

i. Spark Advance Controls - Includes both factory and retrofitted spark advance control systems.

Check to see that vacuum hoses which connect to the distributor, carburetor, retrofit devices, spark delay valves, thermal vacuum switches, etc. are in place and routed properly.

If the Spark Advance Control system is missing, modified or disconnected, it must be reported as such on the Inspection Report. The cost limit does not apply to missing, modified or disconnected spark advance controls. Missing, modified or disconnected spark controls must be made fully operational before a certificate may be issued.

Telltale signs of disconnected retrofit spark advance controls include spliced hoses, decals, windshield stickers, etc.

j. Computer Controlled System (CCS)

- (1) Check for the presence, lack of apparent modifications, or disconnected hoses or wires to the required sensors (oxygen sensor, manifold absolute pressure sensor, temperature sensor, throttle position sensor, etc.).
- (2) Check for visual modification or replacement of the closed loop carburetor, fuel injection unit or injector(s) with a non-closed loop carburetor or fuel injection system.

If the Computer Controlled system is missing, modified or disconnected, it must be reported as such on the Inspection Report. The cost limit does not apply to missing, modified or disconnected computer controlled systems. Missing, modified or disconnected Computer Controlled systems must be made fully operational before a certificate may be issued.

k. Carburetion - Fuel Injection Controls

- (1) Check for the presence, lack of apparent modifications, or disconnected hoses or wires to the required carburetor or fuel injection controls. These controls include throttle positioners, anti-dieseling solenoids, early fuel evap., choke controls, etc.

Missing, modified or disconnected Carburetion-Fuel Injection Controls must be reported as such on the Inspection Report. The cost limit does not apply to missing, modified or disconnected carburetor-fuel injection controls. Missing, modified or disconnected Carburetion-Fuel Injection Controls must be made fully operational before a certificate may be issued.

Note: See Inspection Item 1 OTHER EMISSIONS RELATED COMPONENTS for "off-road" carburetors or fuel injection systems and approved aftermarket component installation.

1. Other Emissions Related Components - Includes unapproved carburetors, fuel injection, exhaust manifolds, thermal reactors, intake manifolds, distributors, etc. This section only applies to "Exhaust Emission Controlled" vehicles as defined in Appendix B.

Note: When a NOx retrofit device is required to be newly installed because of change of ownership or initial registration in California, enter "Missing" in this category and make a note, "NOx Retrofit Required" on the inspection report.

- (1) Check for modified emission related components which are not acceptable for use in California on pollution controlled vehicles.

Replacement OEM parts are always acceptable. Non-OEM replacement parts may also be acceptable. Call a parts house or your local BAR office to determine if a non-OEM part is not acceptable for use in California on pollution controlled vehicles. You can save time by remembering that any non-OEM exhaust header is acceptable on a non-catalyst car as long as all other smog equipment, such as the heated air shroud, and air injection manifold, are hooked up. Add-on parts, such as a turbocharger, are acceptable only if they are on the Air Resources Board approved list. Call BAR to check.

Emissions related components found to be missing, modified, or disconnected must be shown as such on the Inspection Report. No cost limit applies to modified emissions related components. Modified emission related components must be returned to an approved condition before a certificate may be issued.

1.12 Retrofit Criteria

There have been three programs requiring the retrofit of emission control devices on vehicles. These programs may be summarized as follows:



BUREAU OF AUTOMOTIVE REPAIR
 3116 BRADSHAW ROAD, SACRAMENTO, CA 95827
 PHONE (916) 366 5030

ATTACHMENT I
 Agenda Item No. H
 4/19/85 EQC Meeting



December 27, 1984

STATE OF OREGON
 RECEIVED

FEB 28 1985

Dept. of Environmental Quality
 Vehicle Inspection Division

John Russell Deane III
 Deane, Snowdon, Shutler & Gherardi
 1607 New Hampshire Avenue, N.W.
 Washington, D.C. 20009

Dear Mr. Deane:

We have reviewed our replacement parts Regulations/Policy with our field managers. Our policy is still that which is reflected in our regulations, Title 16, California Administrative Code, Section 3340.41.5. I cannot find a simpler way to say it than in 3340.41.5(b) "Modified."

When we distributed the new Inspection and Repair Manual last month we included a copy of our July 7, 1984 regulations which repeat Section 3340.41.5. Hopefully this insertion reminds everyone what's required.

If one of your members supplies a part functionally equivalent to the original part installed by the car or truck manufacturer and that part isn't prohibited for California use by that same manufacturer, we are now accepting it. If the part's OK but the catalogue carries a "not for use in California" warning we would reject it. At this time in our program we cannot and do not rely solely on an ARB list.

The qualification statement proposed in your December 14 letter will be helpful. However, it's possibly simpler than that. If we or a licensed shop or our referee believe that the replacement performs the same function as the original, that's what we're looking for. When you're done, send us an example of your listing so we can see if it can help us and justify your expense.

Our objective is and will be to accept replacement parts which are functionally equivalent to the OE part and to weed out those which degrade the emission control system. The availability of an ARB approved list will certainly be welcome and helpful when a simpler acceptance procedure can satisfy ARB and the industry.

Very truly yours,

JOHN M. GROW
 Chief

JMG:ncp

cc: Bob Burch
 bc: Tom Cackette

LAW OFFICES

DEANE, SNOWDON, SHUTLER & GHERARDI

1607 NEW HAMPSHIRE AVENUE, N. W.

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RECEIVED

DEC 19 1984

DEPARTMENT OF TRANSPORTATION
OFFICE OF CONSUMER AFFAIRS
PETER G. LEVATHES
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THOMAS G. GHERARDI, P.C.
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RICHARD W. SNOWDON III, P.C.
JOHN RUSSELL DEANE II, P.C.
STEVEN T. MILLER

BENJAMIN R. JACKSON, P.E.
CONSULTANT

December 14, 1984

Mr. John R. Grow
Chief
The Bureau of Automotive Repair
3116 Bradshaw Road
Sacramento, CA 95827

Dear Mr. Grow:

I appreciate your taking the time to speak with me concerning the type of information we might provide to the inspection stations, the referee stations, and the Bureau of Automotive Repair offices throughout the state. As we discussed, it is our intention to develop a program which is as easy to administer and comply with as possible. We are attempting to avoid actions which will confuse the inspection stations or the consuming public. We want to find an easy means of informing the inspection stations which parts are suitable for use in the inspection and maintenance program. Those are the parts which make provision for required emission controls and are intended by the manufacturer for use on street vehicles as opposed to racing vehicles.

Initially we determined that the most appropriate means of conveying this information was to provide the inspection station with a list of such parts by manufacturer and part number. The difficulty is that such a list would be very lengthy and perhaps of limited value to the inspection stations. The reason the list is of marginal value is that the part number is located on the part only in a limited number of cases and rarely can be seen without difficulty even when the number is on the part. Such a list could cause some confusion as a result. Further, we determined from our survey of manufacturers that in no case where the parts make provision for required emission controls are the parts intended for other than street use.

Since the manufacturers never make provision for emission controls on racing vehicle parts, we feel that an easy means of communicating a simple message to the inspection station is to provide them with a list of manufacturers who represent that parts produced by them which make provision for required emission controls are intended for street use. What we would propose is that we provide you with a document which would state that:

Mr. John R. Grow
December 14, 1984
Page Two

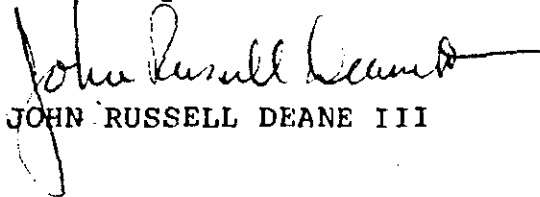
"The following manufacturers represent that the parts described below which make provision for required emission controls are intended for street use. Parts which do not make provision for required emission controls are not intended for street use. Such manufacturer representations are not intended and do not constitute an offer to sell or an advertisement of such parts."

We would then categorize the automotive parts on the basis of part type, i.e. headers, intake manifolds, etc. Under each product heading we would list the manufacturers who are prepared to make the representation with regard to their parts. Any specific instructions relevant to a manufacturer's products would be included with his company name.

Such a program is likely to provide information which is easily used by the inspection station and will eliminate much of the confusion which exists in the field today. After you have had an opportunity to review my thoughts please give me a call so that we might discuss the best means of preparing and distributing such a document.

Thank you for all your help in this matter.

Sincerely,



JOHN RUSSELL DEANE III

cc: Bob Burch



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. Q, June 20, 1980, EQC Meeting

Proposed Adoption of Rules--Motor Vehicle Emission Testing
Amendments That Incorporate Standards for 1980 Model Year
Motor Vehicles--OAR 340-24-300 through 24-350.

Background

At the Environmental Quality Commission meeting of April 18, 1980, authorization was granted to conduct public hearings to gather testimony on amendments to the inspection program rules. These proposed amendments provided (1) a change in the definition of non-complying import vehicle; (2) a change in the light duty vehicle test criteria section of the rules to more clearly specify the allowable criteria for modifications to vehicle engines and emission control systems, and (3) the incorporation of standards for 1980 model year motor vehicles. The statement of need for rulemaking is included in Appendix A. A hearing officer's report on the public hearings of May 19, 20, and 21 is attached as Appendix B. Four hearings were held during the three day period, and two people testified on the 19th and one person testified on the 20th. Nobody attended the other two hearings. The proposed rule revision is attached as Appendix C.

Alternatives and Evaluation

Rule modifications have been proposed in the following areas:

OAR 340-24-305(7)--the definition of non-complying import vehicles--no comments on this proposal were received at the hearing.

OAR 340-24-320--the emission test criteria section--comments on these proposed changes were reviewed.

and OAR 340-24-330 & 335--the emission standards--comments on these proposed changes were reviewed.



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Materials

The comments reviewed on the test criteria portion of the rule concerned section 340-24-320(4)(b). Staff had proposed that the criteria for aftermarket product evaluations be incorporated into the rule. What was proposed was to cite both the California Air Resources Board after market product exemption procedure and the proposed EPA self-certification procedures. These procedures allow for a technical determination of the effect on emissions of aftermarket parts. Currently, staff is utilizing these lists to assist in determining that auxiliary aftermarket equipment does not adversely affect pollution control.

Mr. Fender, an attorney representing Multnomah Hot Rod Council, the Motor Sports Conference, and the Automobile Safety and Equipment Association, in his testimony, attached in Appendix C, suggested that OAR 340-24-320 be amended to allow the installation of aftermarket turbochargers, subject to the provision that all equipment pertinent to the certified system be unmodified and retained. Mr. Fender further suggested that staff review the hearing record of the Senate Transportation Committee on HB 2157. In reviewing that hearing record, it is the opinion of staff that the legislative intent as expressed at the May 25, 1979 hearing was to expressly not prohibit the use of turbochargers as long as they did not significantly affect the efficiency or effectiveness of the system in the control of air pollution.

Several new motor vehicles are now equipped with original equipment manufactured (OEM) turbochargers. These installations utilize sophisticated electronics to maintain emission control, performance, fuel economy, and durability. The whole engine system is redesigned with the turbocharger in mind. These engine systems must meet the same pollution requirements as their unturbocharged cousins. The test used for this determination is the federal test procedure, a 22-minute driving cycle. All of the emissions from the vehicle are collected and the mass of emissions expressed in grams per vehicle mile driven is determined. These values are compared to the federal emission standards to determine compliance with the federal standards and to determine a baseline emission characteristic for the individual vehicle class.

Aftermarket turbochargers kits, however, bolt into existing engine systems. Engine systems, not designed to effectively mate with turbochargers, generally need additional modifications to overcome the need for higher octane fuels, higher thermal loadings and the like. Aftermarket turbocharger kits, on the market today are often advertized as not being legal for "street" use. The cost of these kits, \$1500-\$2000, puts them into a specialty class, though marketing pressures remain strong. Fuel economy and emission claims generally have not been verified during certification type testing.

The California Air Resources Board has an extensive aftermarket product evaluation group. The CARB has tested several kits and exempted two different aftermarket turbocharger kits. Several other systems are under study. The aftermarket turbocharger manufacturers are beginning to work more closely with the CARB, and more exempted kits should soon appear. The federal government is proposing the self-certification program which provides another avenue for this segment of the market. Both the California and federal procedures are included in the proposed addition to the rule.

It should be noted that under the 1977 Clean Air Act Amendments professional installers of non-exempted turbocharger kits can be prosecuted under the federal anti-tampering law.

Department policy does not hinder the use of aftermarket performance equipment that is pollution control compatible. Many specialty aftermarket equipment manufacturers have engaged in testing programs that show the non-degradation effects on emissions as well as the performance benefits of their products. Aftermarket turbocharger manufacturers have been trying to do the same and there are many indications that there will be more exempted kits available in the future that do not degrade emission control. It would appear that this situation should resolve itself. For these reasons, it is recommended that no change in the proposed rule revision be made.

Comments were received on the test standards section OAR 340-24-330. The comments by Mr. McCann, owner of Gene's Carburetor and Electric in Beaverton, and Mr. Fender both called for an easing of the standards for catalyst equipped cars. Mr. McCann's request was based in part on a lack of parts availability and performance objectives of his customers. Mr. Fender requested easing the standards for catalyst vehicles with an alternative "no go" criteria. The current standard with enforcement tolerance is 1.0% carbon monoxide and 225 ppm hydrocarbons. While Mr. McCann did not propose alternative values, Mr. Fender proposed values of 1.5% carbon monoxide and 300 ppm hydrocarbons.

The criteria reviewed in the EQC report of April 18, 1980, listed three major items that are considered in formulating the standards for the state's inspection test. These three items are:

1. The design used by the individual manufacturer in building the motor vehicle to comply with the federal criteria including the manufacturer's tuning procedures. These procedures are specified in the maintenance manuals and summarized on emission labels located in the engine compartments.
2. The emission results obtained from prototype vehicle testing in the federal certification process and short cycle test results obtained at the state inspections centers.

Col

3. An engineering evaluation and judgment based upon reasonable repeatability of emission readings from a given vehicle design.

In reviewing these items it is worthwhile to again note the differences between short test cycles and the federal test procedure. The federal test procedure, as stated above, is the industry standard test method for determining compliance with the federal emission standards and for determining baseline emission characteristics. The purpose of the state's idle test is to detect vehicles with gross emissions. It does this by predicting passage or failure of the federal test procedure. This ability or correlation only applies if all elements of the pollution control systems are installed and operating and if the vehicle is operating within the manufacturer's specifications.

The standards chosen for catalyst equipped vehicles are based upon the criteria stated above. These values were documented in the recent EPA study of the Portland program as effective in detecting high polluting vehicles. The EPA has recently issued the 207(b) rules, and these rules use values of 1.0% carbon monoxide and 200 ppm H.C. 207(b) refers to section 207(b) of the Clean Air Act. 207(b) provides emission warranty protection for car owners that fail a state's short test. Changing those values, without technical justification, would deviate from the criteria used in establishing the standards, lessen potential warranty protection for area residents, and allow increased air pollution from area motor vehicles.

Parts availability to assist in proper repair, is an issue that has concerned staff for some time. Inquiries with the manufacturers have indicated that OEM parts are available through the independent dealer network. Checking with individual parts houses and dealerships confirmed the availability of emission related parts. In some instances there was time delays for parts, but on other items where a demand had been established there was better parts supply. As the demand for various parts increases, due in part to more thorough maintenance of motor vehicles, the parts supply problems should ease. It is the opinion of staff that no change in the idle emission standards from the values proposed is warranted.

The third item raised at the public hearing concerned mechanic licensing. Mr. Barber, a local mechanic, raised that issue, because he felt that a licensed mechanic would be better trained and maintain a higher quality of workmanship. Legal authority for mechanics licensing does not exist and while the question has been debated in the legislature, no licensing requirement has been enacted.

Summation

The Commission is being asked to approve changes in the inspection program rules. The proposed rule revisions were reviewed based upon the testimony reviewed at the public hearing. The proposed rule modifications update the standards for the inspection program to include 1980 model year motor vehicles, change the definition of non-complying import vehicle, and clearly define the Department's policy on aftermarket parts and vehicle modifications.

Director's Recommendation

Based upon the Summation, it is recommended that the proposed rule modifications be adopted.

Bill

William H. Young

Attachments: Appendix A - Statement of Need
Appendix B - Hearing Officer's Report
Appendix C - Proposed Rule Revisions

W.P. Jasper:pe
229-5081
June 6, 1980

APD62



MOTORCYCLE INDUSTRY COUNCIL, INC.

Executive Office

March 21, 1985

Mr. William Jasper
Oregon Department of
Environmental Quality
522 S. W. Fifth Avenue, Box 1760
Portland, Oregon 97207

STATE OF OREGON
R E C E I V E D

MAR 25 1985

Dept. of Environmental Quality
Vehicle Inspection Division

Dear Mr. Jasper:

In response to your letter of October 16, 1984 the Motorcycle Industry Council trusts you received Mr. Stahl's letter also dated October 16, 1984 which addresses the many aspects of including motorcycles in an Inspection and Maintenance program for exhaust emissions.

To answer the questions in your letter to the MIC Technical Committee has been difficult at best since motorcycles are not normally included in Motor Vehicle Inspection Programs (MVIP), thus the information you seek has not generally been available. However, we offer the following:

1. Idle emission value data is not gathered by all motorcycle manufacturers. One manufacturer does provide specifications for idle HC and CO testing for maintenance purposes. This testing includes control of the oil temperature and utilizes inspection plugs near the engine in the head pipes for each cylinder. Idle exhaust gas measurements or specifications at the tail pipe or pipes of motorcycles are not available from motorcycle manufacturers.

In general, idle CO emissions are affected by engine displacement whereas idle HC is dependent upon engine configuration. Since there is no published data, it is difficult to compare this generalization between manufacturers.

2. There is no relationship between idle and mass emission exhaust data. There is no established test method applicable to motorcycles. An idle emission value for pre-controlled and controlled motorcycles to identify "gross emitters" would have to be established by locally generated emission data from a locally developed test

William Jasper
Page Two
March 21, 1985

procedure. Two-stroke cycle engines would have to be considered separately for hydrocarbon levels.

3. It is difficult to identify an emission value separating pre and post-emission controlled motorcycles when some pre-controlled vehicles might have low enough values to meet an emission controlled level.

No federal short test has been established for motorcycles and none is contemplated. Arizona does have a locally established standard, however, they could not provide a failure analysis for motorcycles in their I/M program separate from all vehicles tested.

4. In Japan there are no exhaust emission standards or test procedures for motorcycles. Every three years the motorcycles are subject to a vehicle safety inspection, but this does not include any emission tests.
5. In-use emission characteristics of motorcycles are always based on a mass emission test by either Environmental Protection Agency (EPA) or California Air Resources Board (ARB) as well as any manufacturer follow-up programs. ARB has tested in-use vehicles one time since the controls became effective, and the results were very near to the manufactures certified levels. Several manufacturers have also confirmed, from mass emission testing, that the emission levels of in-use vehicles were very close to the certification levels.

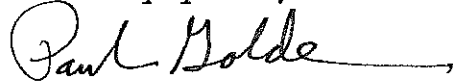
A major point of interest is that the deterioration factors (DF) from in-use motorcycles are in many cases lower than the manufacturers certification DF. During the vehicles useful life the rate of deterioration approached zero grams. The DF rates for motorcycle manufacturers from EPA certification data also shows the same characteristics.

We would add that emission controls for regulated motorcycles mainly consist of engine modifications consisting of lean carburetor settings, fixed ignition timing and passive pulse air injection systems which are further regulated by EPA to be non-adjustable with common hand tools. Emission controls for motorcycles are less likely than automobiles to deteriorate or be maladjusted by their owners. Should a controlled motorcycle become a "gross emitter" there would likely be a degradation of performance wherein the owner would have incentive to return to his dealership for repairs.

Mr. Willian Jasper
Page Three
March 21, 1985

There are no relationships between the values of a simple idle emission test and a full federal test procedure (FTP) mass emission test for investigating a motorcycle's true emission characteristics. We consider the EPA and ARB mass emission test requirements as the most appropriate methods of testing emission controls for motorcycles given the lack of information from Arizona's localized testing.

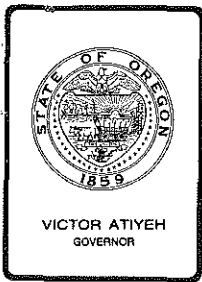
Sincerely yours,

A handwritten signature in cursive script that reads "Paul Golde". The signature is written in dark ink and includes a long horizontal flourish extending to the right.

Paul Golde
Technical Analyst

PG/bjr

cc: Technical Committee



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 , April 19, 1985, EQC Meeting, Addendum Proposed Adoption of Amendments to the Vehicle Inspection Program Operating Rules (OAR 340-24-300 through 24-350)

The noise test standards, OAR 340-24-337 were adopted November 2, 1984. The standards are intended to identify excessively noisy cars, light trucks and motorcycles. Compliance with the noise testing requirements has been required for cars and light trucks since April 1.

An aim of the vehicle inspection program is to insure that vehicle exhaust systems are maintained in proper operating condition relative to their design, or what is reasonably achievable. This compliments the Department's program whereby noise standards have been met by all new vehicles sold in Oregon since 1975. In that program, the manufacturer certifies that its vehicles meet the state's noise criteria as measured by a specified procedure. This procedure is referred to as a "drive-by" test, where all vehicle noises are measured as a vehicle drives by in a specified manner. Vehicles manufactured prior to 1975 were not required to meet either state or federal noise emission standards. In fact some high performance designed vehicles were manufactured with an emphasis on a "gutsy performance" exhaust sound.

The noise test administered at the inspection stations is done at a raised engine speed idle. Preliminary data from noise testing indicates that some vehicle classes which are certified as complying with standards measured with the "drive-by" test do not meet the standards measured with the raised idle test. Other data indicates that certain special interest older performance vehicles, reportedly in OEM (original manufactured) configuration exceed the standards.

The proposed amendment to OAR 340-24-337 Attachment 1, gives the Director the flexibility, on a very limited basis, to provide alternative standards for those vehicle classes that meet the drive-by test or were manufactured noisy. This is similar to a provision in the air pollution emission testing procedures.

Environmental Quality Commiission
April 19, 1985
Page 2

This wording was not originally included at the time of the noise rule adoption because of staff oversight. It is the Departments belief that few vehicle classes will need to utilize this provision.

Director's Recommendation

It is recommended that the addendum to the report be accepted and that this suggested rule revision also be adopted.



Fred Hansen

Bill Jasper:n
5081
April 8, 1985
Attachment 1, OAR 340-24-337
AN94

Motor Vehicle Propulsion Exhaust Noise Standards

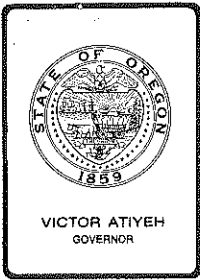
340-24-337 (1) Light duty motor vehicle propulsion exhaust noise levels not to be exceeded as measured at no less than 20 inches from any opening to the atmosphere downstream from the exhaust ports of the motor vehicle engine:

| Vehicle Type | Maximum Allowable Noise Level |
|---------------------|-------------------------------|
| Front Engine | 93 dBA |
| Rear and Mid Engine | 95 dBA |

(2) Motorcycle propulsion exhaust noise levels not to be exceeded as measured at no less than 20 inches from any opening to the atmosphere downstream from the exhaust ports of the motorcycle engine:

| Model Year | Maximum Allowable Noise Level |
|----------------|-------------------------------|
| Pre-1976 | 102 dBA |
| 1976 and later | 99 dBA |

(3) The Director may establish specific separate standards, differing from those listed in subsections (1) and (2), for vehicle classes which are determined to present prohibitive inspection problems using the listed standard.



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, April 19, 1985, EQC Meeting

Approval of Amendments to Lane Regional Air Pollution Authority Rules for Air Conveying Systems as a Revision of the State Implementation Plan.

Background

The Lane Regional Air Pollution Authority (LRAPA) has revised their particulate emission limit for air conveying systems (cyclones). At its January 1985 meeting, the LRAPA Board of Directors adopted a revision to rule 32-800B (Attachment 1), which changed the existing hourly particulate emission limit to an equivalent 24-hour (daily) average. The reason for the change was cited as the unreasonable cost to meet the hourly emission rate in relation to the benefit gained.

Problem Statement

State statute requires LRAPA to submit air quality rules to the EQC for their approval. Statute requires that LRAPA rules must not be less strict than any state rules.

Evaluation

The Department has reviewed the revised LRAPA particulate emission rules for air conveying systems. The Department finds them to be more stringent than statewide rules. The LRAPA air conveying systems rules are a key part of the State Implementation Plan control strategy for particulate matter in the Eugene-Springfield Air Quality Maintenance Area. The change from an hourly particulate emission limit to the equivalent 24-hour average particulate emission limit will not affect the integrity of the control strategy. The LRAPA control strategy is based on meeting state and federal daily and annual particulate air quality standards. The rule revision will

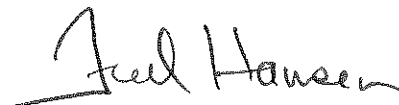
not allow an increase in daily or annual particulate emissions from air conveying systems. LRAPA has satisfied public notice requirements to make the subject rule change a SIP revision.

Summation

1. LRAPA has revised its air conveying systems rule by changing the hourly particulate emission limit to an equivalent daily limit.
2. State statute requires LRAPA to submit rules to the EQC, and the EQC to approve such rules if they are found to be no less stringent than state rules.
3. The Department has reviewed LRAPA's rule revision dealing with particulate emissions for air conveying systems and finds that they are more stringent than state rules.

Director's Recommendation

It is recommended that the EQC approve LRAPA's rule revision for air conveying systems (Attachment 1) based on a finding that they are equal to or more stringent than state rules, and further, that the EQC direct the Department to submit the revised rule to EPA as a SIP revision.



Fred Hansen

Attachments 1. LRAPA's revised rule 32-800B.

J. F. Kowalczyk:s
(503) 229-6459
March 26, 1985

AS1297

PROPOSED RULE REVISION

Section 32-800 Air Conveying Systems

Affected Sources

- A. Dry material air conveying systems located within the Eugene/Springfield Air Quality Maintenance Area (AQMA) which use a cyclone or other mechanical separating device and which have a baseline year emission rate of three (3) Metric Tons or more of particulate matter are affected sources.

Emission Limits for Affected Sources

- B. Notwithstanding the general and specific emission standards and regulations contained in these rules, affected sources shall not emit particulate matter to the atmosphere in excess of the following amounts:

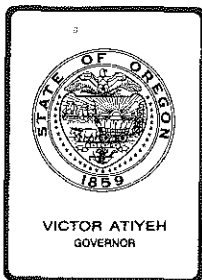
One (1) Metric Ton/year (1.10 Tons/year)

~~[0.12 kg/hour - (0.26 lbs./hour)]~~

2.88 kg/day (6.24 lbs/day)

Compliance Schedules

- C. Dry material air conveying systems having baseline year emission rates of three (3) Tons/year, as determined by the Director, shall comply with this rules as soon as practicable, but no later than January 1, 1985.
- D. Applicability of Part C to affected sources shall be based on calculated actual emissions.
- E. Upon the effective date of this rule, the Director shall compile a list of permitted air conveying systems and their respective emission rates, and shall issue a notice of determination of applicability; the Director may require source tests prior to final determination.
- F. Affected sources shall submit compliance schedules to the Director for approval within ninety (90) days after a notice of determination of applicability is issued by the Director. Compliance schedules shall contain reasonable periodic increments of progress dates for:
1. Submittal of source's final control plan;
 2. Award of emission control system or process modification contract; or issuance of orders for purchase of component parts to accomplish emission control or process modification;
 3. Initiation of on-site construction or installation of emission control equipment or process change;
 4. Completion of on-site construction or installation of emission control equipment or process change;
 5. Final compliance demonstration.
- G. Consistent with Section 21-010 and 22-010, sources with a baseline year emission rate of less than three (3) Metric Ton/year shall notify the Authority when emission rates change such that this rule applies.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. J, April 19, 1985, EQC Meeting

Proposed Facilities and Time Schedule to Remove or Alleviate Condition Alleged Dangerous to Public Health at 842-852 Connecticut Court S.E. Near Salem, Marion County, Oregon; Certification of Approval to Health Division in Accordance with ORS 431.720

Background

Oregon Revised Statutes (ORS) 431.705 to 431.760 provide a mechanism for a county court or a local or district board of health to force a territory within their jurisdiction to form a district or be annexed to a district for the purpose of solving a health hazard problem. This includes, but is not limited to, health hazards from inadequate sewage disposal. These procedures are necessary when the affected people within a health hazard area will not voluntarily annex to a district or form their own district in order to correct the problem.

The statute requires the following steps:

- (1) The county adopts a resolution requesting the Oregon State Health Division to initiate proceedings for formation of a district without vote or consent in the affected territory.
- (2) The county forwards the resolution, together with the time schedule and preliminary plans and specifications to the Health Division.
- (3) Where sewage facilities are proposed, the Health Division forwards the preliminary plans to the Department for Commission approval. The plans are reviewed to determine if the alleged health hazard within the affected territory could be removed or alleviated by the provision of service facilities proposed.

- (4) After review of the plans and specifications, the Commission considers the proposed facilities and time schedule for alleviating the health hazard and certifies approval or disapproval to the Health Division.
- (5) Upon receipt of the plans certification from the Commission, the Health Division investigates the health hazard alleged by the county and issues an order for a hearing to determine whether, in fact, a health hazard exists.
- (6) If a health hazard is proven to exist and the proposed facilities will correct it, the Health Division enters the findings in an order, directed to the county court of the county having jurisdiction.
- (7) The Health Division and the Commission use their applicable powers of enforcement to insure the service facilities are constructed in conformance with the plans and schedules.

The Marion County Board of Commissioners adopted a Resolution on February 13, 1985, in accordance with ORS 431.715. This resolution (Attachment 1) was presented to the Health Division along with a time schedule and preliminary plans and specifications (Attachment 2) for service facilities. These documents were forwarded to the Department on March 6, 1985.

The area of alleged health hazard consists of eight residential properties along Connecticut Court in S. E. Salem. The properties are served with a private sewer line which was never constructed to municipal standards. As such, ownership was never assumed by the Marion County, East Salem Service District. The collecting sewer is not performing adequately. It connects to an existing 10-inch public sewer in Connecticut Ave. S.E. Sewage is conveyed to the City of Salem's Willow Lake treatment plant for treatment and disposal.

Evaluation

The proposal is to generally repair the existing collecting sewer by replacing broken sections, adding manholes and cleanouts, etc. to make the sewer conform to City of Salem standards as near as possible. These repairs should allow the system to operate free of stoppages which have occurred in the past.

All of the facilities necessary to convey, treat and dispose of the sewage from this area are adequate.

Removal of the health hazard would be accomplished within six months, which is reasonable.

Thus, the staff concludes that installation of the proposed facilities will remove conditions alleged dangerous to public health.

Summation

1. On February 13, 1985, Marion County adopted a Resolution requesting the State Health Division to ascertain whether a condition dangerous to public health exists in the affected territory and whether the condition can be permanently removed and alleviated by directing the East Salem Service District to provide appropriate sewer services.
2. Preliminary plans and specifications and a time schedule have been prepared by Marion County to remove the alleged hazard.
3. County resolution and preliminary plans and specifications and time schedule have been submitted to the Commission through the Health Division.
4. ORS 431.720 requires the Commission to certify to the Health Division its approval if it considers the proposed facilities and time schedule adequate to remove or alleviate the health hazard. Also, the Commission must inform the County of its approval.
5. The Department staff has reviewed the preliminary plans and specifications and time schedule and consider it approvable. The sanitary sewer repairs proposed will remove the alleged health hazard within the area to be annexed.

Director's Recommendation

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



Fred Hansen

Attachments: 2

Attachment 1 Resolution from Marion County
Attachment 2 Preliminary plans, specifications and time schedule

James L. Van Domelen:m
WT885
229-5310
April 2, 1985

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

1
2
3 In the matter of requesting the)
Health Division of the State)
4 Department of Human Resources to)
initiate proceedings to order)
5 the East Salem Service District)
to deliver sewer services to a)
6 certain area to alleviate a)
danger to public health.)

RESOLUTION

8
9 WHEREAS, 842-852 Connecticut Court SE, Salem, Oregon, is a
10 private street and residential area within an unincorporated area
11 of Marion County; and

12 WHEREAS, the Board of Commissioners has the obligation to
13 seek a determination of the State Health Division that a danger
14 to public health exists and to recommend a means to alleviate the
15 danger pursuant to ORS 431.715; and

16 WHEREAS, the Board of Commissioners has determined that a
17 private sewer line serves the affected territory and residences
18 at 842-852 Connecticut Court SE, more particularly described in
19 Exhibit A, attached; that this sewer line has failed and that raw,
20 untreated human waste and sewage has periodically escaped from
21 this sewer onto the streets and storm water systems, as described
22 in Exhibit B, attached; that this condition, which is dangerous
23 to public health, will continue unless action is taken to remove
24 and alleviate it; that these residences and this sewer line are
25 within the territory of and are connected with the sewer system
26 of the East Salem Service District, a county service district

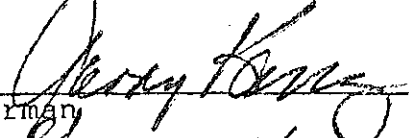
ROBERT C. CANNON
Marion County Legal Counsel
Marion County Courthouse
Salem, Oregon 97301
Telephone 588-5230

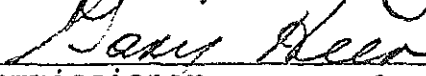
1 created under ORS Chapter 451 with authority to provide and main-
2 tain sewage works; that the East Salem Service District, in
3 cooperation with the City of Salem, has made certain emergency
4 repairs to temporarily alleviate the dangerous condition, as
5 described in Exhibit C, attached; that the East Salem Service
6 District can serve the affected territory and permanently remove
7 and alleviate the dangerous condition by providing appropriate
8 sewer services according to the time schedule and preliminary
9 plans and specifications set forth in Exhibit D, attached; now,
10 therefore,


11 BE IT RESOLVED that the Marion County Board of Commissioners
12 requests the State Health Division to ascertain whether a condi-
13 tion dangerous to public health exists in the affected territory
14 and whether the condition can be permanently removed and alleviated
15 by directing the East Salem Service District to provide appropriate
16 sewer services.

17 DATED at Salem, Oregon, this 13th day of February, 1985.

MARION COUNTY BOARD OF COMMISSIONERS

19
20 
Chairman

21
22 
Commissioner

23
24 
Commissioner

ROBERT C. CANNON
Marion County Legal Counsel
Marion County Courthouse
Salem, Oregon 97301
Telephone 588-5220
Page

MACLEAY RD.

PENNSYLVANIA AVE.

MAHAYA CT.

8' Utility Ease.

8' Utility Ease.

20' Road Ease

74360-460
Yunker

Hansen
74360-470

74360-440
Reiser

74360-450

Mann
74360-420

Warden
74360-410

74360-400

Hogan
74360-390

Saunders
74360-380

TETON CT.

HAGER ST.

CONNECTICUT AVE.

BOULDER DR.

DR.



1" = 100'

1/85



ROBERT J. HANSEN, DIRECTOR
ENGINEERING 588-5036
INSPECTION & SURVEYING
588-5325

DEPARTMENT OF PUBLIC WORKS

300 Senator Building, 220 High St. N.E. Salem, Oregon 97301

MEMORANDUM

January 18, 1985

TO: Mike Hansen, Marion County Legal Counsel
FROM: Robert J. Hansen *RJH.* Director of Public Works
RE: Scheduling of Connecticut Court Sewer Improvement

This is in reply to your request for a schedule for the improvement of the Connecticut Court private sewer to the City of Salem standards construction specifications. The following are the key items and finish dates for each:

- | | |
|--|---------------|
| 1) City gave problem to Marion County | Dec. 7, 1984 |
| 2) Preliminary declaration of Health Hazard | Jan. 2, 1985 |
| 3) Resolution requesting declaration by State Health Division | Feb. 4, 1985 |
| 4) Health Division order to improve sewer system | May 4, 1985 |
| 5) Public Hearing on formation of special district | June 1, 1985 |
| 6) Plans and Specs. prepared by County | July 1, 1985 |
| 7) Plans and Specs reviewed by City | Aug. 1, 1985 |
| 8) Contractor selected by low bid | Sept. 1, 1985 |
| 9) Completion of contract | Nov. 1, 1985 |
| 10) Acceptance by County and City of Salem | Dec. 1, 1985 |
| 11) Assessment to Property Owners | Jan. 1, 1986 |

It is expected that the repair work that the City has accomplished is to be assessed to the eight properties served by this sewer improvement. It will probably have to be paid for out of the East Salem Service District's funds and reimbursed to the district by assessment. We look to you for developing the necessary legal mechanisms to resolve this health hazard.

If you have any questions regarding the above, please call Dick Walton on extension 5927.

RLW:dc

0116mhmlc.rlw

Estimate of Cost for Connecticut Court Sewer

The improvement will consist of, but not be limited to: the installation of one standard service chimney and one deep standard sewer manhole, reconnections of existing services or cleanouts to these appurtenances, and a general repair of the existing sewer system.

The costs are estimated to be as follows:

| | |
|-------------------------------------|--------------|
| Standard service riser (chimney) = | \$1,000 |
| Deep standard manhole | 2,500 |
| Reconnect 4 services (\$200 each) | 800 |
| Excavate, repair main line (3 loc.) | <u>3,000</u> |
| | \$7,300 |
| Contingencies 10% | <u>730</u> |
| | 8,030 |
| Engrg. survey & inspection 15% | <u>1,205</u> |
| | \$9,235 |

0206est.rlw

STATE OF OREGON

ENVIRONMENTAL QUALITY COMMISSION

In the Matter of Delivery of)
Appropriate Sewer Services to)
Certain Territory by the East)
Salem Service District of) CERTIFICATE
Marion County, Oregon, Pursuant)
to the Provisions of ORS 431.705)
to 431.760 Due to Conditions)
Alleged Dangerous to Public Health)

The Environmental Quality Commission of the State of Oregon on April 19, 1985, reviewed preliminary plans and specifications together with a time schedule for the implementation of a plan to repair sanitary sewers in certain territory commonly known and referred to as 842-852 Connecticut Court S.E. near Salem, within the East Salem Service District of Marion County, Oregon.

Pursuant to the provisions of ORS 431.720, the Environmental Quality Commission reviewed and hereby approves said plans and specifications and the time schedule, copies of which are contained in Exhibit "A" attached hereto and made a part hereof and does hereby certify its approval to the Oregon Health Division that it considers the sanitary sewer repair adequate to remove or alleviate the conditions alleged dangerous to public health existing within the area within East Salem Service District as aforesaid; to-wit: inadequate collection of sewage.

Dated this 19th day of April, 1985.

Chairman
Environmental Quality Commission

WT884

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
APR 15 1985

April 11, 1985

Environmental Quality Commission
Box 1760
Portland, Oregon 97207

AIR QUALITY CONTROL
State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
APR 15 1985

OFFICE OF THE DIRECTOR

Dear Sirs:

I am in recent receipt of a copy of your Director's Memorandum to you concerning the Status Report and Proposed Amendments to the Portland International Airport Noise Abatement Program. By way of introduction, I am currently a member of the Port's Noise Advisory Committee representing outer East Multnomah County, and have been involved with the Planning Advisory Committee and the noise abatement plan since its inception.

Let me apologize in advance for not personally attending your meeting in Salem on April 19th, but my current plans call for me to be out of town on that date. In lieu of my attendance, please use this letter as my input concerning the Port's request for revision of implementation dates for the Visual River Approach.

As was pointed out in your Director's Memo, it was in August 1983 that your Commission approved a noise abatement program at PDX. That's right, over 1½ years ago and one of the key elements to the approved plan has not been implemented, the Visual River Approach to runways 28! Please refer to the enclosed recent correspondence between myself and the Port's Director of Aviation, Bill Supak, concerning my frustrations that no interim or permanent implementation of this procedure has taken place. I pointed out to Mr. Supak the growing disenchantment that residents in outer East Multnomah County are experiencing with the plan that informed them via the media 1½ years ago that aircraft would be flying over the river on departure and arrival and thus reducing noise levels in the densely populated corridor east of the airport stretching out to Gresham.

The Port's request for implementation of the River Visual Approach delayed to the end of October 1985 has some real problems attached to it. Let me elaborate: 1) Loss of credibility by East Multnomah County residents in the plan that was approved over 1½ years ago, 2) No interim River Visual Approach this summer when PDX has the weather required for Visual Approaches and has a predominant West wind, dictating landings to the West causing increased noise levels for residents east of the airport and 3) An implementation date, basically in Winter 1985, when predominant East winds and cloudy weather prevent visual approaches to the west anyway.

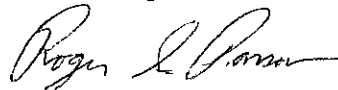
As I stated to Mr. Supak in my letter to him, I agree wholeheartedly that a published River Visual Approach using the Hood VOR/DME at PDX for pilot guidance and assistance is the desirable permanent implementation aid for this procedure. However, to completely disregard an interim implementation is absurd. The claim that there must be a published procedure to implement this approach is fallacious. In fact, the current procedure your Director alludes to in his Memo whereby aircraft departing to the East intercept the 085° radial and fly over the Columbia River to 11nm before proceeding to their destinations is, in fact, not published at this time, but given to the pilots as a verbal instruction when they receive their air traffic control clearances. Also, let me reiterate that when the North runway was closed for several months last year

for repair work, west arrivals were in fact instructed to fly a modified River Visual Approach when weather permitted by "Crossing over the Troutdale Airport at a specified altitude and following the River as long as practical when landing on runway 28 at Portland." Not a difficult nor cumbersome interim procedure with a significant noise abatement benefit.

Finally, Mr. Supak's letter to me suggests that the FAA, Air Transport Association and Airlines are the ones working with the Port on this and requesting relief on this procedure until published. Please remember that the yearlong study process was made up of a Planning Advisory Committee that included representatives from all the above named organizations and Coffman and Associates (the consultants) included a River Visual Approach in the approved plan. This approach procedure was not dependent on a VOR/DME being installed, only improved as a result of having said navigation aid.

Yes, the October 1985 River Visual Approach permanent published procedure implementation is reasonable, but only if an interim procedure is implemented immediately. Residents of East Multnomah County have waited long enough for their promised noise relief.

Sincerely,



Roger S. Parsons
Member, Noise Abatement Advisory Committee
Outer East Multnomah County

Enc: 2
CC: John Hector
Bill Supak

February 28, 1985

Mr. William Supak
Director of Aviation
Port of Portland
Box 3529
Portland, Oregon 97208

Dear Bill:

I am in recent receipt of correspondence from you concerning ATA's attempt to severely restrict the ability of local Port authorities to regulate their own airports through FAA channels. I agree that this would all but negate the work the Port of Portland has done toward reducing aircraft noise impact at PDX through the 1983 Noise Abatement Plan and make enforcement of said plan impossible. You and the Oregon DEQ should be applauded for your strong resistance to ATA's petition.

I must take exception to paragraph three of your January 22, 1985 letter to the FAA. Concerning your comment that "The plan was a major success in several respects:...", was somewhat misleading since the plan could be a major success, but at this point a glaring omission to the plans noise abatement procedures exists, namely the implementation of a Visual River Approach. With the weather improving to accommodate visual approaches and the surface winds beginning to predominate out of the West, dictating runway 28 operations, I have already begun to receive phone calls from neighbors asking why aircraft are flying overhead and not over the river on approach as was promised in the plan.

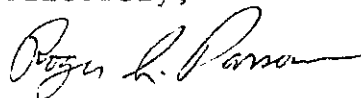
Remember Bill, just as you stated, "In June, 1983, the Port completed a Noise Abatement Plan for PDX". That's approaching two years ago and we still do not have a Visual River Approach in place and all of outer East Multnomah County is suffering as a result. While I realize that the VOR/DME has only been operational for two months and it takes an inordinate amount of red tape to publish any FAA approved approach procedure, an interim Visual River Approach program can and should be implemented immediately. A program similiar to that used when the north parallel runway was closed last year and aircraft were routed over the river for west flow visual arrivals is appropriate until the Visual River Approach is approved and published.

As for the F-4 side-step maneuver being shelved in lieu of the Visual River Approach, fine, but we don't have that approach in place yet. In the interim, at a minimum, the Port and the OANG should have a letter of agreement in place whereby F-4 pilots would preference visual or instrument approaches to the north runway (28R) with a side-step approximately 3-4 miles out to runway 28L, in lieu of an extended, noise sensitive overfly straight in approach to the South runway. These aircraft are by far the noisiest flying out of Portland and should be a top priority for interim noise abatement procedures.

Let me close by stating that I am most apprehensive about the FAA's desire to be able to exempt some aircraft from executing the Visual River Approach when arriving from the South during high traffic volume periods. Their claim of single runway operations is a little bit misleading. Remember during marginal weather conditions the airport is in fact limited to a single runway (ILS) arrival condition and the FAA is able to handle this. When good weather permits Visual River Approaches, an yes, more aircraft (specifically general aviation) would be flying, that increased volume is still able to be effectively sequenced due to the ability to break off arriving turbojet aircraft to either runway approximately 3-4 miles out while at the same time not being restricted to Visual River Approaches for most general aviation aircraft. By permitting judgemental exceptions to the Visual River Approach you open the potential for abuse of the noise abatement plan and invalidate so much of the positive results attained in reducing single event noise occurrences over East County neighborhoods.

I urge you to act on the Visual River Approach procedure, both interim and permanent plans, or you will risk losing the credibility in the plan you have built with Outer East County neighborhoods over the past two years.

Sincerely,



Roger S. Parsons
Highwood Homeowners
Member, NAAC

CC: John Newell
John Hector



Port of Portland

Box 3529 Portland, Oregon 97208
503/231-5000
TWX: 910-464-6151
March 15, 1985

Mr. Roger S. Parsons
Highwood Homeowners Association
16405 N.E. Fargo Court
Portland OR 97230

Dear Roger:

We are currently working with the FAA, ATA and the airlines to develop the "River Visual Approach" procedure. We have made a special point to include airline pilots in this process because it's not going to be a popular procedure to fly. We hope that by getting their direct involvement, we can overcome objections to the added distance and complexity of this procedure versus what they now fly. Hopefully, we will get their (pilots) willing support, rather than looking for ways to beat the system.

To date, I think we have that cooperative support; however, we have had a great deal of confusion and a good deal of pilot opposition to flying procedures and using navigational aids that are not charted. Because of this confusion and opposition, the FAA and the Air Transport Association have requested that we plan implementation in conjunction with publication of the procedure. With due consideration to your concerns, I agree that it's in the best interest of the Plan to wait for publication.

I can appreciate your frustration with the timing and process required in this case. While I cannot agree with your recommendation for early adoption of an interim procedure, I can push to expedite the procedure development and publication process. Additionally, I will direct staff to explore the possibility of building an interim procedure for the F-4s to mitigate their impact upon East Multnomah County.

Thank you for taking the time to state your concerns regarding the impact of the Noise Abatement Plan on outer East Multnomah County.

Sincerely,

Bill Supak
Director of Aviation

0062N

cc: John Hector



Port of Portland offices located in Portland, Oregon, U.S.A., Boise, Idaho, Chicago, Illinois, New York, N.Y., Washington, D.C., Hong Kong, Manila, Seoul, Singapore, Sydney, Taipei, Tokyo, Henley-on-Thames, England

LEGAL COUNSEL
Robert C. Cannon
ASST. LEGAL COUNSEL
Michael J. Hansen
Janet McCoy
TELEPHONE (503) 588-5220

MARION COUNTY
OFFICE OF LEGAL COUNSEL

COURTHOUSE, SALEM, OREGON 97301

BOARD OF
COMMISSIONERS
Randall Franke
Garry Kanz
Gary Heer
TELEPHONE (503) 588-5212

April 9, 1985

Stan,
Please return, but is this
the book issue?
JH

Hansen
Sawyer
St. Louis

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
APR 11 1985

OFFICE OF THE DIRECTOR

William Young, Director
Department of Environmental Quality
P. O. Box 1760
Portland OR 97207

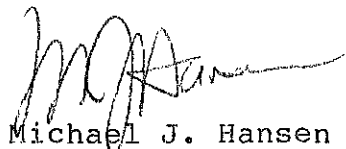
RE: Connecticut Court SE, Salem, Marion County, Oregon
Private sewer failure

Dear Mr. Young:

Enclosed please find a certified true copy of the Resolution adopted by the Marion County Board of Commissioners, requesting the State Health Division to declare a danger to public health and to direct appropriate actions on the part of the East Salem Service District, pursuant to ORS 431.715.

At the request of Mr. Ron Hall of the State Health Division, I have enclosed the certified true copy of the Resolution. If you have need of further information, please contact me.

Very truly yours,



Michael J. Hansen
Assistant Legal Counsel

MJH:cg
Enc.

cc: Public Works
Board of Commissioners
Environmental Health
State Health Division

1 BEFORE THE BOARD OF COMMISSIONERS

2 FOR MARION COUNTY, OREGON

3 In the matter of requesting the)
4 Health Division of the State)
5 Department of Human Resources to)
6 initiate proceedings to order)
7 the East Salem Service District)
8 to deliver sewer services to a)
9 certain area to alleviate a)
10 danger to public health.)

11 RESOLUTION

12 WHEREAS, the Board of Commissioners has the obligation to
13 seek a determination of the State Health Division that a danger
14 to public health exists and to recommend a means to alleviate the
15 danger pursuant to ORS 431.715; and

16 WHEREAS, the Board of Commissioners has determined that a
17 private sewer line serves the residences at 842-852 Connecticut
18 Court SE, an unincorporated area of Marion County, more particu-
19 larly described in Exhibit A, attached; that the Marion County
20 Environmental Health Officer has found that this sewer line has
21 failed and that raw, untreated human waste and sewage has periodi-
22 cally escaped from this sewer onto the streets and storm water
23 systems, creating a condition, which is dangerous to public health
24 unless action is taken to permanently alleviate it; that these
25 residences and this sewer line are within the territory of and
26 are connected with the sewer system of the East Salem Service
District, a county service district created under ORS Chapter 451
with authority to provide and maintain sewage works; that the
East Salem Service District can serve the affected territory and

ROBERT C. CANNON
Marion County Legal Counsel
Marion County Courthouse
Salem, Oregon 97301
Telephone 588-5220

Page

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
ALAN H. DAVIDSON, County Clerk
By C. Summerlin DEPUTY

1 permanently alleviate the dangerous condition by providing
2 appropriate sewer services according to the time schedule and
3 preliminary plans and specifications set forth in Exhibit B,
4 attached; now, therefore,

5 BE IT RESOLVED that the Marion County Board of Commissioners
6 hereby withdraws its prior Resolution in this matter, dated
7 February 13, 1985, and hereby requests the State Health Division
8 to ascertain whether a condition dangerous to public health
9 exists in the affected territory and whether the condition can be
10 permanently removed and alleviated by directing the East Salem
11 Service District to provide appropriate sewer services.

12 DATED at Salem, Oregon, this 3rd day of April, 1985.

14 MARION COUNTY BOARD OF COMMISSIONERS

15 Jerry Terry
Chairman

16 Gary Heer
Commissioner

17
18
19
20
21
22
23
24
25
26
Commissioner

ROBERT C. CANNON
Marion County Legal Counsel
Marion County Courthouse
Salem, Oregon 97301
Telephone 588-5220

Page

RESOLUTION - Page 2
East Salem Sewer District

EXHIBIT A

Lots 39 through 50 inclusive,

Block 7

SANTANA VILLAGE

Situated in

Section 31, Township 7 South, Range 2 West

MARION COUNTY, OREGON

EXHIBIT B

Timetable:

| | |
|-------------------|---|
| June 1, 1985 | Health Division order to improve sewer system |
| June 1, 1985 | Public Hearing on formation of special district |
| September 1, 1985 | Plans and specifications prepared and approved |
| October 1, 1985 | Contractor selected |
| December 1, 1985 | Contract completed |
| January 1, 1986 | Acceptance by East Salem Sewer District |
| January 1, 1986 | Assessment to property owners |

Preliminary Plans:

Minimum improvements to existing sewer include:

Replacement of all crushed or damaged portions of 6-inch concrete sewer line;

Installation of one standard service chimney and one deep standard sewer manhole;

Relaying and reconnection of four existing residential service connections; and

General repair of the existing sewer system.



STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

Memorandum

To: Environmental Quality Commission

Date: 17 April 1985

From: Fred Hansen

Subject: City of Warrenton

At the Commission's breakfast meeting in March, staff briefed the Commission on the solid waste problems along the North Oregon Coast, and indicated that closure of the Warrenton Landfill would be before the Commission at its April meeting.

Since then, the City and the Department have tentatively reached agreement to close the landfill by this fall, and to begin final cover this July.

The Department and the City will prepare and agree to a stipulated consent order which will resolve the two permits (10/83 and 2/85) which the City has appealed, and outline the conditions of the landfill's closure. The Department feels this is a fair and sound resolution to this long-standing problem.

Because of the agreement to prepare a stipulated consent order which will dismiss the two appeals and will outline the steps for closure of the landfill, no Commission action is needed at this time.

JAG/mb

