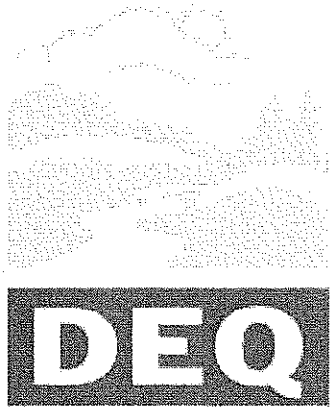
9/12/1986

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of Environmental Quality

OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

September 12, 1986

Room 314
Bend School District Building
520 N.W. Wall Street
Bend, Oregon

TENTATIVE AGENDA

9:00 a.m CONSENT ITEMS

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

A. Minutes of the June 27, 1986 special meeting and the July 25, 1986 regular meeting, EQC meeting.

B. Monthly Activity Report for June and July 1986.

C. Tax Credits.

9:10 a.m. PUBLIC FORUM

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

HEARING AUTHORIZATIONS

D. Request for Authorization to Conduct a Public Hearing on Pollution Control Tax Credit Rule Amendments, OAR Chapter 340, Division 16.

E. Request for Authorization to Conduct a Public Hearing on Proposed Amendments to the Hazardous Waste Permit Fee Schedule, OAR 340-105-110.

ACTION AND INFORMATION ITEMS

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

*F. Proposed Adoption of Revisions to "Spills and Other Incidents" Rules, OAR 340-108-001 through 340-108-021; Proposed Adoption of Additional Oil and Hazardous Material Cleanup Rules, OAR 340-108-030,-050, -060, -070 and -080; and Proposed Adoption of an Oil and Hazardous Material Spill Schedule of Civil Penalties, OAR 340-12-069.

*G. Proposed Adoption of Amendments to Vehicle Inspection Program Operating Rules and Test Standards, OAR 340-24-330 and 24-335.

*H. Proposed Adoption of Amendments to the On-Site Sewage Disposal Rules Concerning Cesspool and Seepage Pit Systems.

I. Request for Extension of the July 1, 1986 Deadline for Providing the Opportunity to Recycle in the Douglas Wasteshed (ORS 459.185(9)).

J. Request for Extension of the July 1, 1986 Deadline for Providing the Opportunity to Recycle in the Portland Wasteshed (ORS 459.185(9)).

WORK SESSION

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

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

The Commission will have breakfast (7:30 a.m.) at the Riverside Motor Inn in Bend. Agenda items may be discussed at breakfast. The Commission will lunch in Room 312 of the Bend School District Building.

The next Commission meeting will be October 24, 1986 in Portland.

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.

DOR143.8

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED SEVENTY-THIRD MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

July 25, 1986

On Friday, July 25, 1986, the one hundred seventy-third regular meeting of the Oregon Environmental Quality Commission convened in Hearing Room A of the State Capitol Building, 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 its Director, Fred Hansen, and several members of the Department staff.

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.

BREAKFAST MEETING

All Commission members were present for the breakfast meeting.

Director Hansen announced that John Hector, supervisor of the Department's Noise Control Section, had been appointed at the Manager for the Central Region Office in Bend. The Commission congratulated Mr. Hector on his new position.

1. Information Report: First year review of Tri-Met bus noise inspection and compliance program.

   On June 7, 1985 the Commission and Tri-Met entered into an agreement which requires the entire diesel powered bus fleet operated by Tri-Met be noise tested and corrective measures taken as necessary on an annual basis. Due to factors outside Tri-Met's control, the first year of testing was not completed until June 1986 instead of December 31, 1985 as stated in the agreement. Tri-Met is developing recommendations to amend the current agreement that will hopefully resolve the problems encountered during this first year of testing. It is anticipated that a proposed amended agreement will be submitted for Commission consideration at its September 1986 meeting.

Chairman Petersen asked what kind of auditing was done of the program. John Hector of the Department's Noise Control Section, replied that auditing had been limited, however Tri-Met has hired an engineer and the Department felt comfortable with that approach. Chairman Petersen asked if the paragraph in the agreement on auditing was effective. Ron Householder of the Department's Vehicle Inspection Program, said the Department did audit control on the Tri-Met fleet testing and would not like to see any changes in the agreement at this time.

Chairman Petersen emphasized that the citizen's group thought that auditing was important and he did also. He said an audit needed to be carried out.

Commissioner Bishop asked if the number of complaints had decreased. Mr. Hector replied he thought so, but had no data to support it.

Commissioner Brill asked who submitted the reports to the Commission and Mr. Hector replied that it was the Tri-Met engineer.

Commissioner Buist asked if Tri-Met paid attention to noise when they purchased new buses. Mr. Hector said that new buses have to meet standards, and they are quieter.

Director Hansen noted that Tri-Met was under pressure to make budget cuts, so the Department would be watching this program closely for results.

2. Informational Report: Review of light duty vehicle noise inspection program.

Light duty vehicle noise testing began in the Portland area vehicle inspection program on April 1, 1985. The initial noise failure rate was 1 1/2% as compared to the projected 5% rate. The noise failure rate has declined to less than 1% after one year of noise testing operation. No changes in noise standards or test procedures are currently projected. Acquisition of new emission testing and data system may provide for noise testing improvements. Motorcycle testing is not required as legislative authorization was not received. Due to the implementation of the Rogue Valley I/M program, heavy duty vehicle noise standards and procedures have not been developed.

Commissioner Brill asked about the complaint rate in the Rogue Valley program. Ron Householder, of the Department's Vehicle Inspection Office, replied that the Department has not received as many complaints from the Rogue Valley program as it had

received when the Portland program started. He said the failure rate in the Rogue Valley program was not as high as originally projected. However there is a 19% failure rate on 1975-1984 vehicles for disconnected pollution equipment, which is higher than the rate in Portland, but lower than the rest of the Country.

FORMAL MEETING

AGENDA ITEM A: Minutes of the June 13, 1986 EQC Meeting.

It was MOVED by Commissioner Buist, seconded by Commissioner Bishop and passed unanimously that the Minutes of the June 13, 1986 meeting be approved.

AGENDA ITEM B: Monthly Activity Report for May, 1986.

Commissioner Denecke asked if there would be a report on the Portland Airport noise control efforts. Chairman Petersen said he needed an update on the matter. Director Hansen replied that the Department has had continued conversations with the Port of Portland and the Port has committed staff to work on ways to address the noise program goals in view of the Federal Aviation Administration (FAA) ruling. The Department will be reporting back to the Commission periodically.

Commissioner Denecke asked if the Hayworth Farms contested case decision was now in the Court of Appeals, and Michael Huston, Assistant Attorney General, replied it was.

AGENDA ITEM C: Tax Credit Applications

Director's Recommendation

It is recommended that the Commission take the following action:

1. Revoke Pollution Control Facility Certificate number 837 issued to Champion International. Reissue the same certificate to U.S. Plywood.

2. Revoke Pollution Control Facility Certificate number 822 issued to Freres Lumber Company. Reissue a certificate numbered 822A to Freres Lumber for one bag filter and another certificate numbered 822B to U.S. Plywood for two other bag filters on the same site.

Commissioner Brill asked if the cost of borrowing money was eligible for tax credit. Lydia Taylor, of the Department's Management Services Division, replied that the cost of borrowing money on construction could be considered an eligible cost. Director Hansen said that

although DEQ administers the program by determining if equipment meets pollution control requirements, the actual determination of the credit received is up to the Department of Revenue.

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

PUBLIC FORUM

No one wished to appear

AGENDA ITEM D: Request for authorization to hold a public hearing on the Grants Pass Carbon Monoxide Control Strategy as a revision to the State Implementation Plan

This item requests authorization for a public hearing on the Grants Pass Carbon Monoxide Control Strategy. This would be a revision to the State Implementation Plan. Monitoring by the Department in downtown Grants Pass over the last several years established that the central part of the downtown did not meet the carbon monoxide public health standard. Last year the standard was exceeded on 13 days. The Environmental Quality Commission designated a portion of the City of Grants Pass as a nonattainment area for carbon monoxide on November 2, 1984. The City of Grants Pass as lead agency has developed a control strategy in cooperation with the Rogue Valley Council of Governments, Josephine County, Oregon Department of Transportation, and DEQ staff. A major part of the control strategy is construction of the third bridge across the Rogue River. This improvement is also expected to provide major traffic relief in downtown. The project has been placed in the construction category of the Oregon Department of Transportation's six-year highway improvement program and is expected to be completed within the five-year time frame that EPA has established for newly designated nonattainment areas to meet standards.

Director's Recommendation

Based on the summation in the staff report, the Director recommends that the Commission authorize a public hearing to consider testimony on the proposed Grants Pass Carbon Monoxide Control Strategy as a revision to the State Implementation Plan (OAR 340-20-047, Section 4.11).

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

AGENDA ITEM E: Request for authorization to hold a public hearing to amend National Standards of Performance for New Stationary Sources, OAR 340-25-505 to -710 and to amend National Emission Standards and Procedural Requirements for Hazardous Air Contaminants, OAR 340-25-460 and -465.

In the last year the Environmental Protection Agency has promulgated five more new source air emission standards and amended seven others. The Department has committed to bring State rules up to date with EPA rules on a once a year basis.

The new source classes affected are:

1. Basic Oxygen Process Facilities
2. Natural Gas Processing Plants (two rules)
3. Non-Metallic Mineral Processing Plants
4. Underground Uranium Mines

Seven classes are affected by amendments, of which the most important are:

1. TRS and Reporting Changes for Kraft Mills
2. Test Methods Amended for Sources of Hazardous Air Pollutants

If any of the following existing sources in Oregon make major modifications, they will be subject to the proposed rules:

1. Natural Gas Processing Plant near Mist, Columbia County
2. Oregon's Kraft Pulp and Paper Mills

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission authorize a public hearing to take testimony on the amendments to OAR 340-25-460 to 340-25-710, rules on National Standards of Performance for New Stationary Sources and for Hazardous Air Contaminants, and to consider asking EPA for authority to administer the equivalent Federal rules in Oregon.

Commissioner Buist asked if Oregon was just wanting to come in line with Federal regulations, what purpose would the public hearing serve. Tom Bispham, Administrator of the Department's Air Quality Division, said the purpose of the public hearing would be to allow for comment from interested parties on whether the proposed standards were appropriate, reasonable, etc. If adverse comments were received, the Department would evaluate them and determine if they were valid and if the EPA rules were appropriate for Oregon. If Oregon chooses not to accept the delegation, Mr. Bispham continued, EPA would have to

enforce its regulations in Oregon, or Oregon can choose to develop an alternative standard to achieve the same desired environmental effect.

Commissioner Buist asked if Oregon could accept some standards and not others. Mr. Bispham replied, it can, but in his memory Oregon has never rejected delegation. This is the first time in his recollection, Mr. Bispham continued, that there are issues that may put the state in the position of not accepting delegation. The Department may propose an alternative way to regulate rock crushers.

Director Hansen said that historically there has not been selective delegation of programs. However this particular regulation is raising a basic issue not only with Oregon, but with other states, on whether delegation can be rejected on selected issues the states do not agree with.

Mr. Bispham said the Department commented on EPA's rock crusher rule when it was being developed, but Oregon's comments along with those of other states were not incorporated into the regulations. A number of states are considering not accepting delegation of the rock crusher rule. He said the Organization of States may proposed EPA change the regulation at their meeting in December.

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

AGENDA ITEM F: Brazier Forest Products—Review of Presiding Officer's decision

Brazier Forest Products asks the Commission to review the decision of the hearings officer which found stockpiled material at Brazier's Clackamas County site to be solid waste requiring a DEQ solid waste disposal site permit.

Attorney John Caldwell appeared representing Brazier Forest Products. He said the record shows that Brazier was in Chapter 11 bankruptcy, but since the hearing the Company is no longer subject to Chapter 11 and one of its first capital investments is to blacktop the log yard. They have not added any bark to the pile and have sold their first load out of the pile to Grimms Fuel.

Mr. Caldwell said that facts were brought into the record concerning the dangers of this type of pile without any specific evidence that this particular pile was a pollution danger. He said the issue was a question of interpreting the statutes to determine whether the material is a waste, not whether the material is a danger or not. He said they did not anticipate this would be an issue, so did not present experts at the hearing to contradict the Department's testimony. If the Commission was going to consider the danger issue

in their deliberations on this matter, Mr. Caldwell requested the matter be sent back to the hearings officer to give the Company a chance for rebuttal.

Mr. Caldwell said the main question was one of policy. He said it was the Department's attitude that piles of bark from sawmills should be considered as waste storage sites requiring permits even though the material is being recycled back into the process. He said this matter would come up again and action needed to be taken by rulemaking to define what is waste and when it becomes a waste, and what is an unreasonable period of time to stockpile the material.

Mr. Caldwell requested the Commission look at the record and declare the material not a waste because it is usable and is being used. He said DEQ staff pushed Brazier into making use of this material, which was a good thing and in line with the statute. In view of that, he continued, it would be appropriate for the Commission to override the Hearing Officer's decision. He said the best course of action for the Commission would be to rule in favor of Brazier that this particular pile is not a waste, and then proceed to hold rulemaking hearings to define what is a waste.

Steve Sanders, Assistant Attorney General, appeared on behalf of the Department. He said the Department viewed this matter differently than Brazier. He said the policy to be determined was how the statute which requires the regulation of solid waste should be interpreted. The term should be defined by the agency in a way that protects the environment. The question of whether there are hazards from this pile is relevant and important, he continued. While not in the record, there is evidence of PCP and other hazardous materials in the pile. A farmer downstream had complained of livestock damage related to chemical poisoning by the sort of chemicals found in the pile. The farmer also noted that the irrigation ditch foamed after rains. Mr. Sanders said there was evidence in the record to show that this pile, and generically piles of wood waste, may potentially contain chemicals and whatever else, which are related to pollution problems such as leachate and hazardous chemicals coming off the piles. Mr. Sanders said this was important because if the Commission should decide this material is not solid waste it would defeat the statute regulating those types of materials which pose a threat to the environment. Mr. Sanders said the term waste should be interpreted to include these materials in order to meet the purpose of the statute.

In regard to rulemaking as suggested by Brazier, Mr. Sanders said the Company had asked the Commission for a declaratory ruling. He said the hearing officer concluded properly that the statute had been met.

Mr. Sanders said that the blacktopping of the log yard is not relevant to the decision. He said there was a huge pile of rock and dirt that pose a threat to the environment and from a policy standpoint requires it to be called waste.

Mr. Sanders asked that the hearing officer's order be affirmed.

Mr. Caldwell said that the findings on the danger of the pile were not appropriate for the Commission to consider, and they were willing to go to court to meet those questions with hard facts. He said if the pile was hazardous it should be dealt with under the hazardous waste statutes, but that is not the case.

Commissioner Buist asked if other sawmills consider their piles as waste. Mr. Sanders replied they did. Mr. Caldwell said some other mills regard the material as waste because they have caved in to pressure from DEQ. Mr. Sanders said Brazier was the first and only of 90 sites to object to a permit. Mr. Caldwell disagreed. Mr. Sanders clarified that there were probably some sites that DEQ has not sought to regulate yet.

Commissioner Buist asked why Brazier was opposed to obtaining a permit. Mr. Caldwell relied that it was economically burdensome to meet the requirements of test wells, monitoring, etc. In response to Commissioner Buist, Mr. Caldwell agreed it was the Company's position that the material was not a waste so a permit was not required.

Commissioner Denecke asked of what relevance was blacktopping the area. Mr. Caldwell said that the debris would then be cleaner and more marketable as the material could go directly into the hogger.

Commissioner Denecke asked if it was Brazier's position that the term solid waste was too ambiguous so rulemaking was necessary. Mr. Caldwell replied that the Hearing Officer's order convinced him that rulemaking was necessary. Chairman Petersen asked how formal rulemaking would help in this situation. Mr. Caldwell said a rule could address the length of time material could be stockpiled, and could address whether or not the material had been discarded and then taken back into inventory. Chairman Petersen said the intent of the user should make a difference as to whether the material is solid waste or not. Mr. Caldwell disagreed with the Hearing Officer and Mr. Sanders on whether the material was salvageable or not. He said a rule could clarify whether the material must actually be put to use. He said the statute did not require the material to be put to use, but simply that it be salvageable and able to be put to use. Chairman Petersen said he did not have a problem interpreting the statute and did not see the need for rules in this area. Mr. Caldwell said he did not personally have a problem interpreting the statute, but that rules

would help settle questions between DEQ and industry. Chairman Petersen said the fact that two parties disagree was not necessarily a cause for rulemaking; there could be disagreements over rules too. Chairman Petersen said the facts of each case must stand on its own.

It was MOVED by Commissioner Denecke, seconded by Commissioner Buist and passed unanimously that the Hearing Officer's Order be affirmed. Contained in the motion was the statement that the Commission did not base their decision on Finding of Fact No. 16.

AGENDA ITEM G: Open Burning Variance Request--Orville B. Lulay, Clackamas County

Mr. Orville B. Lulay operates a cedar mill in Carver, Oregon. Mr. Lulay has requested a variance from the statewide rules which prohibit open burning of industrial waste. He has to dispose of about 450 cubic yards of mill waste.

The Department has evaluated Mr. Lulay's request and is recommending that the variance be denied. Mr. Lulay has several nonburning alternatives for disposing of the waste including recycling the material at McFarlane's Bark by either hiring the material to be hauled or hauling it himself.

Strict control of open burning in the Portland/Metropolitan area is an important element of the area's clean air strategy, and since alternatives are available for Mr. Lulay, the Department is recommending that the variance request be denied.

Director's Recommendation

Based on the findings in the summation in the staff report, it is recommended that the Commission deny a variance to Orville B. Lulay for OAR 340-23-065(1), open burning prohibitions.

No one appeared on behalf of Mr. Lulay.

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

AGENDA ITEM H: Proposed adoption of amendments to rules governing on-site sewage disposal, OAR Chapter 340, Divisions 71, 72, and 73

At its June 13, 1986 meeting in Tillamook, the Commission was presented with a staff report requesting adoption of proposed amendments to the on-site sewage disposal rules. After receiving comments from three interested individuals, and, after discussion, the

Commission decided to postpone final action to allow staff to reexamine the sensitive issues and redraft the proposed amendments as appropriate.

The issues that evoked discussion concerned the chemical treatment of systems, the proposed definitions for active and stabilized dunes, and the proposal to reduce the size of seepage beds in some soils. Staff's review and evaluation of these issues and the proposed course of action is presented in the staff report.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission adopt the proposed amendments to OAR Chapter 340, Divisions 71, 72 and 73.

Director Hansen stressed that the issue of chemical treatment, which caused the most discussion at the June meeting, was proposed to be deleted at this time and that over the next few months the Department would be working with the two parties who testified before the Commission to evaluate the issue before coming back to the Commission for action.

Doug Marshall, Tillamook County Environmental Health, appeared regarding low pressure bed sizing in beach sands, proposed rule 340-71-275(4)(d). Mr. Marshall's written testimony is made a part of the record of this meeting. Tillamook County requested a size reduction of low pressure beds placed in beach sands. He said cutting the current bed sizing in half would bring the floor area of these beds into conformance with the floor area of trenches placed in sandy soils. Since the sidewall area of trenches is somewhat greater than the sidewall for a bed, Tillamook County asked for a 25% reduction in seepage bed sizing.

Mr. Marshall urged the adoption of the following alternative to 340-71-275(4)(d)

S = Size Factor. Seepage beds shall use a factor of [200] 150 square feet.

Chairman Petersen asked if the primary issue was one of lot size. Mr. Marshall said no, because most of these lots can be approved for a sand filter and are not being denied because of lot size. In response to Commissioner Brill, Mr. Marshall said his testimony at this meeting did not relate to lot size or severe slopes. In response to Commissioner Petersen, Mr. Marshall said that most low pressure beds were found on smaller lots.

Richard L. Polson, Clackamas County Transportation and Development, testified they operated the on-site sewage disposal program for the County. Mr. Polson urged approval of the rules as proposed. They felt the rules represent appropriate technology and adequate consumer protection and any other significant changes in the rules may not. Mr. Polson agreed that further study of the chemical cleaners should take place and the rules should be adopted now as proposed. Mr. Polson felt the low pressure systems had not been around long enough to determine if an existing system, or a downsized system, would last for the life of a house.

Commissioner Buist suggested that there must be more experience with the low pressure systems in other places than Oregon. Mr. Polson said he could only comment on the studies which have been done on systems in Wisconsin. He said the loading rate in the Wisconsin studies was recommended at 1/2 gallon per square foot of absorption area per day. If that same rule were used in Oregon, seepage beds would be sized at 900 square feet of area. He said current regulations allow seepage beds to be sized at 600 square feet of area for a single family residence. Therefore, he continued, the sizing in Oregon is already less than the recommended sizing used according to the Wisconsin studies. Commissioner Buist said she understood the reason for that was because the proportion of fine sand in Oregon was different than that found in Wisconsin. Mr. Polson said no real research had been done in Oregon to identify where the critical point of failure would be in the seepage bed in Oregon. Commissioner Buist asked why then the sizing was not upped to 900 square feet. Mr. Polson said that was a policy decision which had been made in the past to size the systems at 600 square feet. Mr. Polson said he was not advocating making the rules more strict unless there was evidence to warrant it.

Commissioner Buist asked what happened when a low pressure bed system fails. Mr. Polson said the system would have to be replaced in another location on the lot. He said it would be difficult, if not impossible, and more expensive, to excavate the failed system and start over again. In response to Commissioner Buist, Mr. Polson said that low pressure bed systems in Clackamas County usually cost approximately $2,500 to $3,000 depending upon the site and the contractor, and sand filters usually cost aproximately $7,000.

Chairman Petersen asked if the life of a system was directly proportional it its size. Mr. Polson said it was. Mr. Marshall disagreed.

Commissioner Buist asked what causes a system to fail. Mr. Polson said that in a low pressure bed or a sand filter, failures were caused by a buildup of organic matter between the bottom of the bed and the soil or sand which is directly related to putting more into the system than it can handle.

Horst Eberspaecher, Septiclear, Inc., testified that at the June 13 meeting the Commission directed the Department to work with them and Chasm Chemical to resolve the issue of chemical treatment of septic tanks. Since that time, he said, they had not been contacted at all, although just before this meeting they had talked with Mary Halliburton of the Department's on-site sewage disposal program. He said that only the previous Monday had they received the information in the mail that this issue was being dropped from the proposed rule package. Mr. Eberspaecher said he found it unacceptable to have wasted their time without any problems being resolved. He said Ms. Halliburton told him the Department would be working with them soon to resolve the issue.

Chairman Petersen said Mr. Eberspaecher came before the Commission in June testifying that the inclusion of a prohibition on the use of the Company's chemicals would be damaging to its business and unnecessary. He said it was his understanding that that prohibition was excluded from the rule and therefore Septiclear Inc. was not at the present time impacted by the rules. Mr. Eberspaecher said this was a temporary issue as the matter will come back before the Commission at a later time. Chairman Petersen said he viewed the suggested deletion of the prohibition was to take into consideration Mr. Eberspaecher's concerns and to get some rules passed that the program can operate under and then study the issue. This does not mean necessarily that the companies would be affected adversely.

Director Hansen said it was his expectation that the parties involved would have been notified that the issue was being dropped. He said he felt the issue was dealt with appropriately by deleting it at this time and to work together over a greater period of time.

Chairman Petersen asked for Department comment on Mr. Marshall's suggestion regarding downsizing of the low pressure bed systems. Mary Halliburton of the Department's on-site sewage disposal systems section, said the Department debated on this issue following the June 13 meeting and came to the conclusion that although the it was desirable to look at ways to make it easier for installation on smaller sites, there was as much technical information to support downsizing elsewhere in the state as on the Coast, and therefore until the Department could resolve the issue of the coastal sand fines and the performance of low pressure systems on the Coast, the Department would be better off not proposing any modifications to the rules at this time.

Chairman Petersen noted that Mr. Marshall's memo indicated a failure rate of less than 1%. Ms. Halliburton said that in the time between the public hearing and proposing the rules at the June 13 meeting, it came to the Department's attention that there had been a failure of a low pressure system, however the Department has not been able to determine the reason for that failure.

Ms. Halliburton said that currently the seepage bed rule and the seepage trench rule for sizing are equivalent. The seepage trench takes into account sidewall area. If the Department proposes a downsizing of the bed then it would not be consistent with the seepage trench rule and there is no justification for that.

Director Hansen said that within Oregon there is a limited amount of information on this type of system. The issue is, he continued, does the Department follow Mr. Marshall's recommendation to downsize the system without sufficient information on the failure rate of the system. One of the Department's concerns, he said, is with a system that fails. It would most probably not be possible to go back and dig up that system and there may not be enough property to locate another system and therefore an alternative system would have to be put in. This would most likely be an expensive sand filter system. Director Hansen said if the systems were downsized, there may be more risk of failure and the possibility that the property owner may be required to install a more expensive alternative system.

Director Hansen indicated that over time information will become available on systems that are in place for a longer period of time on the failure rate and what type of replacement systems were needed.

Sherman Olson of the Department's On-Site Sewage Disposal Section, explained that prior to 1981 seepage bed systems were not recognized as an alternative system although there were a number of seepage beds installed in the State. Seepage beds were used, he continued, because they did not take a lot of area to put in. Those seepage beds that predate 1981 were generally gravity systems where a wide area was excavated and large diameter pipe was installed, and sewage was discharged just as it is for a disposal trench system. Those seepage beds were also used without regard to the type of soils where they were installed. Historically, those systems failed for a number of reasons. Prior to the Commission's June 13 meeting, Mr. Olson said the staff felt it would be reasonable not to downsize beds in beach sands because those sands tend to be finer than the sands around the Hermiston area where seepage beds are also used. The finer sands do not accept effluent as fast as corser sands. Since the June 13 meeting the staff reexamined this matter and found it did not have the facts to downsize these systems anywhere in the state, so the proposal was deleted from the rule package.

Ms. Halliburton said the staff concluded that by downsizing the seepage bed systems by 25%, the cost would be reduced about $100. Ms. Halliburton said this issue could be handled by the variance process.

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

Chairman Petersen told Mr. Marshall he appreciated his comments and testimony and what he was trying to accomplish. Chairman Petersen said he believed the Commission had the responsibility to implement rules that were the minimum necessary to be consistent with environmental practice. However, Chairman Petersen said he was sympathetic to the fact the staff did not have enough information to warrant the downsizing at this time, but perhaps in the future with more information that rule can be modified. Chairman Petersen said he hoped the Commission and Department would continually work to streamline the rules and make them more efficient and the least burdensome on the regulated community as possible. Commissioner Buist said she would hope that a real effort would be made to get more data on the low pressure bed systems and that the program be evaluated every so often for the possibility of reducing the size of the beds.

AGENDA ITEM I: Request for Issuance of an Environmental Quality Commission Compliance Order for the City of Coos Bay

This item pertains to compliance problems experienced by the City of Coos Bay Wastewater Treatment Plant Number 1 and a proposed Stipulated Order and Compliance Agreement between the City of Coos Bay and Commission.

The City of Coos Bay needs to construct sewerage system improvements to achieve compliance with effluent limitations, eliminate raw sewage bypasses which affect shellfish harvesting during the winter and to comply with the National Municipal Policy. The compliance agreement sets forth interim effluent limits, a schedule for construction and completion of sewerage system improvements and penalties should compliance with the terms of the order and agreement not be achieved by the City of Coos Bay.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission issue the Environmental Quality Commission Compliance Order as discussed in Alternative 3 by signing the document prepared as Attachment I to the staff report.

Chairman Petersen said he perceived from the record some foot dragging in this matter, for whatever reason, and then a kind of a turn around. Director Hansen said that if there had been foot dragging, it was not on the part of the City of Coos Bay. He said the consultant to the City of Coos Bay did not provide the type of information necessary to make the evaluations that were important to determine, for example, whether or not correcting inflow and infiltration might be a cheaper

solution than expanding the sewage treatment plant. Director Hansen said those types of studies were absolutely required by EPA to be able to be eligible for grants. These studies were not being accomplished in a timely fashion by that consultant. Subsequently, the City of Coos Bay has changed consultants and activity has moved ahead. Director Hansen said he met with the Mayor and City Council and found they were committed to be able to put in place the proper infrastructure to allow for economic activity within the area which he thought was a very positive step.

Chairman Petersen noted that the first Notice of Violation occurred in September of 1982 with numerous Notices of Violation since that time without any assessment of penalties. He asked for an explanation of the Department's strategy in this process. Director Hansen said the strategy overall, as with all enforcement actions, is to gain compliance. With each Notice of Violation the Department met with City of Coos Bay officials and felt that progress was taking place. Although that progress was falling behind, it did not warrant taking civil penalty action. Director Hansen said there was now what was essentially a contract between the City and the Commission with a good compliance schedule. Chairman Petersen noted that in the agreement the City was committed to doing the job regardless of whether they receive any federal funds. Director Hansen said that was a requirement for receiving grant money.

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

Bill Curtis, Coos Bay City Manager, thanked the Commission for reviewing the City's situation and making this decision. He said this was not an easy case for the Department and Commission, nor for the City. He said the City does have some problems that they are working on daily and are confident they will be able to resolve them. On behalf of the Mayor, City Council and City of Coos Bay, Mr. Curtis thanked Director Hansen, John Jackson and Tom Lucas for their help on the Shellfish Study, B. J. Smith (now with the League of Oregon Cities), Ed Lynd (now retired), Mary Halliburton and Bruce Hammon (who they consider their local "good friend"). Mr. Curtis handed the Commission a packet of brochures on the area including the Coos Bay Shellfish Study and invited the Commission to visit Coos Bay.

Chairman Petersen said this is the type of story the Commission likes to hear where DEQ staff and local government work together to arrive at a favorable resolution of an ongoing problem. He told Mr. Curtis he appreciated his comments.

Director Hansen said that within the Department special compliments needed to be made to Mary Halliburton and Bruce Hammon.

AGENDA ITEM J: Request for an Exception to OAR 340-41-026(2) (an EQC policy requiring growth and development be accommodated within existing permitted loads) by the City of Gresham, Oregon

This item proposed that the EQC grant an exception to the Water Quality Management Plan (OAR Chapter 340, Division 41) policy and allow the City of Gresham a portion of their requested permitted load increase for BOD and suspended solids. The City of Gresham is proposing to expand its sewage treatment plant from 10 million gallons per day (MGD) to 15 MGD to provide service to Mid-Multnomah County residents currently served by cesspools and to accommodate growth and development to 1997.

Director's Recommendation

Based upon the alternatives and evaluation in the staff report, the Director recommends that the Commission grant a portion of the requested permitted load increase. The Director also recommends that the Department be asked to draft a permit modification which increases the permitted waste loads by an amount resulting from the City of Gresham providing service to the 28,600 Mid-Multnomah County residents currently on cesspools and seepage pits.

The Director also recommends that the Department be directed to reevaluate the applicability of OAR 340-41-026(2) to all river basins and/or develop more specific criteria for proposing exceptions to the policy.

John Lang, City of Portland, testified that this decision would influence how the City of Portland proceeds with the expansion of the Columbia Boulevard Sewage Treatment Plant. He requested that the Commission approve options 4 and 1 in the staff report. They supported the concept of doing a study of this policy and also of the water quality of the Columbia River. The City believed a study may merit some changes in existing policy. Mr. Lang said the Columbia River could accommodate greater loadings then were presently allowed, and if the policy were changed it would eliminate the prohibition on expanding existing plants. Mr. Lang said the State of Washington was issuing permits for plant expansions in Clark County. They preferred option 1 over option 2 because option 2 creates some unique design requirements.

Dan Norris, Brown & Caldwell, testified they were retained to study the expansion of the Columbia Boulevard Sewage Treatment Plant. He said the standards for the Columbia River were piggybacked onto the standards for the Willamette River. He said it would be reasonable to accept alternative 1 and grant the City of Gresham's request until the study under alternative 4 is completed.

Commissioner Denecke asked if Mr. Norris was saying that the same standard was made for the Columbia as was in place for the Willamette River without any study being made of the Columbia River. Mr. Norris said that was correct to the best of his knowledge.

Wally Douthwaite, City Manager, City of Gresham, requested the Commission adopt alternatives 1 and 4. He said Gresham was also concerned about policy. The issues that concern Gresham are timing and financing. Gresham was notified for the first time in November 1985 that this administrative rule might be placed upon it. Mr. Douthwaite said that at the last expansion of the Gresham Sewage Treatment Plant in 1980 the 20 mg/l standard was applied and their future planning was based on that standard. He said with a different standard their revenue bonding may be in jeopardy. If the Director's recommendation were adopted and the plant needed to be redesigned, the City would have to go back to the bond market and admit that its financial projections were missed. Mr. Douthwaite said the financial projections for the rate structure were based on the current design for expansion and increased construction costs would result in a rate increase to customers.

In response to Commissioner Brill, Mr. Douthwaite said they had expressed their concerns to Department staff.

Chairman Petersen asked if the figures calculated for the Mid-County sewer project would be dramatically altered if alternative 2 were adopted. Ken Rust, Government Finance Associates, said if Alternative 2 were adopted, the costs would change for treatment plant elements which is a small portion of the Sewer Implementation Plan. He said in the near term this would not be a big difference in rates, however in the 1990's the rate impacts would be significant in order to meet financial obligations.

Director Hansen said that additional population growth needed to be handled along with economic growth of companies. The question was not so much relative to Mid-County but that additional growth needs to be provided for. He said Gresham was proposing to spread costs over the full rate base. The Department was not proposing that the 16/16 standard be in place, but rather is talking about loads and the treatment levels that are needed to meet the loading levels. Director Hansen emphasized the Department was not asking for a stricter standard in option 2, but a change from existing policy.

Chairman Petersen asked how long it would take to do the testing, and at what expense. Director Hansen replied the Department had committed to do the testing in-house within one year. Richard Nichols, Administrator of the Department's Water Quality Division, said the Department could do the testing more quickly. He said they may want

to involve the State of Washington regarding the Columbia River. Mr. Nichols said quick analysis may be able to be done given the great dilution in the Columbia River.

Mr. Douthwaite said the City of Gresham has completed the facilities plan for ultimate plant expansion, and are almost through the first design phase. He was concerned that EPA funding may be jeopardized. William Cameron, Gresham City Engineer, said the plans will be 95% complete soon and the City had planned to go to bid in January. The City currently does not have enough capacity to service the proposed Fujitsu plant and Mid-County.

Director Hansen said that what is being proposed in Alternative 2 is that Mid-County waste load increase would go into effect immediately in the permit. The type of expansion the City is planning on can go forward as Mid-County would not be fully on-board for 20 years.

Mr. Douthwaite said they anticipate a further phase 2 expansion of the plant in 1997.

Commissioner Denecke asked how alternative 1 would affect future actions on other river basins. Director Hansen replied that the rule specifically provides for exceptions. A part of option 4 is to develop a more rational basis for that criteria to grant exceptions.

Chairman Petersen said he was inclined to go along with the City's request. Director Hansen clarified the Department was not urging that exceptions to policy not be granted, only that it wanted to have criteria before an exception is granted.

Mr. Nichols said that if options 1 and 4 were chosen, there would not be great damage done to the Columbia River.

It was MOVED by Commissioner Buist, seconded by Commissioner Bishop and passed unanimously that alternative 1 and 4 be approved, principally because of the Columbia River.

AGENDA ITEM M: Request for Approval for the Proposed Priority Ranking and Schedule to Study Water Bodies Exceeding the Chlorophyll a Value in OAR 340-41-150(1) and the Tualatin Water Quality Assessment Workplan

This item proposes a priority list and schedule to study water bodies with identified nuisance algal growth concerns. This activity results from the rule recently adopted for nuisance phytoplankton growth. This item also outlines a schedule to develop an updated water quality management plan for the Tualatin Basin. A portion of the Tualatin Project addresses algal growth issues in the drainage basin.

Director's Recommendation

It is recommended that the Commission approve the priority ranking assignments and study schedule proposed in Attachment B to the staff report for water bodies with identified nuisance algal growth concerns, and approve the schedule outlined for the Tualatin Basin project in Attachment A to the staff report.

Gary Krahmer, Unified Sewerage Agency of Washington County, testified they were satisfied with the Director's Recommendation.

George Benson, Lake Oswego Corporation, said they were pleased with the study and thought the total look at the Tualatin Valley watershed would present some results that can be addressed. He said it was important that the results turn into a work plan and that restrictions be put into place to provide quality water for Lake Oswego. They supported the study and DEQ's efforts.

Chairman Petersen asked about nonpoint sources. Bruce Cleland, of the Department's Water Quality Division, said in January a monitoring program was initiated focusing on all the major drainages. This information will be used to get some more extensive survey data on sources.

Commissioner Denecke commented this was the first time he had realized that Bear Creek was a high priority. Mr. Cleland said the City of Ashland's permit was up for renewal in September and there are water quality related problems in Bear Creek. He said there were a fair amount of residents on Bear Creek and an intensive look has not been done on the Creek in some time.

The Commission unanimously approved the Director's Recommendation.

Director Hansen noted there had been a good cooperative effort among all parties.

AGENDA ITEM K: Request for Extension of the July 1, 1986 Deadline for Providing the Opportunity to Recycle in Pendleton, Oregon (ORS 459.185(9))

Pendleton Sanitary Service, Inc. has requested an extension of the July 1, 1986 deadline for providing on-route recycling collection service in Pendleton, Oregon to May 1, 1987. The Department recommends the Commission grant an extension to November 1, 1986 with conditions.

Director's Recommendation

Based on the findings in the Summation in the staff report, it is recommended that the Commission grant Pendleton Sanitary Service an extension to November 1, 1986 of the July 1, 1986 deadline for providing the opportunity to recycle to persons in Pendleton, Oregon, and for submitting the recycling report to the Department in accordance with ORS 459.180 and 459.185, with the following conditions:

1. Pendleton Sanitary Service will continue to operate and publicize its full-line recycling depot at the Pendleton landfill and the newspaper drop boxes in the City.

2. Pendleton Sanitary Service will implement its recycling education and promotion program as soon as possible, but no later than October 1, 1986.

3. Pendleton Sanitary Service will coordinate preparation of its portion of the Umatilla Wasteshed recycling report with the City of Pendleton and submit the final report to the Department by November 1, 1986.

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

AGENDA ITEM L: Request for Extension of the July 1, 1986 Deadline for Providing the Opportunity to recycle in Florence, Oregon (ORS 459.185(9)).

Westlane Disposal Company has requested an extension of the July 1, 1986 deadline for providing on-route recycling collection service in Florence, Oregon to January 1, 1987. The Department recommends the Commission deny the request.

Director's Recommendation

Based upon the findings in the summation of the staff report, it is recommended that the Commission deny Westlake Disposal Company an extension to January 1, 1987 of the July 1, 1986 deadline for providing the opportunity to recycle to persons in Florence, Oregon in accordance with ORS 459.180 and ORS 459.185. It is further recommended that the Commission direct Westlane Disposal Company to implement the opportunity to recycle as soon as possible, but by no later than September 1, 1986.

Evelyn Fender, Siuslaw Disposal, Inc., presented written testimony supporting denial of Westlane Disposal's extension request. This written testimony is made a part of the record of this meeting.

Loren Parker, Westlane Disposal Co., testified he could not afford to comply with the law at this time and presented information to the Commission regarding his financial status. He said he had been closed out of the business of garbage hauling within the City of Florence for six years, and has had to compete for the rest of the business. He said his was a small business, just barely hanging on and could not handle any additional cost. He said he would get financial aid if allowed to collect within the City as of January 1.

Chairman Petersen asked Mr. Parker if he was sure he would be able to collect within the City after January 1. Mr. Parker said there was now an initiative petition being circulated which would cause the franchise to go for bid once again if approved on the ballot.

Commissioner Bishop, noting the Commission was in a difficult position, MOVED to approve the Director's Recommendation. The motion was seconded by Commissioner Buist and passed with Commissioner Brill voting no.

There being no further business, the meeting was adjourned.

At the Commission's lunch meeting they viewed a slide show on the Grants Pass carbon monoxide problem and the steps the community has taken to resolve the problem. David St. Louis, Willamette Valley Region Manager presented a status report on problem areas in the region. Marianne Fitzgerald, of the Department's Hazardous and Solid Waste Division, presented a status report on the implementation of the Opportunity to Recycle Act.

Respectfully submitted,

Carol Splettstaszer
EQC Assistant

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE SPECIAL MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

June 27, 1986

On Friday, June 27, 1986, 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, Portland, Oregon. Present were Commission Chairman James Petersen, and Commission members Mary Bishop, Wallace Brill and Sonia Buist. Vice Chairman Arno Denecke was absent. Present on behalf of the Department were Michael Downs, Acting Director, and several members of the Department staff.

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.

The Commission did not hold a breakfast meeting.

FORMAL MEETING

AGENDA ITEM A: Metro request for review and approval of Portland Metropolitan Area Solid Waste Reduction Program

In February, the Commission reviewed the Metro Waste Reduction Program. The program was sent back to Metro for 90 days to allow Metro to make modifications to comply with the criteria for approval as set out in Senate Bill 662.

The program has been amended by Metro and resubmitted. The Commission has the choice of finding the program in compliance with Senate Bill 662 requirements and approving it, or disapproving it, in which case all of Metro's solid waste management authority transfers to the Department of Environmental Quality.

Though Metro has not changed the program to meet all the Department's concerns, the Department believes that overall the program has the potential to achieve substantial waste reduction.

Director's Recommendation

It is recommended the Commission adopt the evaluation and Findings for Approval as outlined in the staff report as its findings and conclusion that the Metro Waste Reduction Program complies with the criteria for approval of Senate Bill 662, Section 8, and that the program be approved.

Estle Harlan, Industry Consultant for the Oregon Sanitary Service Institute (OSSI) submitted written testimony which is made a part of the record of this meeting. She emphasized that the solid waste industry was deeply committed to recycling and waste reduction. However, they oppose the rate incentives and certification program under the waste reduction program.

Lorie Parker of the Department's Hazardous and Solid Waste Division, responded that the City of Portland has been studying how to implement Senate Bill 405, the Opportunity to Recycle Act, since last fall. One of their considerations was to franchise garbage collection. Ms. Parker said the haulers would have liked the protection of franchising and as part of that would have done recycling. However, the City chose to go to a contract system for recycling which requires all garbage haulers to collect newspapers as part of their service. Ms. Parker said the haulers were disappointed that the decision was not to go to franchising. She said Portland's recycling program will likely meet the Senate Bill 405 requirements anyway. It is hard to know how the certification program will fit into this, she continued, as Metro is only now developing it.

Chairman Petersen asked about the rate penalty being imposed on someone who does not have the responsibility for providing recycling. Ms. Parker replied that at this time the Department did not know how the program was going to work, but that Metro had been asked to do it equitably. Again, Ms. Parker said it was difficult at this time to determine if there would be inequities as Metro was still developing the program.

Chairman Petersen asked what a highgrade load was. Ms. Parker said it was a load of at least 50% white paper and/or corregated cardboard which mostly comes from the commercial sector.

Commissioner Bishop asked if the waste composition study was completed. Ms. Parker said it had not yet begun and the proposal was just going out for bid. Commissioner Bishop asked how the Commission could accept the plan when there were still so many questions unanswered. Ms. Parker said the Department was disappointed the waste composition study was not done earlier, but it appears now the answers will not be available until after the first of the year, at which time Metro will set goals and make decisions about how many centers are needed, etc.

Michael Downs, Administrator of the Department's Hazardous and Solid Waste Division, said both DEQ and Metro would have preferred to have some of the questions answered by now. However, the problem is the timeframe set in the legislation. He said the answers would come as time goes on. He emphasized this was a plan, and it was critical that it be implemented. Mr. Downs said it was the Department's belief that even though everything was not as specific as the Department would like it to be, the plan still meets the Senate Bill 662 criteria.

Delyn Kies, Solid Waste Director for the City of Portland, Bureau of Environmental Services, submitted written testimony which is made a part of the record of this meeting. She said the City generally supported the intent and scope of the waste reduction program, but did have some concerns

about the certification program. They did not see how it would increase recycling. Ms. Kies said rate incentives should be applied for direct benefit to recycling. The City hoped Metro would work with local governments as programs are developed so some of the concerns can be addressed.

Richard Waker, Presiding Officer of the Metro Council, testified that Metro was aware of a diversity of arrangements in the market place. Metro is working with the collection industry to address their concerns. Mr. Waker said Metro and its Council were committed to following through with the program. He expressed appreciation for the time and energy the Department staff put in on the program and admitted there were still some concerns about specific elements of the plan.

Mark Gardner, Metro Councillor, said they were pleased their part of the process was almost over. He said they were proud of the result. The program has the potential to be a national model in terms of a comprehensive waste reduction program which includes a wide variety of ways to reduce waste and does not rely on a single answer. Mr. Gardner said they have made a firm committment to make the program work. He said the goal is to reduce as much of the waste as possible from going into the landfill. To that end, he continued, the promotion and education campaign has already begun. This part of the plan has several phases, the next of which would coincide with the start of the Recycling Opportunity Act on July 1.

Mr. Gardner said the waste composition study was an important part of making the program work. The request for proposals is almost ready and the study is due to start on September 2. Mr. Gardner said it was a larger undertaking than most realize and it cannot be done in a short time. Metro is looking at alternative technology proposals now, he continued, and will issue a formal request for proposals in the fall. After that, Metro will invite a few of those firms to submit detailed proposals to process Portland's wastes.

Commissioner Bishop asked for comment from Metro representatives on their advertising plan, which was criticized in Ms. Harlan's written testimony. Mr. Gardner said that the waste hauling industry sees Metro's slogan--"together we can get out of the dumps"--as a negative campaign. Metro had some reservations when the slogan was proposed, he said, but they have hired a qualified advertising and promotion firm which developed the campaign. The advertising company was asked to go back and get public reaction to the slogan and found that most people liked the double meaning of the slogan and felt is was very attention grabbing and did not have a bad connotation. As a measurement of the ad campaign, Mr. Gardner continued, for the month of June the recycling information number had logged a 37% increase in calls over last June. On Mondays, immediately following the Sunday ads, calls were up over 50%. In response to Chairman Petersen, Mr. Gardner said this translated in to several hundred calls a day.

Chairman Petersen asked if it was possible for Metro to do an efficient job of waste management with no authority over waste collection. Mr. Gardner said it was possible, but harder. In franchise areas it is easier. Nevertheless, Mr. Gardner said Metro was committed to developing ways to manage the overall system. Chairman Petersen suggested that legislation may be required to enhance Metro's authority. Mr. Gardner replied that if recycling goals could not be achieved with the present authority, then more authority would be sought and Metro would be the appropriate entity to approach the Legislature and propose a solution.

Chairman Petersen said there was a perception that Metro was foot-dragging and asked if that was correct. Mr. Gardner said that DEQ perceives Metro as having moved slowly, which is reflected in the tone of the staff report. However, he continued, the waste hauling industry perceives that Metro is moving much too quickly. Metro thinks they have struck a balance. Chairman Petersen asked if the reason for this perception was because Metro was a political body. Mr. Gardner said that politics have a role, but Metro is much closer to the actual collection and disposal of waste than is DEQ and therefore more aware of the detailed reasons why things cannot move as quickly as some would like.

Chairman Petersen asked what was meant by "if aggressively implemented" in the Director's Recommendation. Mr. Gardner said that DEQ had some concerns that Metro would develop a program to satisfy Senate Bill 662 and then possibly back off on putting it in place. He said DEQ was aware of the pressures Metro was under from the hauling industry and others to move more slowly. DEQ had concerns that Metro would yield to those pressures. Mr. Gardner said Metro agreed that the plan would work only if it is aggressively implemented. Mr. Waker said that originally "aggressively implemented" meant that Metro should spend money to do whatever will work regardless of its cost effectiveness. Some Councillors are concerned about just spending money without some return. He said Metro will be aggressive in finding out what all the programs can do and measure their value to the system as quickly as they can. Mr. Waker said the Metro Council needed to know that what they are doing makes economic sense.

Mr. Downs stated that this was not a self-implementing plan. He said implementation would be difficult and Metro was going to have to work very hard to implement the plan and convince local governments and haulers that it was going to work. Mr. Downs said Metro was already having problems siting a transfer station in Washington County; a situation they would not be able to walk away from.

Mr. Waker said the Council had a choice of deferring action on the transfer station for 4-5 months while some additional sites were investigated. Instead, the Council instructed Metro's Executive Officer to investigate other sites and set public hearings. He said the Council was willing to pursue aggressively the siting of a transfer station in Washington County as it is needed.

Ms. Parker commented that the term "aggressively" has been used when speaking about dealing with local governments and haulers and working with them to make the program work. Metro is just beginning to talk about the certification program. She continued that DEQ works a lot with local governments and have been doing a lot of the work instead of Metro. Ms. Parker emphasized that Metro could not wait for local jurisdictions to come to them.

Chairman Petersen noted that Section 8 of Senate Bill 662 was unlike anything he had ever seen before. He asked what gave rise to this legislation.

Rick Gustafson, Metro's Executive Officer, said the legislation was started in the Senate in response to some concerns of the Joint Interim Legislative Committee on Land Use about siting landfills in emergency situations (under SB 925). DEQ estimated it would take 60-72 months to make an emergency siting. The Interim Committee proposed some changes and the Committee on Government Affairs proposed a bill that would provide for the siting of a landfill in emergency situations. The bill was changed in the House. He said legislators were unwilling to give Portland the ability to site a landfill without a committment to recycling. The Legislature has consistently asked for a strong committment to waste reduction and recycling and it continues to be an interest with the Legislature. The specifics of the law were for Metro to pursue all avenues of waste reduction.

In regard to the "aggressively pursuing" discussion, Mr. Gustafson said Metro had aggressively pursued communications with local governments. He said they had worked very hard and have already assigned staff to communicate with local governments and haulers. Mr. Gustafson explained that Metro had no authority in collection, but has authority to set the rates at the landfill. Ultimately the collectors have to do business with Metro.

Chairman Petersen stated that one of the reasons Senate Bill 662 was not good legislation was that it artifically constructs the process without recognizing the interplay of other aspects of the problem. This puts the Commission in a difficult position--bound by the law which says the Department will take over Metro's responsibilities if the Commission does not approve the plan--and the difficulty of approving a plan with a lot of unanswered questions. Chairman Petersen asked what would happen if the plan did not work.

Mr. Downs explained that under Senate Bill 662 when the Commission approves the plan the bill does not contemplate any kind of monitoring by the Department. The next step outlined in the Bill is that by February 1, 1987 a copy of the Metro's program must be submitted to the Legislature. The Legislature may then take up that issue, but the Commission has no legal authority after this point.

Mr. Gustafson said the Interim Committee on Environment and Energy had noted the same difficulty to him and Director Hansen in May. The Committee asked Legislative Council to draft legislation to give DEQ monitoring capability.

Commissioner Brill asked if the waste composition study could come from studies done in other areas. Mr. Gustafson said the reason for the study was to determine the composition of Portland's waste to assist in the alternative technology bids which depend on the particular nature of Portland's waste. Lorie Parker said it would be unfortunate to rely on studies from other areas as Oregon does a much better job on recycling than anywhere else in the Nation.

If small quantities of hazardous wastes are found by the study, Commissioner Bishop asked if there were plans to do something about it and to inform the public what to do. Mr. Gustafson said Metro was very concerned about small quantity hazardous wastes. Metro has formed a task force to develop a final report on how to promote the recovery or diversion of the household hazardous waste from the landfill. He asked the Commission's cooperation during the legislative session to support legislation to deal with this problem.

Mr. Downs suggested the Commission might want to consider asking Metro to report back prior to February 1. He suggested January 1 would be a good time because many of the unanswered questions would be answered by then.

Chairman Petersen requested that a status report be made available to the Commission by January 1, 1987.

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

Chairman Petersen complimented the staff and Metro on the tremendous effort over the last year to get this plan developed. He understood there was still a ways to go, but liked the level of committment and encouraged that it continue.

AGENDA ITEM B: Informational Report: Identification of 19 Candidate Landfill Sites

The 1985 Legislature, through passage of Senate Bill 662, gave the Department and the Environmental Quality Commission the responsibility and authority to site a solid waste disposal facility to serve the Portland metropolitan area. The siting of a sanitary landfill is only one part of this legislation which also requires the development of an aggressive and comprehensive waste reduction program for the Portland region. The timely siting of a landfill is seen as critical since the Portland area's principal existing landfill (St. Johns) is expected to reach capacity no later than 1991; and the region's designated solid waste authority, the Metropolitan Service District (Metro), has been unable to site a suitable replacement facility.

The purpose of this informational report to the Commission is to:

1. Inform the Commission of the status of the Department's program to identify an environmentally suitable landfill site (or sites) to serve the Portland metropolitan area, and

2. To provide specific information on the methodology and procedures used to develop the initial list of 142 potential sites and to reduce that number to 19 candidate sites.

Chairman Petersen, noting the public interest, asked if it was because there was a misconception about a modern landfill. Steve Greenwood, of the Department's Hazardous and Solid Waste Division, said that was one of the major problems. The public sees and smells landfills which are older and landfilling techniques are much improved now, he continued. Mr. Greenwood said the 19 sites each have both strengths and weaknesses—there are no perfect sites and the public focuses on the weaknesses at each site.

Chairman Petersen asked how the public hearings were conducted. Mr. Greenwood responded that a number of different public meetings have been scheduled prior to the announcement of the 19 sites. The Department was trying to talk with community organizations, legislators and local government officials. The Department has also scheduled meetings with property owners to deal with their problems and questions. Then public informational meetings have been scheduled in all four counties in mid-July, and in August regular public hearings have been scheduled. Mr. Greenwood said the meetings so far have started off with a 30 minute presentation by the Department which talks about the problem, the direction given by the legislation, the process to select the sites, and what opportunities there will be for comment. In response to Chairman Petersen, Mr. Greenwood said that at this time the Department does not use pictures of the physical construction of the proposed landfill, but that sort of thing would be available at the public informational workshops, along with a slide show.

Chairman Petersen emphasized he felt that public education was very important to the process and it would be nice if the comments received were directed at real issues. He said there were enough tough issues without fighting phantoms and the Department should go overboard in educating people. Mr. Greenwood said the biggest challenge is to change the vision of the public which is not an easy task. However, talking about the mandate in the legislation has helped.

Chairman Petersen referenced a letter Representative Mike Burton had sent to Director Hansen, which notes Burton's surprise that the Department was proceeding with the siting of a landfill without exploring other disposal methods and sites. It was Representative Burton's opinion that such a process violated the legislative intent of Senate Bill 662. Representative Burton's letter is made a part of the record of this meeting. Mr. Greenwood said the Department has had to make some conservative projections

about the success of the waste reduction program. However, the timeline in Senate Bill 662 does not allow the luxury of waiting for Metro to implement the waste reduction plan. Mr. Greenwood said the Department has not heard any criticism from the public about those projections. Mr. Greenwood said a lot of people are looking at this process responsibly and do not want a landfill that will last only for a few short years.

Chairman Petersen asked what DEQ would like to know that is not known at this time about the Metro Plan which would make the siting decision easier. Mr. Greenwood said the Department had concerns about implementation. It would be easier if there was more certainty about the implementation of the plan. He said that pursuing alternative technologies was very important and it was necessary that Metro move forward.

Chairman Petersen asked if there was anything not now known that would change the physical site of the landfill. Mr. Greenwood replied there was not. However, if a major portion of the waste were incinerated, it would have some impact on the end use of the land and an impact on such things as the gas collection systems, etc.

Chairman Petersen noted it might be prudent to go the the Legislature to ask for an extension of time if the information does not come in from Metro and thought the Legislature would be sympathetic to that request. Mr. Greenwood said there should not be a need for that.

Chairman Petersen asked about the interests of Columbia County. Mr. Greenwood replied that Columbia County had made proposals to Metro with regard to a garbage burner and have discussed a couple of different locations for an incinerator. The Department asked Columbia, Marion and Yamhill counties to identify sites to be considered. Columbia and Yamhill counties did not reply. Marion County had one site which had already received land use approval which they identified as a possible site. Columbia County is still interested in some type of waste-to-energy facility, but are not interested in a landfill.

In response to Chairman Petersen, Mr. Greenwood said Marion County was willing to accept tri-county garbage only in part, under circumstances conducive to Marion County, such as fees, etc. and the ability to divert the waste to their garbage burner.

Commissioner Brill asked if the Department anticipated any problems with the Land Conservation and Development Commission. Mr. Greenwood said the Department has incorporated the land use goals into the citing criteria. Michael Huston, Assistant Attorney General, did not think that LCDC would get involved as Senate Bill 662 provides for an override of the land use process.

Commissioner Bishop asked if the Department would be looking at more than one landfill. Mr. Greenwood said that early on in the process it was not anticipated that the Department would look at more than one site, but that has always been an option.

The Commission thanked the Department for the report.

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

The Commission had lunch with members of the Metro Staff and then Commissioners Bishop, Brill and Petersen toured the St. Johns landfill and some recycling sites in the Portland area.

Respectfully submitted,

Carol Splettstaszer
EQC Assistant

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. B, September 12, 1986, EQC Meeting

June and July 1986 Program Activity Report

Discussion

Attached is the June and July 1986 Program Activity Report.

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

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

The purposes of this report are:

1. To provide information to the Commission regarding the status of reported activities and an historical record of project plan and permit actions;

2. To obtain confirming approval from the Commission on actions taken by the Department relative to air contaminant source plans and specifications; and

3. To provide logs of civil penalties assessed and status of DEQ/EQC contested cases.

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

June and July, 1986

Table of Contents

MD26.A

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality, Water Quality, Hazardous and Solid Waste Divisions (Reporting Units) — June 1986 (Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans
	Month	FY	Month	FY	Month	FY	Pending
Air							
Direct Sources	6	70	7	68	0	0	11
Small Gasoline Storage Tanks Vapor Controls	-	-	-	-	-	-	-
Total	6	70	7	68	0	0	11
Water							
Municipal	12	162	12	167	0	4	32
Industrial	10	92	10	85	0	0	12
Total	22	254	22	252	0	4	44
Solid Waste							
Gen. Refuse	1	36	16	40	2	9	14
Demolition	-	5	-	3	-	-	2
Industrial	-	25	4	25	1	1	13
Sludge	1	4	-	1	-	2	1
Total	2	70	20	69	3	12	30
Hazardous Wastes	-	5	-	5	-	-	-
GRAND TOTAL	30	399	49	394	3	16	85

SB5285.A
MAR.2 (1/83)

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

MONTHLY ACTIVITY REPORT
DIRECT SOURCES
PLAN ACTIONS COMPLETED

COUNTY	NUMBER	SOURCE	PROCESS DESCRIPTION	DATE OF ACTION	ACTION
MARION	148	JERRY COLEMAN METALS	INDUSTRIAL INCINERATOR	06/19/86	APPROVED
CLATSOP	150	CAVENHAM FOREST INDUST.	BOILER IMPROVEMENTS	06/16/86	APPROVED
MULTNOMAH	151	GILMORE STEEL CORPORATION	IMPROVE FUME COLLECTION	06/08/86	APPROVED
CLACKAMAS	153	MURPHY PLYWOOD CO.	INSTALL RADER SAND FILTER	05/13/86	APPROVED
MULTNOMAH	155	COLUMBIA STEEL CASTING CO	REPLACE DUST COLLECTOR	06/08/86	APPROVED
MULTNOMAH	156	PACIFIC COATINGS INC	EXTEND STACK / ODOR CONTROL	06/04/86	APPROVED
LANE	157	SOUTHERN PACIFIC PIPE	VAPOR RECOVERY SYSTEM	06/19/86	APPROVED

TOTAL NUMBER QUICK LOOK REPORT LINES 7

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — June 1986 (Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received Month	Permit Actions Received FY	Permit Actions Completed Month	Permit Actions Completed FY	Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
Direct Sources							
New	2	27	2	33	14		
Existing	1	19	7	22	10		
Renewals	16	157	9	174	87		
Modifications	4	24	4	49	12		
Total	23	227	22	278	123	1327	1351
Indirect Sources							
New	7	20	0	18	8		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	0	1	0	0	1		
Total	7	21	0	18	9	250	258
GRAND TOTALS	30	248	22	296	132	1577	1609

Number of Pending Permits	Comments
21	To be reviewed by Northwest Region
22	To be reviewed by Willamette Valley Region
11	To be reviewed by Southwest Region
7	To be reviewed by Central Region
6	To be reviewed by Eastern Region
16	To be reviewed by Program Operations Section
27	Awaiting Public Notice
13	Awaiting end of 30-day Public Notice Period
123	

MAR.5
AA5323

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
BAKER	ST ELIZABETH COMM HOSP	01 0026	11/18/85	PERMIT ISSUED	06/09/86	EXT	Y
BENTON	FERGUSON LOGGING CO	02 5004	05/13/86	PERMIT ISSUED	06/09/86	RNW	Y
CLACKAMAS	GEORGIA PACIFIC CORP	03 2719	10/02/85	PERMIT ISSUED	06/09/86	NEW	N
DOUGLAS	LOUISIANA-PACIFIC	10 0027	05/17/85	PERMIT ISSUED	06/09/86	RNW	Y
LINN	LINN COUNTY PLYWOOD	22 0511	05/22/86	PERMIT ISSUED	06/09/86	MOD	Y
LINN	SANTIAM WOOD PROD INC.	22 6018	10/22/85	PERMIT ISSUED	06/09/86	EXT	N
MALHEUR	ONTARIO ANIMAL PRODUCTS	23 0004	05/21/86	PERMIT ISSUED	06/09/86	MOD	N
MULTNOMAH	WESTERN PACIFIC CNST MTLS	26 1910	03/24/86	PERMIT ISSUED	06/09/86	RNW	N
MULTNOMAH	INDUSTRIAL CHROME PLATING	26 2793	05/02/86	PERMIT ISSUED	06/09/86	RNW	N
MULTNOMAH	ANODIZING INC	26 2942	07/31/85	PERMIT ISSUED	06/09/86	RNW	N
MULTNOMAH	PORT OF PORTLAND	26 3224	04/29/85	PERMIT ISSUED	06/09/86	EXT	Y
UMATILLA	HARRIS PINE MILLS	30 0005	05/20/85	PERMIT ISSUED	06/09/86	RNW	Y
YAMHILL	WILLAMINA LUMBER CO	36 8010	01/29/85	PERMIT ISSUED	06/09/86	RNW	Y
PORT.SOURCE	KARBAN ROCK, INC.	37 0272	05/09/86	PERMIT ISSUED	06/09/86	RNW	Y
PORT.SOURCE	AFAB, INC.	37 0305	05/30/86	PERMIT ISSUED	06/09/86	MOD	Y
PORT.SOURCE	MOCON CORPORATION	37 0351	12/23/85	PERMIT ISSUED	06/09/86	EXT	N
MARION	JERRY COLEMAN METALS	24 8053	03/20/86	PERMIT ISSUED	06/16/86	NEW	Y
DESCHUTES	BEND WOOD PRODUCTS INC	09 0082	03/10/86	PERMIT ISSUED	06/20/86	EXT	
MARION	MACLAREN SCHOOL	24 9167	04/04/86	PERMIT ISSUED	06/20/86	RNW	Y
MULTNOMAH	PORTLAND RENDERING CO	26 1800	04/17/86	PERMIT ISSUED	06/20/86	MOD	Y
MULTNOMAH	WILBUR-ELLIS CO	26 3217	10/31/85	PERMIT ISSUED	06/20/86	EXT	
WASHINGTON	L. P. BUSCH INC	34 2733	02/12/86	PERMIT ISSUED	06/20/86	EXT	

TOTAL NUMBER QUICK LOOK REPORT LINES 22

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — June 1986 (Month and Year)

PERMIT ACTIONS COMPLETED

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

AA5324

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — June 1986 (Month and Year)

PLAN ACTIONS COMPLETED - 22

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES - 12			
Columbia	Brown's Landing Septic Tank/Drainfields 7,500 gpd	6-12-86	Preliminary Approval
Umatilla	Oregon State Parks Emigrant Springs Dose tanks and drainfields 5,350 gpd	6-12-86	Preliminary Approval
Multnomah	Walnut Park Shopping Center 21,000 gallon septic tank	6-6-86	Preliminary Approvel
Jackson	Eagle Point South Shasta Ave & Alta Vista	6-7-86	Preliminary Approval
Clackamas	Sandy Extension for Les Schwab	6-11-86	Preliminary Approval
Linn	Lebanon Santiam Canal Industrial Park	7-3-86	Preliminary Approval
Clackamas	Lake Oswego Sterling Heights	7-3-86	Preliminary Approval
Curry	Gold Beach Hwy 101 extension to Jerry's Flat Road	7-3-86	Preliminary Approval
Clackamas	West Linn Hidden Springs Ranch No. 3 (Phase III and IV)	7-2-86	Preliminary Approval
Josephine	Harbeck - Fruitdale S.D. Extension for Dr. Vernon Curtis	7-2-86	Preliminary Approval
Douglas	RUSA Wilbur Sanitary Sewer Extension (Phase II)	7-2-86	Preliminary Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — June 1986 (Month and Year)

PLAN ACTIONS COMPLETED - 22

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES (Continued)			
Douglas	RUSA Terrace/Glenn Street L.I.D.	7-2-86	Preliminary Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — June 1986 (Month and Year)

PLAN ACTIONS COMPLETED 22

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
INDUSTRIAL WASTE SOURCES 10			
Multnomah	Pennwalt Corporation Chromium Control System Portland	6-16-86	Approved
Multnomah	Pennwalt Corporation Chlorine Stripping System Portland	6-16-86	Approved
Crook	Clear Pine Mouldings Hazardous Waste Storage Shed Prineville	6-18-86	Approved
Clackamas	Publishers Paper 2 Screen Solids Presses Oregon City	6-19-86	Approved
Tillamook	Timothy Christenson Manure Control System Tillamook	6-20-86	Approved
Tillamook	Robert Tobin Manure Control Facility Tillamook	6-23-86	Approved
Tillamook	Leon Vellinga Manure Control Facility Tillamook	6-24-86	Approved
Tillamook	Ed Jenkins Manure Control Facility Tillamook	6-24-86	Approved
Tillamook	Ron Baune Manure Control Facility Tillamook	6-24-86	Approved
Tillamook	Joe Donaldson Manure Control Facility Tillamook	6-24-86	Approved

SUMMRY-F

SUMMARY OF ACTIONS TAKEN ON WATER PERMIT APPLICATIONS IN JUN 86

8 JUL 86

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	2	0	5	22	0	3	6	1	5	22	2	5	8	0			
RW	0	0	0	0	1	0	0	0	0	0	0	0	1	1	0			
RWO	5	5	0	29	23	0	6	3	0	16	10	0	33	18	0			
MW	0	0	0	3	0	0	0	0	0	3	0	0	3	0	0			
MWO	0	0	0	12	2	0	1	0	0	7	2	0	5	0	0			
TOTAL	5	7	0	49	48	0	10	9	1	31	34	2	47	27	0	234	163	30
INDUSTRIAL																		
NEW	0	0	2	5	11	23	0	2	1	3	13	6	5	7	1			
RW	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0			
RWO	1	2	0	20	22	1	1	4	0	31	21	0	17	11	0			
MW	0	0	0	1	0	0	1	0	0	2	0	0	1	0	0			
MWO	1	0	0	10	4	4	0	0	0	10	2	23	6	1	0			
TOTAL	2	2	2	37	37	28	2	6	1	46	36	29	30	19	1	172	136	343
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	1	0	0	0	0	0	0	0	0	1	0			
MW	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
MWO	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0			
TOTAL	0	0	0	0	2	0	0	0	0	0	1	0	0	1	0	2	11	57
GRAND TOTAL	7	9	2	86	87	28	12	15	2	77	71	31	77	47	1	408	310	430

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 30-JUN-86.

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	TYPE	SUB-TYPE	SOURCE ID	LEGAL NAME	CITY	COUNTY/REGION	DATE ISSUED	DATE EXPIRES
General: Filter Backwash									
DOM	200	GEN02	NEW	100123	MAPLETON WATER DISTRICT	MAPLETON	LANE/WVR	09-JUN-86	31-DEC-90
IND	200	GEN02	NEW	100140	GRESHAM COURT CLUB, INC.	GRESHAM	MULTNOMAH/NWR	17-JUN-86	31-DEC-90
NPDES									
DOM	100063	NPDES	MWO	90940	OREGON STATE DEPT OF TRANSPORTATION - HIGHWAY DIVISION	STEAMBOAT	DOUGLAS/SWR	09-JUN-86	31-MAR-90
IND	100168	NPDES	MW	43230	JELD-WEN, INC.	KLAMATH FALLS	KLAMATH/CR	18-JUN-86	28-FEB-91
DOM	100192	NPDES	NEW	100058	TILLAMOOK COUNTY BOARD OF COMMISSIONERS	HEBO	TILLAMOOK/NWR	18-JUN-86	30-JUN-91
DOM	3088	NPDES	NEW	11297	BROOKINGS, CITY OF	BROOKINGS	CURRY/SWR	20-JUN-86	30-NOV-84
DOM	100197	NPDES	RWO	11297	BROOKINGS, CITY OF	BROOKINGS	CURRY/SWR	20-JUN-86	31-MAR-91
DOM	100200	NPDES	RWO	96385	BUNN, DAN E. & ROBERT AND ADAMS, GREGG	TRAIL	JACKSON/SWR	23-JUN-86	31-MAY-91
DOM	2528	NPDES	NEW	25282	DRAIN, CITY OF	DRAIN	DOUGLAS/SWR	27-JUN-86	30-SEP-81
DOM	100201	NPDES	RWO	25282	DRAIN, CITY OF	DRAIN	DOUGLAS/SWR	27-JUN-86	31-MAR-91
IND	100202	NPDES	RWO	9482	BOISE CASCADE CORPORATION	JOSEPH	WALLOWA/ER	27-JUN-86	30-APR-91
DOM	100205	NPDES	RWO	71832	POWERS, CITY OF	POWERS	COOS/SWR	27-JUN-86	31-MAY-91
DOM	100206	NPDES	RWO	59643	MYRTLE CREEK, CITY OF	MPRTLE CREEK	DOUGLAS/SWR	30-JUN-86	30-APR-91
DOM	100207	NPDES	RWO	94335	WEDDERBURN SANITARY DISTRICT	GOLD BEACH	CURRY/SWR	30-JUN-86	31-MAR-91

CAT	PERMIT NUMBER	TYPE	SUB-TYPE	SOURCE ID	LEGAL NAME	CITY	COUNTY/REGION	DATE ISSUED	DATE EXPIRES
WPCF									
IND	100188	WPCF	RWO	83350	SOUTHERN OREGON TALLOW CO., INC.	EAGLE POINT	JACKSON/SWR	09-JUN-86	31-MAY-91
IND	100189	WPCF	RWO	70795	PORTLAND GENERAL ELECTRIC COMPANY	BOARDMAN	MORROW/ER	09-JUN-86	31-MAY-91
IND	100190	WPCF	RWO	90868	UNION PACIFIC RAILROAD COMPANY	LAGRANDE	UNION/ER	09-JUN-86	31-MAY-91
DOM	100191	WPCF	NEW	100138	OREGON STATE DEPT. OF TRANSPORTATION	MEACHAM	UMATILLA/ER	11-JUN-86	30-JUN-91
DOM	100193	WPCF	NEW	100128	DOLPHIN REAL ESTATE GROUP INVESTMENTS, INC.	HERMISTON	UMATILLA/ER	18-JUN-86	30-MAY-91
DOM	100194	WPCF	NEW	100100	U. S. DEPARTMENT OF THE INTERIOR		LANE/WVR	18-JUN-86	30-APR-91
DOM	100195	WPCF	NEW	100132	CONTRACT LODGING CORPORATION	HINKLE	UMATILLA/ER	18-JUN-86	30-APR-91
DOM	3362	WPCF	NEW	84755	STATES INDUSTRIES, INC.	EUGENE	LANE/WVR	20-JUN-86	30-JUN-86
DOM	100196	WPCF	RWO	64700	OREGON STATE DEPT OF TRANSPORTATION		LINCOLN/WVR	20-JUN-86	30-APR-91
DOM	100198	WPCF	RWO	84755	STATES INDUSTRIES, INC.	EUGENE	LANE/WVR	20-JUN-86	31-MAY-91
IND	100199	WPCF	NEW	100118	MK-FERGUSON COMPANY	LAKEVIEW	LAKE/CR	20-JUN-86	31-DEC-88
DOM	100203	WPCF	NEW	100066	ALSEA COUNTY SERVICE DISTRICT	ALSEA	BENTON/WVR	27-JUN-86	30-APR-91
DOM	100204	WPCF	RWO	66957	PAISLEY, CITY OF	PAISLEY	LAKE/CR	27-JUN-86	31-MAR-91
IND	100208	WPCF	RWO	50774	LININGER, M. C. & SONS, INC.	CENTRAL POINT	JACKSON/SWR	30-JUN-86	31-MAY-91
IND	100209	WPCF	NEW	100127	BONNANZA MINING, INC.		JOSEPHINE/SWR	30-JUN-86	30-JUN-91

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — June 1986 (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			
General Refuse							
New	-	4	2	6	-		
Closures	-	5	-	5	4		
Renewals	-	37	6	33	21		
Modifications	-	12	25	93	-		
Total	-	58	33	137	25	182	182
Demolition							
New	-	1	-	1	-		
Closures	-	1	1	3	-		
Renewals	-	2	-	1	2		
Modifications	-	1	-	2	-		
Total	-	5	1	7	2	13	13
Industrial							
New	-	15	-	8	10		
Closures	-	1	-	5	-		
Renewals	-	25	10	24	12		
Modifications	-	10	3	13	-		
Total	-	51	13	50	22	103	103
Sludge Disposal							
New	1	3	-	1	2		
Closures	-	-	-	-	-		
Renewals	-	1	1	2	-		
Modifications	-	-	-	-	-		
Total	1	4	1	3	2	16	16
Hazardous Waste							
New	-	1	-	-	9		
Authorizations	58	712	58	712	-		
Renewals	-	-	-	-	1		
Modifications	-	-	-	-	-		
Total	58	713	58	712	10	14	19
GRAND TOTALS	59	831	106	909	61	328	333

MAR.5S (11/84) (SB5285.B)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — June 1986 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Linn	Eugene Chemical & Rendering Works near Harrisburg Existing Landfill	6/4/86	Permit amended*
Yamhill	Willamina Lumber Company near Willamina off Buck Hollow Road Existing landfill	6/4/86	Permit renewal
Wheeler	Wheeler County Fossil Existing landfill	6/4/86	Permit renewal
Lane	Lane County Creswell New transfer station	6/6/86	Permit issued for new facility
Lane	Lane County McKenzie Bridge Landfill Closed landfill	6/6/86	Permit terminated (at permittee's request)
Lane	Lane County South Willamette Landfill Closed landfill	6/6/86	Permit terminated (at permittee's request)
Clatsop	Cavenham Forest Industries, Inc. Lewis & Clark Existing landfill	6/9/86	Permit renewal

* Permits amended by the Department to extend the expiration dates. These actions are intended to simplify the renewal process when no significant changes in the permit are required.

** Permit amended by the Department to require the submission of a report or change in operational procedures.

*** Permit amended by the Department to extend the expiration date and to authorize open burning of municipal solid wastes following EQC granting variance.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — June 1986 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Douglas	Roseburg Forest Prod. Co. Sutherlin Pond Disp. Site Existing landfill	6/9/86	Permit renewal
Lane	Lane County Franklin Landfill Existing landfill	6/9/86	Permit amendment**
Multnomah	City of Troutdale Closed landfill	6/9/86	Closure permit issued
Wallowa	Wallowa County Ant Flat (near Enterprise) Existing landfill	6/9/86	Permit renewal
Jackson	Jackson Landfill, Inc. Dry Creek Existing landfill	6/10/86	Permit renewal
Douglas	Roseburg Forest Prod. Co. Plywood Plant No. 2 (Dillard) Existing landfill	6/19/86	Permit renewal
Lane	Pope and Talbot, Inc. Oakridge Existing landfill	6/19/86	Permit renewal
Wasco	City of Antelope Antelope Existing landfill	6/19/86	Permit renewal

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*** Permit amended by the Department to extend the expiration date and to authorize open burning of municipal solid wastes following EQC granting variance.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — June 1986 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Douglas	Douglas County Engineering Dept. Canyonville Trans. Sta. Existing facility	6/20/86	Permit amended*
Josephine	Josephine County Marlsan Sludge Lagoon Existing facility	6/20/86	Permit amended*
Klamath	Klamath County Cresent Landfill Existing landfill	6/20/86	Permit amended*
Tillamook	Port of Tillamook Bay Industrial Waste Landfill Existing landfill	6/20/86	Permit amended*
Jospehine	Josephine County Public Works Dept. Kerby Disposal Site Existing landfill	6/23/86	Permit renewal
Baker	City of Richland Existing landfill (open burning)	6/25/86	Permit amended***
Baker	City of Halfway Existing landfill (open burning)	6/26/86	Permit amended***
Coos	City of Powers Existing landfill (open burning)	6/26/86	Permit amended***

* Permits amended by the Department to extend the expiration dates. These actions are intended to simplify the renewal process when no significant changes in the permit are required.

** Permit amended by the Department to require the submission of a report or change in operational procedures.

*** Permit amended by the Department to extend the expiration date and to authorize open burning of municipal solid wastes following EQC granting variance.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — June 1986 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Douglas	Roseburg Forest Prod. Co. Dixonville Veneer Plant Existing landfill	6/26/86	Permit renewal
Douglas	Roseburg Forest Prod. Co. Green Plywood Plant Disposal Site Existing landfill	6/26/86	Permit renewed
Douglas	Roseburg Forest Prod. Co Riddle Disposal Sites No. 1 and 2 Existing landfill	6/26/86	Permit renewed
Grant	Grant County Dayville Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***
Grant	City of Long Creek Long Creek Landfill (open burning) Existing landfill	6/26/86	Permit amended***
Grant	City of Monument Monument Landfill (open burning) Existing landfill	6/26/86	Permit amended***
Grant	City of Seneca Seneca Landfill (open burning) Existing landfill	6/26/86	Permit amended***

* Permits amended by the Department to extend the expiration dates. These actions are intended to simplify the renewal process when no significant changes in the permit are required.

** Permit amended by the Department to require the submission of a report or change in operational procedures.

*** Permit amended by the Department to extend the expiration date and to authorize open burning of municipal solid wastes following EQC granting variance.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — June 1986 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Jackson	Jackson County Dept. of Planning and Development Prospect Sanitary Landfill Existing landfill	6/26/86	Permit renewed
Lake	City of Paisley Paisley Disp. Site (open burning) Existing landfill	6/26/86	Permit amended***
Lake	Lake County Adel Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***
Lake	Lake County Christmas Valley Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***
Lake	Lake County Fort Rock Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***
Lake	Lake County Plush Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***

* Permits amended by the Department to extend the expiration dates. These actions are intended to simplify the renewal process when no significant changes in the permit are required.

** Permit amended by the Department to require the submission of a report or change in operational procedures.

*** Permit amended by the Department to extend the expiration date and to authorize open burning of municipal solid wastes following EQC granting variance.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — June 1986 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Lake	Lake County Silver Lake Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***
Lake	Lake County Summer Lake Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***
Malheur	Malheur County Court Jordan Valley Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***
Malheur	Malheur County Court Juntura Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***
Malheur	Malheur County Court McDermitt Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***
Marion	Stuckart Lumber Company Idanha Landfill Existing landfill	6/26/86	Permit renewed
Tillamook	Tillamook County Pacific City Trans. Sta. Existing facility	6/26/86	Permit renewed

* Permits amended by the Department to extend the expiration dates. These actions are intended to simplify the renewal process when no significant changes in the permit are required.

** Permit amended by the Department to require the submission of a report or change in operational procedures.

*** Permit amended by the Department to extend the expiration date and to authorize open burning of municipal solid wastes following EQC granting variance.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — June 1986 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Wallowa	Wallowa County Imnaha Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***
Wallowa	Wallowa County Troy Disposal Site (open burning) Existing landfill	6/26/86	Permit amended***
Wheeler	City of Mitchell Mitchell Disp. & Metal Salvage Site (open burning) Existing landfill	6/26/86	Permit amended***
Clackamas	Cavenham Forest Industries, Inc. Clackamas Sorting Yard Landfill Existing landfill	6/30/86	Permit amended*
Columbia	Cavenham Forest Industries, Inc. Gunners Mainline Landfill Existing landfill	6/30/86	Permit issued for new facility

* Permits amended by the Department to extend the expiration dates. These actions are intended to simplify the renewal process when no significant changes in the permit are required.

** Permit amended by the Department to require the submission of a report or change in operational procedures.

*** Permit amended by the Department to extend the expiration date and to authorize open burning of municipal solid wastes following EQC granting variance.

ATE	WASTE TYPE	SOURCE	DISPOSE NOW	DISPOSE ANNUALLY
7-JUN-86	PCBS	OTHER GOVERNMENT AGENCY	0	0.54 CU YD
17-JUN-86	SMALL CAPACITORS	OTHER GOVERNMENT AGENCY	0	0.28 CU YD
7-JUN-86	PCB CONTAMINATED SOIL	OTHER GOVERNMENT AGENCY	0	2.0 CU YD
17-JUN-86	PCB ARTICLE DRAINED	OTHER GOVERNMENT AGENCY	0	2.0 CU YD
17-JUN-86	PCB CONTAMINATED SOLIDS	OTHER GOVERNMENT AGENCY	0	0.82 CU YD
17-JUN-86	PCB TRANSFORMERS - DRAINED AND FLUSHED	OTHER GOVERNMENT AGENCY	0	5.0 CU YD
17-JUN-86	PCB OIL	OTHER GOVERNMENT AGENCY	0	1.08 CU YD

7 Request(s) approved for generators in Alaska

20-JUN-86	MERCURY CONT/CLEANUP MATERIAL	OTHER GOVERNMENT AGENCY	0	3.00 CU YD

Request(s) approved for generators in British Columbia

16-JUN-86	PCB CONTAMINATED SOLIDS	SUPERFUND SITE CLEANUP	0	3.0 CU YD
23-JUN-86	CORNCOB CONTAMINATED WITH LEAD	SMALL ARMS AMMUNITION	0	20.00 CUBIC YARDS
23-JUN-86	DEWATERED HEAVY METAL WASTE	PLATING & ANODIZING	0	300.00 CUBIC YARDS

3 Request(s) approved for generators in Idaho

5-JUN-86	USED COOLANT	HAZARDOUS WASTE DISPOSAL SITE	0	27.00 CUBIC YARDS
5-JUN-86	LAB PACK - DIISOCYANATE	MANIFOLD BUSINESS FORMS	0	0.27 CUBIC YARDS
5-JUN-86	SOLID CHROME	OTHER ELECTRONIC COMPONENTS	0	0.27 CUBIC YARDS
5-JUN-86	LAB PACKS - CYANIDE SALTS (WASTE)	METAL HEAT TREATING	0	0.27 CUBIC YARDS

DATE	WASTE TYPE	SOURCE	DISPOSE NOW	DISPOSE ANNUALLY
10-JUN-86	PVC & DEBRIS CONTAMINATED WITH CHROMIC ACID	MACHINERY, EXCEPT ELECTRICAL	0	3.24 CU YRD
10-JUN-86	PLATING SLUDGE	PLATING & ANODIZING	0	0.27 CU YD
13-JUN-86	SPENT SULPHURIC ACID	SERVICE INDUSTRY MACHINES	0	98.00 CU YARD
20-JUN-86	CONTAMINATED SOIL FROM UNDER UNDERGROUND STORAGE TANK	OTHER ELECTRONIC COMPONENTS	0	270.00 CU YD
20-JUN-86	SURFACTANT PHOSPHATE ESTERS	OTHER AGRICULTURAL CHEMICALS	0	0.54 CU YD
20-JUN-86	PCB CONTAMINATED SOIL	NON-RCRA SPILL CLEANUP	0	9.00 CU YD
20-JUN-86	PCP DIP TANK SEDIMENT	WOOD PRESERVING	0	17.00 CU YD
[illegible]N-86	HYDROCHLORIC STRIP SOLUTION	MACHINERY, EXCEPT ELECTRICAL	0	2.42 CUBIC YARDS
23-JUN-86	CHROME SLUDGE	PLATING & ANODIZING	0	135.00 CUBIC YARDS
23-JUN-86	CEMENTED NEUTRALIZED ETCHING ACID	PRIMARY SMELT NONFERROUS METAL	0	100.00 CUBIC YARDS

14 Request(s) approved for generators in Oregon

22

05-JUN-86	LAB PACK - FLAMMABLE SOLID NOS	HAZARDOUS WASTE DISPOSAL SITE	0	2.70 CUBIC YARDS
05-JUN-86	LAB PACK - OXIDIZER NOS	HAZARDOUS WASTE DISPOSAL SITE	0	2.70 CUBIC YARDS
05-JUN-86	LAB PACK - CORROSIVE SOLID NOS	HAZARDOUS WASTE DISPOSAL SITE	0	2.70 CUBIC YARDS
10-JUN-86	HEAVY METAL SLUDGE - LEAD	MOTORS AND GENERATORS	0	30.00 CU YD
10-JUN-86	LAB PACK ORM-B	HAZARDOUS WASTE DISPOSAL SITE	0	2.70 CU YD
10-JUN-86	LAB PACK ORM-A	HAZARDOUS WASTE DISPOSAL SITE	0	2.70 CU YD
10-JUN-86	LAB PACK - CORROSIVE	HAZARDOUS WASTE DISPOSAL SITE	0	10.00 CU YD

DATE	WASTE TYPE	SOURCE	DISPOSE NOW	DISPOSE ANNUALLY
10-JUN-86	PCP TANK BOTTOMS	HAZARDOUS WASTE DISPOSAL SITE	0	34.00 CU YD
.0-JUN-86	RUBBER TILE MATERIAL CONTAMINATED WITH LEAD	DEPARTMENT OF DEFENSE	0	27.00 CU YD
10-JUN-86	LAB PACK - MECURIC OXIDE	RESEARCH & DEVELOPMENT LABS	0	0.27 CU YD
10-JUN-86	LAB PACK - ORM-E	RESEARCH & DEVELOPMENT LABS	0	0.27 CU YD
'0-JUN-86	LAB PACK - ORM-E	RESEARCH & DEVELOPMENT LABS	0	0.27 CU YD
.N-86	LAB PACKS - POISON	COLLEGES & UNIVERSITIES	0	0.54 CU YD
.2-JUN-86	ASBESTOS	COLLEGES & UNIVERSITIES	0	0.54 CU YD
12-JUN-86	LAB PACK - ORM-A	COLLEGES & UNIVERSITIES	0	0.54 CU YD
12-JUN-86	LAB PACK - OXIDIZERS	COLLEGES & UNIVERSITIES	0	0.54 CU YD
12-JUN-86	LAB PACK - INORGANIC ACIDS	COLLEGES & UNIVERSITIES	0	0.54 CU YD
12-JUN-86	LAB PACK - COMBUSTIBLE LIQUIDS	COLLEGES & UNIVERSITIES	0	0.54 CU YD
?-JUN-86	LAB PACK - FLAMMABLES	COLLEGES & UNIVERSITIES	0	0.54 CU YD
.-JUN-86	LAB PACK - ORM-E	COLLEGES & UNIVERSITIES	0	0.54 CU YD
23 3-JUN-86	PAINT SPILL CLEAN UP	RCRA SPILL CLEANUP	0	7.00 CU YD
.3-JUN-86	ASBESTOS	COOKIES & CRACKERS	0	100.0 CU YD
:0-JUN-86	CALCIUM CHLORIDE SOLUTION	PRIMARY SMELT NONFERROUS METAL	0	4851.00 CU YD
:0-JUN-86	LAB PACK - CORROSIVE SOLID	HAZARDOUS WASTE DISPOSAL SITE	0	3.00 CU YD
0-JUN-86	DRIED FILTER CAKE	SECOND. SMELT NONFERROUS METAL	0	60.00 CU YD
0-JUN-86	PCB TRANSFORMERS - DRAINED AND FLUSHED	PAPER MILLS(NO BUILDING PAPER)	0	1.69 CU YD
0-JUN-86	LAB PACK - FLAMMABLE LIQUIDS	OTHER ELECTRONIC COMPONENTS	0	0.27 CU YD

ATE	WASTE TYPE	SOURCE	DISPOSE NOW	DISPOSE ANNUALLY
23-JUN-86	H-4 CELL BLANKET	INDUSTRIAL INORGANIC CHEMICALS	0	100.00 CUBIC YARDS
23-JUN-86	HOUSEHOLD WASTE	OTHER GOVERNMENT AGENCY	0	0.27 CU YD
23-JUN-86	DOLIME WASTE	PRIMARY SMELT NONFERROUS METAL	0	1000.0 CUBIC YARDS
23-JUN-86	WASTE MAGNESIUM OXIDE DUST / BAGHOUSE	PRIMARY SMELT NONFERROUS METAL	0	600.0 CU YD
23-JUN-86	MAGNESIUM OXIDE CONDENSER RESIDUE	PRIMARY SMELT NONFERROUS METAL	0	2500.0 CU YD
27-JUN-86	PCB OIL	BLAST FURNACES & STEEL MILLS	0	0.56 CU YD

33 Request(s) approved for generators in Washington

58 Requests granted - Grand Total

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — June, 1986 (Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	Mo	FY	Mo	FY	Mo	Last Mo
Industrial/ Commercial	15	141	7	107	205	197
Airports			3	13	1	1

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — June, 1986 (Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

County	Name of Source and Location	Date	Action
Clackamas	Quality Tank & Construction Company, Sandy	06/86	No Violation
Multnomah	Oregon Asphaltic Paving, Portland	06/86	In Compliance
Multnomah	Rub-A-Dub Car Wash, Powell Blvd. Branch, 2920 SE Powell, Portland	06/86	No Violation
Multnomah	Turner Auto Repair, Portland	06/86	In Compliance
Washington	R. Miller Rock Band, Beaverton	06/86	In Compliance
Washington	Palace Meats, Beaverton	06/86	In Compliance
Linn	Permawood Northwest, Albany	06/86	Source Closed
Multnomah	Emanuel Hospital Heliport #2, Portland	06/86	Boundary Approved
Washington	Oregon Graduate Center Heliport, Beaverton	06/86	Boundary Approved
Marion	Gervais Private Airport, Gervais	06/86	Boundary Approved

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1986

CIVIL PENALTIES ASSESSED DURING MONTH OF June, 1986:

Name and Location of Violation	Case No. & Type of Violation	Date Issued	Amount	Status
Your Town & County Co-Op Portland, OR	HW-NWR-86-40 Failure to immediately report a spill of nine 50 lb. bags of pesticide on an Interstate 84 on-ramp.	6/12/86	$1,000	Paid 6/16/86.
J.B. Rock Products, Inc. Jefferson, OR	AQ-WVR-86-52 Operating a rock crusher without an air contaminant discharge permit (penalty includes $1,255 of permit fees not paid).	6/26/86	$1,755	Awaiting response to notice.

RF1204.A

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality, Water Quality, Hazardous and Solid Waste Divisions (Reporting Units) — July 1986 (Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans
	Month	FY	Month	FY	Month	FY	Pending
Air							
Direct Sources	6	76	2	70	0	0	13
Small Gasoline Storage Tanks Vapor Controls	-	-	-	-	-	-	-
Total	6	76	2	70	0	0	13
Water							
Municipal	27	27	12	12	0	0	52
Industrial	9	9	10	10	0	0	11
Total	36	36	22	22	0	0	63
Solid Waste							
Gen. Refuse	1	1	2	2	-	-	13
Demolition	-	-	1	1	-	-	1
Industrial	7	7	-	-	-	-	20
Sludge	-	-	-	-	-	-	1
Total	8	8	3	3	0	0	35
Hazardous Wastes	-	0	-	0	-	-	-
GRAND TOTAL	50	120	27	95	0	0	111

SB5285.A
MAR.2 (1/83)

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

MONTHLY ACTIVITY REPORT
DIRECT SOURCES
PLAN ACTIONS COMPLETED

COUNTY	NUMBER	SOURCE	PROCESS DESCRIPTION	DATE OF ACTION	ACTION
LINN		NORTH SANTIAM PLYWOOD CO	INSTALL SCRUBBER	07/15/86	APPROVED
LINN		TELEDYNE WAH CHANG	SECONDARY CONDENSER MOD	07/18/86	APPROVED

TOTAL NUMBER QUICK LOOK REPORT LINES 2

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — July 1986 (Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received Month	Permit Actions Received FY	Permit Actions Completed Month	Permit Actions Completed FY	Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
Direct Sources							
New	2	29	2	35	14		
Existing	3	22	2	24	11		
Renewals	14	171	9	183	92		
Modifications	9	33	2	51	18		
Total	28	255	15	293	135	1331	1356
Indirect Sources							
New	1	1	1	1	8		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	0	0	1	1	0		
Total	1	1	2	2	8	251	259
GRAND TOTALS	29	256	17	295	143	1582	1615

Number of Pending Permits	Comments
22	To be reviewed by Northwest Region
23	To be reviewed by Willamette Valley Region
11	To be reviewed by Southwest Region
6	To be reviewed by Central Region
5	To be reviewed by Eastern Region
14	To be reviewed by Program Operations Section
41	Awaiting Public Notice
13	Awaiting end of 30-day Public Notice Period
135	

MAR.5
AA5323

July, 1986

AIR QUALITY DIVISION

07/28/86 OREGON COMPLIANCE DATA SYSTEM PAGE 1

PERMITS ISSUED-MONTHLY REPORT

PERMIT NUMBER		COUNTY NAME	SOURCE NAME	DATE SCH	ACTION DESCRIPT	DATE ACH	RDES
22	6009	LINN	PACHEM LABORATORIES, INC.	02/25/85	PERMIT ISSUED	07/03/86	EXT
24	5835	MARION	OREGON STATE CORRECTIONAL	04/14/86	PERMIT ISSUED	07/03/86	RNW
26	2009	MULTNOMAH	CARGILL CO INC	03/31/86	PERMIT ISSUED	07/03/86	RNW
26	2073	MULTNOMAH	LINNTON PLYWOOD	05/01/86	PERMIT ISSUED	07/03/86	MOD
26	2960	MULTNOMAH	MULTNOMAH CO ANIMAL CNTRL	03/12/86	PERMIT ISSUED	07/03/86	RNW
34	2586	WASHINGTON	COLUMBIA HARDWOOD&MOULDNG	07/31/84	PERMIT ISSUED	07/03/86	RNW
26	1964	MULTNOMAH	MCCORMICK & BAXTER CO	06/17/85	PERMIT ISSUED	07/08/86	RNW
34	2637	WASHINGTON	TUALATIN VALLEY PAVING 2	04/24/86	PERMIT ISSUED	07/08/86	RNW
22	1031	LINN	COMMONS SAND AND GRAVEL	06/11/86	PERMIT ISSUED	07/14/86	RNW
22	3010	LINN	WILLAMETTE INDUSTRIES	05/28/85	PERMIT ISSUED	07/14/86	RNW
22	5196	LINN	LEBANON PLYWOOD	04/22/86	PERMIT ISSUED	07/14/86	MOD
22	6011	LINN	NNG ENERGY SYSTEMS INC	12/18/85	PERMIT ISSUED	07/14/86	NEW
26	3218	MULTNOMAH	EXCELLO PRODUCTS INC.	10/21/85	PERMIT ISSUED	07/14/86	EXT
34	2636	WASHINGTON	OREGON ASPHALTIC PAVING	05/05/86	PERMIT ISSUED	07/14/86	RNW
37	0355	PORT.SOURCE	ALL TERRAIN, INC.	04/30/86	PERMIT ISSUED	07/14/86	NEW

TOTAL NUMBER QUICK LOOK REPORT LINES 15

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — July 1986 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Indirect Sources			
Multnomah	Tri-Met Park and Ride, 412 Spaces, File No. 26-8602	07/23/86	Final Permit Issued
Marion	Block "25" Parking Structure, 1,050 Spaces, File No. 24-8504 (Modification)	07/29/86	Final Permit Issued

MAR.6
AA5324

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — July 1986 (Month and Year)

PLAN ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
INDUSTRIAL WASTE SOURCES 10			
Josephine	Alan Wall Manure Control Facility Williams	7-2-86	Approved
Clackamas	Oregon Bulb Farms Pesticide Tank Farm Aurora	7-2-86	Approved
Lane	Weyerhaeuser Company PVC Pond Curtain Springfield	7-3-86	Approved
Marion	Portland General Electric Oil Spill Containment Facility Salem (Marion Substation)	7-3-86	Approved
Marion	Portland General Electric Oil Spill containment Facility Salem (University Substation)	7-3-86	Approved
Marion	Portland General Electric Oil Spill Containment Facility Salem (McLain Substation)	7-3-86	Approved
Marion	Portland General Electric Oil Spill containment Facility Salem (Liberty Substation)	7-3-86	Approved
Multnomah	Portland General Electric PCB Oil Storage Tanks Portland	7-3-86	Approved
Multnomah	Gilmore Steel Corp. Double-Wall Underground Tank Portland	7-10-86	Approved
Klamath	Jeld-Wen, Inc. Groundwater Cleanup system Klamath Falls	7-10-86	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — July 1986 (Month and Year)

PLAN ACTIONS COMPLETED -

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES			
Clackamas	Molalla Toliver Road Relief Sewer	7-9-86	Preliminary Approval
Lane	Harlow Campground Bottomless Sand Filter	7-8-86	Permit Conditions to Lane County
Marion	Salem Mission Street Pump Station Rehab.	7-7-86	Preliminary Approvel
Klamath	Crater Lake, NPS Mazama Campground Improvements	7-22-86	Preliminary Approval
Yamhill	Mulkey RV Park On-site Expansion 4900 gpd	8-4-86	Preliminary Approval
Deschutes	Sunriver Deer Park III	8-4-86	Preliminary Approval
Deschutes	Sunriver Deer Park IV, Phase II	8-4-86	Preliminary Approval
Deschutes	Sunriver Overlook Park IV	8-4-86	Preliminary Approval
Linn	Millersburg Contract No. 6	7-29-86	Preliminary Approval
Columbia	Scappoose 6th Street Sewer (Spring Lake MH Park)	7-29-86	Preliminary Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — July 1986 (Month and Year)

PLAN ACTIONS COMPLETED -

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES (Continued)			
Tillamook	Neskowin Creek RV Park Collection, Treatment & Disposal 10000 gpd	7-21-86	Preliminary Approval
Clackamas	Smurfit Newprint On-site Repair	8-4-86	Comments to Northwest Region

SUMMRY-F

SUMMARY OF ACTIONS TAKEN ON WATER PERMIT APPLICATIONS IN JUL 86

9 AUG 86

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	2	0	0	5	0	0	0	0	0	0	0	5	13	0			
RW	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0			
RWO	12	2	0	13	2	0	1	3	0	1	3	0	46	20	0			
MW	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0			
MWO	0	0	0	0	0	0	0	0	0	1	0	0	4	0	0			
TOTAL	12	4	0	13	7	0	1	3	0	2	3	0	59	34	0	234	163	29
INDUSTRIAL																		
NEW	0	1	2	0	1	2	0	1	5	0	1	5	5	7	1			
RW	1	0	0	1	0	0	0	0	0	0	0	0	2	0	0			
RWO	4	0	0	4	0	0	0	1	0	0	1	0	21	10	0			
MW	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0			
MWO	0	0	0	0	0	0	1	0	0	2	0	0	5	1	0			
TOTAL	5	1	2	5	1	2	1	2	5	2	2	5	34	18	1	172	137	344
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	1	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	1	0	2	11	57
GRAND TOTAL	17	5	2	18	8	2	2	5	5	4	5	5	93	53	1	408	311	430

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-JUL-86.

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

NOTE: IN ADDITION, 106 NPDES GENERAL PERMITS WERE RENEWED JULY 25.

CAT	PERMIT NUMBER	TYPE	SUB-TYPE	EPA OR NUMBER	SOURCE ID	LEGAL NAME	CITY	COUNTY/REGION	DATE EXPIRES
General: Placer Mining									
IND	600	GEN06	NEW		100147	BLUE HERON COMPANY, THE	MYRTLE CREEK	DOUGLAS/SWR	31-JUL-86
IND	600	GEN06	NEW		100142	CAN AM RESOURCES, INC.	BATES	MOBILE SRC/ALL	31-JUL-86
General: Suction Dredges									
IND	700	GEN07	NEW		100146	ROWDEN, JAMES H.		JACKSON/SWR	31-JUL-86
IND	700	GEN07	NEW		100145	RUTH, JIM		MOBILE SRC/ALL	31-JUL-86
NPDES									
DOM	100213	NPDES	RWO	OR002357-4	19802	COOS BAY, CITY OF	COOS BAY	COOS/SWR	31-JAN-90
IND	100147	NPDES	MWO	OR003148-8	100090	IVLP CORPORATION	NORTH POWDER	UNION/ER	30-NOV-90
WPCF									
DOM	100212	WPCF	RWO		36005	HAINES, CITY OF	HAINES	BAKER/ER	31-MAR-91
DOM	100210	WPCF	RWO		48576	LAKEVIEW, CITY OF	LAKEVIEW	LAKE/CR	31-MAR-91
IND	100214	WPCF	RWO		96115	RIEDEL INTERNATIONAL, INC.	OREGON CITY	CLACKAMAS/NWR	30-JUN-91
DOM	100211	WPCF	RWO		90929	U. S. DEPARTMENT OF AGRICULTURE	DALE RGR	GRANT/ER	31-MAR-91
IND	100215	WPCF	NEW		100093	WYANT, DONALD R. JR.	SHADY COVE	JACKSON/SWR	28-FEB-91

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — July 1986 (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			
General Refuse							
New	2	2	-	-	2		
Closures	-	-	1	1	3		
Renewals	1	1	7	7	15		
Modifications	-	-	1	1	-		
Total	3	3	9	9	20	182	182
Demolition							
New	1	1	1	1	-		
Closures	-	-	-	-	-		
Renewals	-	-	-	-	1		
Modifications	-	-	1	1	-		
Total	1	1	2	2	1	13	13
Industrial							
New	4	4	3	3	11		
Closures	1	1	-	-	1		
Renewals	1	1	1	1	11		
Modifications	-	-	-	-	-		
Total	6	6	4	4	23	103	103
Sludge Disposal							
New	-	-	-	-	2		
Closures	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	1	1	1	1	-		
Total	1	1	1	1	2	16	16
Total Solid Waste	11	11	16	16	46		
Hazardous Waste							
New Authorizations	52	52	52	52	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	52	52	52	52	-	14	19

MAR.5S (11/84) (SB5285.B)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — July 1986 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Baker	City of Huntington Huntington Disposal Site Existing Landfill	7/3/86	Permit Renewed
Clatsop	Crown Zellerbach Corp. Wauna Mill Landfill New Landfill	7/3/86	Permit Issued
Douglas	Georgia-Pacific Corp. Sutherlin Sites No. 1,2,3 & 4 New Landfill	7/3/86	Permit Issued
Harney	Robert W. Christensen Burns-Hines Disposal Site Existing Landfill	7/3/86	Permit Renewed
Umatilla	Confederated Tribes of the Umatilla Indian Reservation Umatilla Tribal Sanitary L.F Existing Landfill	7/3/86	Permit Renewed
Wheeler	Wheeler County Spray Landfill Existing Landfill	7/3/86	Permit Amended*
Klamath	J.N.S. Excavation J.N.S. Disposal Lagoon Existing Septage Lagoon	7/3/86	Permit Amended*
Umatilla	Pendleton Sanitary Serv., Inc. Pendleton Regional Sanitary L.F. Existing Landfill	7/8/86	Permit Renewed

* Permits amended by the Department to extend the expiration dates. These actions are intended to simplify the renewal process when no significant changes in the permit are required.

** Permit amended by the Department to require the submission of a report or change in operational procedures.

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — July 1986 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Clackamas	Paul Seifert Brush and Demolition New Private Site	7/14/86	Letter Authorization Issued
Deschutes	Deschutes County Bend Demolition Landfill Existing Landfill	7/25/86	Permit Renewed
Klamath	Klamath County Malin Landfill Existing Landfill	7/25/86	Permit Renewed
Wasco	Aruther V. Braun Northern Wasco County L.F., Inc. Existing Landfill	7/25/86	Permit Renewed
Washington	Howard Grabhorn Lakeside Reclamation Existing Landfill	7/25/86	Permit Amended
Yamhill	Fort Hill Lumber Company Fort Hill Landfill Existing Landfill	7/28/86	Permit Renewed
Crook	Pine Products Corporation Pine Products Landfill New Industrial Landfill	7/31/86	Permit Issued
Marion	Marion County Solid Waste Brown's Island Landfill Existing Landfill	7/31/86	Closure Permit Issued

* Permits amended by the Department to extend the expiration dates. These actions are intended to simplify the renewal process when no significant changes in the permit are required.

** Permit amended by the Department to require the submission of a report or change in operational procedures.

DATE	WASTE TYPE	SOURCE	DISPOSE NOW	DISPOSE ANNUALLY
14-JUL-86	WASTE MOTOR OIL WITH CHLORONATED SOLVENTS	PETROLEUM REFINING (& ASPHALT)	0	1.08 CU YD
15-JUL-86	WATER - GLYCOL MIXTURE	PETROLEUM REFINING (& ASPHALT)	0	0.54 CU YD
16-JUL-86	PCB BALLASTS	OTHER GOVERNMENT AGENCY	0	0.41 CU YD
3 Request(s) approved for generators in Alaska				
15-JUL-86	LAB PACK - POISON B	DEPARTMENT OF DEFENSE	0	0.27 CU YD
1 Request(s) approved for generators in Guam				
11-JUL-86	PENTACHLOROPHENAL CONTAMINATED SOIL	WOOD PRESERVING	0	300 CU YD
1 Request(s) approved for generators in Idaho				
03-JUL-86	FLOOR DRY, PAINT CANS AND DEBRIS	ELECTRIC SERVICES	0	6.56 CU YD
03-JUL-86	CHROMIUM CONTAMINATED FILLINGS	ELECTRIC SERVICES	0	1.08 CU YD
03-JUL-86	PIPE RESIDUE CONTAMINATED WITH CADNIUM	ELECTRIC SERVICES	0	2.16 CU YD
03-JUL-86	LEAD METAL CHUNKS	ELECTRIC SERVICES	0	2.16 CU YD
03-JUL-86	PCB TRANSFORMERS	ELECTRIC SERVICES	0	100.0 CU YD
03-JUL-86	PCB	ELECTRIC SERVICES	0	8.10 CU YD
03-JUL-86	PCB ARTICLE DRAINED	ELECTRIC SERVICES	0	100.0 CU YD
03-JUL-86	PCB ITEMS	ELECTRIC SERVICES	0	100.0 CU YD
07-JUL-86	SULPHURIC ACID	METAL COATING, ALLIED SERVICES	0	38.8 CU YD

DATE	WASTE TYPE	SOURCE	DISPOSE NOW	DISPOSE ANNUALLY
07-JUL-86	ZINC CHLORIDE	METAL COATING, ALLIED SERVICES	0	38.8 CU YD
07-JUL-86	FLOOR DRY / CHROME MIXTURE	MACHINERY, EXCEPT ELECTRICAL	0	2.7 CU YD
07-JUL-86	ANOLOK COLORING BATH FOR ALUMINUM	PLATING & ANODIZING	0	1.08 CU YD
07-JUL-86	LAB PACK - POISON B	OTHER GOVERNMENT AGENCY	0	0.27 CU YD
09-JUL-86	WASTE DRY SLUDGES	PLATING & ANODIZING	0	48 CU YD
09-JUL-86	LAB PACK	OTHER AGRICULTURAL CHEMICALS	0	7 CU YD
09-JUL-86	LAB PACK - FLAMMABLE SOLID	HAND SAWS & SAW BLADES	0	0.54 CU YD
10-JUL-86	GAS TUBES CONTAMINATED WITH PHOSPHINE	SEMICONDUCTORS	0	80 CU YD
10-JUL-86	HYDROFLUORIC ACID SPILL CLEAN UP MATERIAL	SEMICONDUCTORS	0	3.24
11-JUL-86	MERCURY CONTAMINATED MATERIAL	CALCULATING & ACCOUNTING MACH.	0	0.27 CU YD
11-JUL-86	SOIL CONTAMINATED WITH HEAVY METAL SLUDGE	SWITCHGEAR & -BOARD APPARATUS	0	14.58 CU YD
11-JUL-86	PCB CAPACITOR	SAWMILLS & PLANING MILLS	0	0.27 CU YD
14-JUL-86	DIRT CONTAMINATED WITH LEAD OXIDE	RCRA SPILL CLEANUP	0	100 CU YD
14-JUL-86	WASTE DIQUAT DIBROMIDE ALGEACIDE	RCRA SPILL CLEANUP	0	0.54 CU YD
15-JUL-86	PCB FLUSHATE	HAZARDOUS WASTE DISPOSAL SITE	0	48.51 CU YD
15-JUL-86	LAB PACK - POISON B	OTHER AGRICULTURAL CHEMICALS	0	1.08 CU YD
15-JUL-86	CERAMIC FRIT CONTAMINATED WITH LEAD	OTHER ELECTRONIC COMPONENTS	0	0.54 CU YD
15-JUL-86	PCB BALLASTS	ELEMENTARY & SECONDARY SCHOOLS	0	0.81 CU YD
16-JUL-86	SOIL SAMPLE FORM PRESSURE WOOD PROCESS	WOOD PRESERVING	0	300 CU YD
16-JUL-86	SMALL PCB CAPACITORS	PRIMARY PRODUCTION OF ALUMINUM	0	2.7 CU YD

DATE	WASTE TYPE	SOURCE	DISPOSE NOW	DISPOSE ANNUALLY
16-JUL-86	LAB PACK - UNUSED CHEMICALS	PLATING & ANODIZING	0	0.27 CU YD
16-JUL-86	LAB PACK - FLAMMABLE	OTHER GOVERNMENT AGENCY	0	0.27 CU YD

31 Request(s) approved for generators in Oregon

07-JUL-86	EMPTY CAUSTIC SODA BAGS	OTHER AGRICULTURAL CHEMICALS	0	1.35 CU YD
07-JUL-86	EMPTY SODIUM DICROMATE BAGS	OTHER AGRICULTURAL CHEMICALS	0	1.08 CU YD
07-JUL-86	SPENT POTLING AND CONTAMINATED SOIL	PRIMARY PRODUCTION OF ALUMINUM	0	12 CU YD
09-JUL-86	WASTE SILICONE EMULSION	WEAVING MILLS, WOOL	0	0.27 CU YD
18-JUL-86	PCB CONTAMINATED SOIL AND DEBRIS	NON-RCRA SPILL CLEANUP	0	500 CUBIC YARDS
25-JUL-86	CONTAMINATED SOIL	TRUCKING, EXCEPT LOCAL	0	300 CU YD
25-JUL-86	SOLIDIFIED COAL TAR PITCH	PRIMARY PRODUCTION OF ALUMINUM	0	17.82 CU YD

7 Request(s) approved for generators in Washington

44

43 Requests granted - Grand Total

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — July 1986 (Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	Mo	FY	Mo	FY	Mo	Last Mo
Industrial/ Commercial	18	18	8	8	215	205
Airports			2	2	1	1

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — July 1986 (Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

County	Name of Source and Location	Date	Action
Multnomah	Yachts-O-Fun Cruises, Inc. Willamette River	7/86	In Compliance
Multnomah	1200 Building Portland	7/86	In Compliance
Washington	K-Lines, Inc. Tualatin	7/86	No Violation
Washington	State Motor Vehicles Division Beaverton Office	7/86	In Compliance
Linn	Southwest Forest Products, Inc. Albany	7/86	In Compliance
Marion	Coachman Industries, Inc. of Oregon Mt. Angel	7/86	In Compliance
Marion	The People's Church Brooks	7/86	In Compliance
Jackson	U&R Express, Inc. White City	7/86	In Compliance
Deschutes	Sunriver Airport	7/86	Boundary Approved
Douglas	Lower Umpqua Hospital Heliport Reedsport	7/86	Exception Approved

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1986

CIVIL PENALTIES ASSESSED DURING MONTH OF JULY, 1986:

Name and Location of Violation	Case No. & Type of Violation	Date Issued	Amount	Status

None issued.

GB5938

July, 1986
DEQ/EQC Contested Case Log

	ACTIONS	LAST MONTH	PRESENT
1	Preliminary Issues	3	0
2	Discovery	0	0
3	Settlement Action	2	2
4	Hearing to be scheduled	0	0
5	Hearing scheduled	3	4
6	HO's Decision Due	5	0
7	Briefing	0	0
8	Inactive	2	4
	SUBTOTAL of cases before hearings officer.	15	10
9	HO's Decision Out/Option for EQC Appeal	1	5
10	Appealed to EQC	0	1
11	EQC Appeal Complete/Option for Court Review	1	1
12	Court Review Option Taken	1	1
13	Case Closed	4	0
	TOTAL Cases	22	18

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

July 1986

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	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.
HAYWORTH FARMS, INC., and HAYWORTH, John W.	01/14/83	02/28/83	04/04/84	Prtys	50-AQ-FB-82-09 FB Civil Penalty of $1,000	Appealed to Court of Appeals.
McINNIS ENT. ENTERPRISES, LTD., et al.	06/17/83	06/21/83	08/11/86	Prtys	52-SS/SW-NWR-83-47 SS/SW Civil Penalty of $500	Hearing scheduled.
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.
McINNIS ENTERPRISES, LTD., et al.	10/25/83	10/26/83		Prtys	59-SS-NWR-83-33290P-5 SS license revocation	Hearing deferred.
CLEARWATER IND., Inc.	10/11/83	10/17/83	01/13/86	Hrgs	58-SS-NWR-83-82 SS Civil Penalty of $1000	Decision issued 7/25/86. Penalty affirmed.
CLEARWATER IND., Inc.	01/13/84	01/18/84	01/13/86	Hrgs	02-SS-NWR-83-103 SS Civil Penalty of $500	Decision issued 7/25/86. Penalty affirmed.

July 1986

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	Hrng Date	Resp Code	Case Type & No.	Case Status
CLEARWATER Industries, Inc.	10/11/84	10/11/84	01/13/86	Hrng	24-SS-NWR-84-P Sewage Disposal Service License Denial	Request for permit withdrawn. Order of dismissal issued 7/25/86.
FUNRUE, Amos	03/15/85	03/19/85	06/20/85	Dept	05-AQ-FB-84-141 Civil Penalty of $500	EQC affirmed $500 penalty. Department to draft final order to reflect EQC action.
DANT & RUSSELL, INC.	05/31/85	05/31/85	03/21/86	Prtys	15-HW-NWR-85-60 Hazardous waste disposal Civil Penalty of $2,500	Settlement action.
MERIT OIL & REFINING CO.		07/24/85	05/13/86	Prtys	20-WQ-NWR-85-61 WQ Civil Penalty of $1,200	Settlement action.
BRAZIER FOREST PRODUCTS	11/22/85	12/12/85	02/10/86	Hrgs	23-HSW-85 Declaratory Ruling	EQC issued declaratory ruling 7/25/86. Court review option pending.
NULF, DOUG	01/10/86	01/13/86	05/05/86	Prtys	01-AQFB-85-02 $500 Civil Penalty	Draft decision distributed for reconsideration.
DOERFLER, RICHARD	01/24/86	01/31/86	04/11/86	Prtys	02-AQFB-85-03 $300 Civil Penalty	Decision issued 6/20/86. Penalty affirmed.

July 1986

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	Hrng Date	Resp Code	Case Type & No.	Case Status
DECKER, MARVIN	06/02/86	06/03/86	09/02/86	Prtys	04-AQOB-NWR-86-54 $3,000 Civil Penalty	Hearing scheduled.
VANDERVELDE, ROY	06/06/86	06/10/86	08/19/86	Prtys	05-WQ-WVR-86-39 $5,500 Civil Penalty	Hearing scheduled.
LUTTRELL FARMS, INC.	06/10/86	06/12/86	08/21/86	Prtys	06-AQOB-NWR-86-55 $3,000 Civil Penalty	Hearing scheduled.

E 5

T-1791 was withdrawn - the proposed totals would therefore be changed, se

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207
522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item C, September 12, 1986, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendations

It is recommended that the Commission take the following action:

1. Issue tax credit certificates for pollution control facilities:

Appl. No.	Applicant	Facility
T-1791	Tektronix	New Paint Line in Bldg. 16
T-1828	NW Printed Circuits	PH Neutralization and heavy metal pretreatment system
T-1829	Penwalt Corporation	Tanks, pH controller, agitators, acid/caustic feed systems, pond and piping
T-1830	Tektronix, Inc.	Total Organic Halide Analyzer
T-1831	Comco Construction Oregon Limited	Wet scrubber
T-1832	Tektronix, Inc.	Automated continuous hexavalent chromium analyzer
T-1833	Boise Cascade Corporation	Wet scrubber
T-1836	Columbia Steel Casting Co., Inc.	Baghouse expansion
T-1837	Pendleton Flour Mills, Inc.	2 Baghouses

2. Revoke Pollution Control Facility Certificate numbered 992 issued to Mt. Mazama Plywood Co. and re-issue to The Murphy Co. (letters attached).

Mike Downs
for
Fred Hansen

S. Chew:y
(503) 229-6484
August 20, 1986
MY3204

Proposed September 12, 1986 Totals:

Air Quality	$ 645,504.49
Water Quality	828,974.41
Hazardous/Solid Waste	-0-
Noise	-0-
	1,474,478.90

1986 Calendar Year Totals for Tax Credits Certified at this time:

Air Quality	$2,853,600.52
Water Quality	2,664,469.20
Hazardous/Solid Waste	1,250,534.88
Noise	18,387.00
	$6,786,991.60

SChew
229-6484
18 Aug 86

Application No. T-1791

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Tektronix, Inc.
PO Box 500
Beaverton, OR 97077

The applicant owns and operates a manufacturing facility for electronic equipment, oscilloscopes, information display products and television products in Beaverton, Oregon.

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

2. Description of Facility

The facility described in this application is a new paint line located in Building 16 which enables the use of high solids paints. It includes a room, an air ventilation system, the piping system to distribute heated-high pressure paint, and testing-evaluation of the total system. The costs are:

Construction	$ 59,619
Testing and Evaluation	$192,400
Total	$252,019

Claimed Facility Cost: $252,019.00
(Accountant's Certification was provided).

3. Procedural Requirements

The facility was completed after December 31, 1983, so it is governed by ORS 468.150 through 468.190 in effect on January 1, 1984, and by OAR 340-16-015 (effective July 13, 1984; amended March 21, 1985).

The facility met all statutory deadlines in that:

a. Request for Preliminary Certification Tax Credit was made on June 10, 1982 and approved on November 18, 1983, and testing and evaluation of the total system was completed on October 16, 1985. This results in the Preliminary Certification for Tax Credit not being subject to the provisions of the new tax credit law, Chapter 637, Oregon Law 1983.

b. The request for preliminary certification was approved before application for final certification was made.

c. Installation of the facility was substantially completed on October 15, 1985, and the application for final certification was found to be complete on August 8, 1986, within 2 years of substantial completion of the facility.

4. Evaluation of Application

a. The facility is eligible for tax credit because the principal purpose of the facility is to comply with a requirement imposed by the Department to control air pollution. The applicant was required by Rule to reduce the volatile organic compound (VOC) emissions from the painting line. The Rule limits emissions to 3.0 pounds of VOC per gallon of paint. Instead of thinning the paint with solvent, the claimed facility can thin paints by heating the paint. The paint line emissions of approximately 56.2 tons per year are reduced by approximately 50 percent. The paint lines operate in compliance.

Since the finish on the product can directly affect sales, changing paints is a major change and involves:

1. Review of the current painting and drying equipment.
2. Review of the paint suppliers.
3. Establishing specific quality control procedures for each paint finish.
4. Determining what new equipment is necessary to use the new paint.
5. Constructing the necessary new equipment.
6. Testing and evaluating the new paints.
7. Documenting the new production procedures.

The applicant converted some paints to water base paints which meet the Rule and a minor amount (less than 5 percent) to powder paint which contains almost no VOC. Nineteen paint finishes are used and each one was analyzed for changes that would enable the overall paint line emissions to meet the rule. Data show that the paint line emits 2.99 pounds VOC per gallon of paint.

b. The equipment cost to install the new paint line was $59,619 of the total cost of $252,019. The applicant submitted additional documented costs of $192,400 to test and evaluate the new paints during the time period November 18, 1983 through October 16, 1985. (Both of these costs were capitalized by the applicant.) Non-documented costs of $200,000 were estimated by the company but are not being claimed for tax credit purposes. The cost savings from reducing the solvent usage by less than 8,000 gallons per year (at an average value of about $2.00 per gallon) is $16,000. The other costs to paint the product are the same as before the change.

The annual operating expenses of the replacement facility are approximately the same as the original paint line. Therefore, the resulting portion of actual costs properly allocable to pollution control is 100%

5. Summation

a. The facility was constructed in accordance with all regulatory deadlines.

b. The facility is eligible for final tax credit certification in that the principal purpose of the facility is to comply with a requirement imposed by the Department to control air pollution.

c. The facility complies with DEQ statutes and rules.

d. The portion of the facility cost that is properly allocable to pollution control is 100%.

6. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $252,019.00 with 100% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1791.

Ray Potts:s
AS3664
(503) 229-6093
August 20, 1986

Application No. T-1828

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Northwest Printed Circuits, Inc.
7800 Pacific Avenue
White City, OR 97501

The applicant owns and operates a printed circuit board manufacturing facility in White City, Oregon.

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

2. Description of Facility

The facility is a pH neutralization and heavy metal pretreatment system consisting of tanks, mixers, plate clarifier, pH controllers, electrical control panel, polymer feed system, and associated piping.

Claimed Facility Cost: $229,698
(Accountant's Certification was provided).

3. Procedural Requirements

The facility was completed after December 31, 1983, so it is governed by ORS 468.150 through 468.190 in effect on January 1, 1984, and by OAR 340-16-015 (effective July 13, 1984; amended March 21, 1985).

The facility met all statutory deadlines in that:

a. The request for preliminary certification was filed June 13, 1985 more than 30 days before installation commenced on July 16, 1985.

b. The request for preliminary certification was approved before application for final certification was made.

c. Installation of the facility was substantially completed in September 1985 and the application for final certification was found to be complete on May 6, 1986 within 2 years of substantial completion of the facility.

4. Evaluation of Application

a. The facility is eligible because the sole purpose of the facility is to control a substantial quantity of water pollution.

This control is accomplished by the use of treatment works for industrial waste as defined in ORS 468.700.

The treatment systems were necessary for this new printed circuit board manufacturing facility to comply with federal pretreatment requirements. Treated effluent is discharged to the White City/Medford sanitary sewer system and has been in consistent compliance with these regulations. Metal sludges removed from the process are dewatered in a filter press and sent to Arlington for disposal.

b. Analysis of Eligible Costs

100% of the facility cost is allocated for pollution control. There is no return on investment from this facility.

5. Summation

a. The facility was constructed in accordance with all regulatory deadlines.

b. The facility is eligible for final tax credit certification in that the sole purpose of the facility is to control a substantial quantity of water pollution and accomplishes this purpose by the treatment of industrial waste as defined in ORS 468.700.

c. The facility complies with DEQ statutes and rules.

d. The portion of the facility cost that is properly allocable to pollution control is 100%.

6. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $229,698 with 100% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1828.

L. D. Patterson:c
WC790
(503) 229-5374
July 17, 1986

Application No. T-1829

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Pennwalt Corporation
Inorganic Chemical Division
P.O. Box 4102
Portland, OR 97208

The applicant owns and operates an inorganic chemical manufacturing facility in Portland, Oregon.

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

2. Description of Facility

The claimed facility consists of:

a. Two 15,000 gallon tanks, pH controller, agitators, and acid/caustic feed systems.

b. A 100' x 100' x 10' polyethylene lined (80 mil) emergency holding pond.

c. Pumps, piping, and associated instrumentation with electrical equipment.

Claimed Facility Cost: $571,486 (Accountant's Certification was provided).

3. Procedural Requirements

The facility was completed after December 31, 1983, so it is governed by ORS 468.150 through 468.190 in effect on January 1, 1984, and by OAR 340-16-015 (effective July 13, 1984; amended March 21, 1985).

The facility met all statutory deadlines in that:

a. The request for preliminary certification was filed June 5, 1984 before construction commenced on September 1, 1984.

b. The request for preliminary certification was approved before application for final certification was made.

c. Construction of the facility was substantially completed on March 1, 1985, and the application for final certification was found to be complete on May 13, 1986, within 2 years of substantial completion of the facility.

4. Evaluation of Application

a. The facility is eligible because the principal purpose of the facility is to comply with a requirement imposed by the Department to control water pollution. The requirement is to comply with a Department order.

This control is accomplished by the use of treatment works for industrial waste as defined in ORS 468.700.

Prior to installation of the claimed facility, effluent pH was controlled through the use of a computer operated neutralization system. However, due to a short retention time, the system was not capable of consistently achieving the NPDES permit limit for continuously monitored pH systems. The permit requires the pH to be within the range 6.0 - 9.0 except for 7 hours and 26 minutes per month. Any individual excursion shall not exceed 60 minutes.

As a result of the permit violations, the applicant was ordered by the Department to install improved control facilities. The new facilities consists of collecting and treating wastewaters from specific sumps where pH could possibly be a problem. The waters are pumped through two 15,000 gallon tanks where acid or caustic is automatically added. The treated waters are metered into the existing wastewater outfalls.

If the effluent from the two 15,000 gallon tanks is off specification, it is automatically diverted to a lined impoundment. The contents of the impoundment are then bled back through the treatment system.

Prior to installation of the claimed facility, the pH exceeded the permit limit approximately 10 percent of the time. The system is now fully in compliance.

b. Analysis of Eligible Costs:

There is no return on investment from this facility. One hundred (100) percent of the facility cost is allocable to pollution control.

5. Summation

a. The facility was constructed in accordance with all regulatory deadlines.

b. The facility is eligible for final tax credit certification in that the principal purpose of the facility is to comply with a requirement imposed by the Department to control water pollution

and accomplishes this purpose by the redesign to eliminate industrial waste as defined in ORS 468.700.

c. The facility complies with permit conditions.

d. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

6. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $571,486 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1829.

L.D. Patterson:h
WH917
(503) 229-5374
July 11, 1986

Application No. T-1830

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Tektronix, Inc.
P.O. Box 500
Beaverton, OR 97077

The applicant owns and operates an electronic equipment manufacturing facility in Beaverton, Oregon.

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

2. Description of Facility

The facility is a Total Organic Halide Analyzer.

Claimed Facility Cost: $17,045.64

3. Procedural Requirements

The facility was completed after December 31, 1983, so it is governed by ORS 468.150 through 468.190 in effect on January 1, 1984, and by OAR 340-16-015 (effective July 13, 1984; amended March 21, 1985).

The facility met all statutory deadlines in that:

a. The request for preliminary certification was filed October 24, 1985, more than 30 days before installation commenced on November 26, 1985.

b. The request for preliminary certification was approved before application for final certification was made.

c. Installation of the facility was substantially completed on November 27, 1985, and the application for final certification was found to be complete on June 4, 1986, within 2 years of substantial completion of the facility.

4. Evaluation of Application

a. The facility is eligible because the sole purpose of the facility is to prevent a substantial quantity of water pollution.

This prevention is accomplished by the use of treatment works for industrial waste as defined in ORS 468.700.

The applicant monitors their wastewater for total toxic organic compounds prior to discharge to Beaverton Creek. Prior to installation of the claimed facility, a gas chromatograph was used, but the demand for this instrument created delays in getting the monitoring results. Although the effluent is stored in batch discharge tanks, it was generally already discharged by the time the analytical results would be available. The Total Organic Halide Analyzer now allows more complete analysis of the total toxic organics prior to discharge. If the water is beyond permit limits, it is diverted to the Unified Sewerage Agency sanitary sewer system.

b. Analysis of Eligible Costs:

There is no return on investment from this facility. One hundred (100) percent of the cost of the facility is allocated to pollution control.

5. Summation

a. The facility was constructed in accordance with all regulatory deadlines.

b. The facility is eligible for final tax credit certification in that the sole purpose of the facility is to prevent a substantial quantity of water pollution and accomplishes this purpose by the control of industrial waste as defined in ORS 468.700.

c. The facility complies with permit conditions.

d. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

6. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $17,045.64 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1830.

L.D. Patterson:h
WH918
(503) 229-5374
July 11, 1986

Application No. T-1831

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Comco Construction Oregon Limited
River Bend Sand & Gravel
4105 Lancaster Drive, SE
Salem, OR 97307

The applicant owns and operates a drum mix asphaltic concrete plant in Salem, Oregon.

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

2. Description of Facility

The facility described in this application is a wet scrubber utilizing a variable throat venturi with water jet spray introduced at the throat and a horizontal centrifical de-entrainment stack.

Claimed Facility Cost: $35,055.37
(Accountant's Certification was provided).

3. Procedural Requirements

The facility was completed after December 31, 1983, so it is governed by ORS 468.150 through 468.190 in effect on January 1, 1984, and by OAR 340-16-015 (effective July 13, 1984; amended March 21, 1985).

The facility met all statutory deadlines in that:

a. The request for preliminary certification was filed on March 18, 1983 before installation commenced on April 25, 1983.

b. The request for preliminary certification was approved before application for final certification was made.

c. Installation of the facility was substantially completed on July 30, 1984 and the application for final certification was found to be complete on June 16, 1986, within 2 years of substantial completion of the facility.

4. Evaluation of Application

a. The facility is eligible because the principal purpose of the facility is to comply with a requirement imposed by the Department to reduce air pollution. The requirement is to comply with OAR 340-25-575 (Standards of Performance for Asphalt Concrete Plants).

Prior to installation of the venturi scrubber and associated equipment, the asphalt plant could not consistently meet the Department's opacity or grain loading requirements. The plant, after installation of the new equipment, now meets these requirements.

b. Analysis of Eligible Costs

The sole use of the venturi scrubber and associated equipment is for control of air pollution. There is no return on investment from the facility. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

The claimed facility consists of a variable throat venturi scrubber with water de-entrainment.

Cost breakdown is as follows:

Fabrication	$27,166.84
Engineering, consulting and venturi nozzle	763.53
Labor	7,125.00
TOTAL	$35,055.37

5. Summation

a. The facility was constructed in accordance with all regulatory deadlines.

b. The facility is eligible for final tax credit certification in that the principal purpose of the facility is to comply with a requirement imposed by the Department to reduce air pollution and accomplishes this purpose by the redesign to eliminate air contaminants as defined in ORS 468.275.

c. The facility complies with DEQ statutes and rules.

d. The portion of the facility cost that is properly allocable to pollution control is 100%.

6. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $35,055.37 with 100% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1831.

Robert Harris:s
AS3500
(503) 229-5259
August 12, 1986

Application No. T-1832

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Tektronix, Inc.
P.O. Box 500
Beaverton, OR 97077

The applicant owns and operates an electronic equipment manufacturing facility in Beaverton, Oregon.

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

2. Description of Facility

The facility is an automated continuous hexavalent chromium analyzer.

Claimed Facility Cost: $10,744.77

3. Procedural Requirements

The facility was completed after December 31, 1983, so it is governed by ORS 468.150 through 468.190 in effect on January 1, 1984, and by OAR 340-16-015 (effective July 13, 1984; amended March 21, 1985).

The facility met all statutory deadlines in that:

a. The request for preliminary certification was filed March 28, 1985, less than 30 days before installation commenced on April 5, 1985. The application was reviewed by DEQ staff and the applicant was notified that the application was complete and that installation could commence.

b. The request for preliminary certification was approved before application for final certification was made.

c. Installation of the facility was substantially completed on April 8, 1985, and the application for final certification was found to be complete on June 23, 1986, within 2 years of substantial completion of the facility.

4. Evaluation of Application

a. The facility is eligible because the sole purpose of the facility is to prevent a substantial quantity of water pollution.

This prevention is accomplished by the control of industrial waste as defined in ORS 468.700.

The applicant monitors their wastewater for hexavalent chromium prior to discharge to Beaverton Creek. Prior to installation of the claimed facility, periodic grab samples were analyzed for hexavalent chromium. To provide a more consistent method of determining the chromium content of the water, the applicant installed an automated continuous analyzer for hexavalent chromium. If the chromium exceeds the permit limit, it is automatically diverted to a treatment system. Continous compliance with the permit's chromium limit has now been assured.

b. Analysis of Eligible Costs

There is no return on investment from this facility. One hundred (100) percent of the cost of the facility is allocated to pollution control.

5. Summation

a. The facility was constructed in accordance with all regulatory deadlines.

b. The facility is eligible for final tax credit certification in that the sole purpose of the facility is to prevent a substantial quantity of water pollution and accomplishes this purpose by the control of industrial waste as defined in ORS 468.700.

c. The facility complies with permit conditions.

d. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

6. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $10,744.77 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1832.

L.D. Patterson:h
WH920
(503) 229-5374
July 14, 1986

Application No. T-1833

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Boise Cascade Corporation
Timber & Wood Products Division
One Jefferson Square
Boise, ID 83728

The applicant owns and operates a plywood plant in Elgin.

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

2. Description of Facility

The pollution control facility consists of a Burley Industries wet scrubber on each of the two veneer dryers at the Elgin mill. The scrubbers are serviced by a single circulating water clarification tank.

Claimed Facility Cost: $196,728.83
(Accountant's Certification was provided).

3. Procedural Requirements

The facility was completed after December 31, 1983, so it is governed by ORS 468.150 through 468.190 in effect on January 1, 1984, and by OAR 340-16-015 (effective July 13, 1984; amended March 21, 1985).

The facility met all statutory deadlines in that:

a. The request for preliminary certification was filed on April 8, 1985 more than 30 days before installation commenced in August 1985.

b. The request for preliminary certification was approved before application for final certification was made.

c. Installation of the facility was substantially completed in September 1985 and the application for final certification was found to be complete on August 12, 1986, within 2 years of substantial completion of the facility.

4. Evaluation of Application

a. The facility is eligible because the sole purpose of the facility is to control a substantial quantity of air pollution. Because of a change to drying significantly greater amounts of more resinous Douglas fir veneer, it had become impossible to maintain production without creating violations of the visible emission standards from the veneer dryers. Therefore, the Department had requested the company to implement emission controls.

b. Analysis of Eligible Costs

The claimed cost included purchase of the scrubber system, minor modification of the building to accommodate scrubbers, and system installation. The total cost of $196,728.83 was in line with expenditures at similar installations at other plants and is eligible as pollution control. No income is derived from these pollution control facilities. The operating costs are considered to be insignificant by the company. Hence, there is no return on the investment, and 100% of the total facilities cost is allocable for pollution control tax credit.

5. Summation

a. The facility was constructed in accordance with all regulatory deadlines.

b. The facility is eligible for final tax credit certification in that the sole purpose of the facility is to control a substantial quantity of air pollution

c. The facility complies with DEQ statutes and rules and permit conditions.

d. The portion of the facility cost that is properly allocable to pollution control is 100%.

6. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $196,728.83 with 100% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1833.

Lloyd Kostow:s
AS3661
(503) 229-5186
August 19, 1986

Application No. T-1836

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

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

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

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

2. Description of Facility

The claimed facility consists of an expansion of an existing baghouse.

Claimed Facility Cost: $45,423.29
(Accountant's Certification was provided).

3. Procedural Requirements

The facility was completed after December 31, 1983, so it is governed by ORS 468.150 through 468.190 in effect on January 1, 1984, and by OAR 340-16-015 (effective July 13, 1984; amended March 21, 1985).

The facility met all statutory deadlines in that:

a. The request for preliminary certification was filed May 29, 1985, more than 30 days before construction commenced on October 7, 1985.

b. The request for preliminary certification was approved before application for final certification was made.

c. Construction of the facility was substantially completed on December 12, 1985, and the application for final certification was found to be complete on July 8, 1986, within 2 years of substantial completion of the facility.

4. Evaluation of Application

Additional air emissions are prevented by expanding an existing baghouse to provide additional collection capability. The expansion consists of adding a 10,000 cfm module to an existing 40,000 cfm baghouse.

This expansion was required as a result of increased emissions from the electric arc furnaces resulting from oxygen lancing of the 10 ton furnace. Prior to installation of the claimed facility oxygen lancing of the 10 ton furnace was prohibited.

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

All material collected is mixed with water and disposed of by utilizing it as landfill on-site. There is no economic benefit from installation of the claimed facility, therefore, 100 percent of the facility cost is allocable to pollution control.

5. Summation

a. The facility was constructed in accordance with all regulatory deadlines.

b. The facility is eligible for final tax credit certification in that the sole purpose of the facility is to prevent a substantial quantity of air pollution and accomplishes this purpose by the expansion of an existing baghouse to provide additional collection capability as defined in ORS 468.275.

c. The facility complies with DEQ statutes and rules.

d. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

6. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $45,423.29 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1836.

W. J. Fuller:s
AS3563
(503) 229-5749
August 1, 1986

Application No. T-1837

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Pendleton Flour Mills, Inc.
811 SW Front, Suite 620
Portland, OR 97204

The applicant owns and operates a flour mill in Pendleton, Oregon.

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

2. Description of Facility

The facility consists of two dust control baghouses: one MAC 120 MWP 160-160 Bag House and one MAC 120 MWP 68-68 Bag House complete with electrical controls, explosion proof doors and duct work. The costs are:

Baghouses	$ 61,082
Construction labor	25,262
Electrical	16,423
Pipe, fittings, motors and supplies	9,662
Crane service	3,502
Construction permit	347
TOTAL	$116,278

Claimed Facility Cost: $116,278.00
(Accountant's Certification was provided).

3. Procedural Requirements

The facility was completed after December 31, 1983, so it is governed by ORS 468.150 through 468.190 in effect on January 1, 1984, and by OAR 340-16-015 (effective July 13, 1984; amended March 21, 1985).

The facility met all statutory deadlines in that:

a. The request for preliminary certification was filed October 1, 1984; construction commenced on April 1, 1985.

b. The request for preliminary certification was approved before application for final certification was made.

c. Construction of the facility was substantially completed on September 22, 1985, and the application for final certification was found to be complete on July 22, 1986 within 2 years of substantial completion of the facility.

4. Evaluation of Application

a. The facility is eligible for tax credit because the principal purpose of the facility is to comply with a requirement imposed by the Department to control air pollution. The Department required the applicant to upgrade the cyclone dust control system in order to control visible emissions and grain dust fall out. The cyclone system was replaced by a baghouse dust control system. The new system was inspected by the Department and found operating in compliance.

b. The value of the additional dust collected by the baghouses is much less than the additional operating expenses; therefore, the percent of the cost allocable to pollution control is 100%

5. Summation

a. The facility was constructed in accordance with all regulatory deadlines.

b. The facility is eligible for final tax credit certification in that the principal purpose of the facility is to comply with a requirement imposed by the Department to control air pollution.

c. The facility complies with permit requirements.

d. The portion of the facility cost that is properly allocable to pollution control is 100%.

6. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $116,278.00 with 100% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1837.

Ray Potts:s
AS3560
(503) 229-6093
August 5, 1986

State of Oregon
Department of Environmental Quality

REISSUANCE OF POLLUTION CONTROL FACILITY CERTIFICATION

1. Certificate issued to:

   Mt. Mazama Plywood Company
   411 West Central Avenue
   Sutherlin, Oregon

   The certificate was issued for a solid waste pollution control facility.

2. Summation:

   In 1979, the Environmental Quality Commission issued Pollution Control Facility Certificate number 992 to Mt. Mazama Plywood Company for a waste wood fired boiler. The facility has since been purchased by The Murphy Company from The Oregon Bank which had secured the property by default. The Murphy company has requested that the tax credit associated with the acquisition be reissued under their name. (letters are attached)

3. Director's Recommendation:

   It is recommended that Certificate numbered 992 be revoked and reissued to The Murphy Company, the certificate to be valid only for the time remaining from the date of the first issuance.

SChew
229-6484
20 August 1986

THE MURPHY COMPANY
118 HIGHWAY 99 NORTH (503) 344-4747 MAILING ADDRESS: P. O. BOX 2870 • EUGENE, OR 97402

May 30, 1986

Department of Environment
Box 1760
Portland, OR 97207

ATTENTION: MAGGIE CONNELY

Request for transfer of Remaining Pollution Tax Credits on WASTE WOOD FIRED BOILER TO MURPHY PLYWOOD COMPANY- Pollution Credits previously issued to Mt. Mazama Plywood Company on June 27, 1979-Tax Certificate No. T.I.-1076.

Your help regarding pollution tax credits was very informative. In view of this, Murphy Plywood Company is requesting that the remaining pollution tax credits associated with TI 1076 be transferred to Murphy Plywood Company effective June 1, 1986.

The following is the information you requested in order to transfer the credits.

1. Description of Waste Wood Fired Boiler (See copy of Bill of Sale-Item 107 on Exhibit B)

2. Date of Purchase from TOB-April 1, 1985. (see attached Bill of Sale)

3. Date Waste Wood Fired Boiler certified for Mt. Mazama Plywood Company. June 27, 1979.

4. Pollution Tax Credit Certificate No.- TI-1076

5. Amount of Cost Certified-$898,015

6. Remaining Pollution Tax Credit Available to Murphy Plywood Company-$134,703

As per your request, I sent a letter to The Oregon Bank (TOB) requesting the necessary ownership information be sent to your attention. (A copy of the letter is attached.)

Upon review of this information, let me know what additional steps are necessary in order to transfer the remaining pollution tax credits.

Thank you.

Sincerely,

Jess Hamby

Jess Hamby
CONTROLLER

JH/pb
enclosures

OREGON BANK
AN ORBANCO COMPANY

July 11, 1986

Maggie Connelly
Department of Environmental Quality
Box 1760
Portland, OR 97207

Re: Mazama Plywood
Unused Pollution Tax

Dear Ms. Connelly:

It has been brought to our attention that there are unused Polluction Tax credits on the waste wood Fired Boiler included as part of the equipment purchases of Mazama Plywood by The Murphy Co. (see 107 and Exhibit B).

I have enclosed a copy of the Bill of Sale and Exhibit B. Its my understanding that these are requested by Oregon Department of Environmental Quality in order to utilize the Pollution Tax credits.

If you have any questions, please contact this department at 222-7745.

Sincerely,

John Great

John Great
Loan Adjustment Officer

JG:cj

encl.

The Oregon Bank
Loan Adjustments Department
1001 S.W. Fifth Ave.
P.O. Box 3066
Portland, Oregon 97208

BILL OF SALE

FROM : The Oregon Bank, an Oregon corporation (Seller)

TO : Murphy Plywood Company, an Oregon corporation (Buyer)

DATED : April 1, 1985.

In consideration of the sum of Four Hundred Fifty Thousand and 00/100 Dollars ($450,000.00), receipt of which is hereby acknowledged, Seller hereby grants, bargains and sells to Buyer the following machinery, furniture, equipment and other personal property (Property):

1. The machinery described on the list of "Machinery Inventory-Group 1", consisting of 117 items, attached hereto as Exhibit "B" (there is no Exhibit "A").

2. The machinery described on the list of "Machinery Inventory-Group 2", consisting of 40 items, attached hereto as Exhibit "C."

3. The machinery described on the list of "Machinery Inventory-Group 3", consisting of 24 items, attached hereto as Exhibit "D."

4. The furniture described on the list of "Main Office Furniture", attached hereto as Exhibit "E."

5. The office equipment described on the list of "Mill Office Equipment Inventory", attached hereto as Exhibit "F."

Seller warrants that it has a duly perfected first security interest in the Property, that the debtor is in default, and that Seller has the right to sell the Property to realize on its security interest. Seller also warrants that the Property is free of any liens under ORS 656.564 and ORS 657.535.

Seller makes no representations or warranties except those specifically set forth herein. Except as otherwise specifically provided herein, Buyer agrees to rely on ORS 79.5040(4) and not on Seller.

Seller also hereby grants, bargains and sells to Buyer any interest Seller may have in one (1) Clark 500-60 lift truck, serial no. 685-1-3956 and (1) Toyota lift truck, Model 03-3FG35, serial no. 107679. Seller does not claim a security interest or any other interest in the foregoing lift trucks and makes no representations or warranties whatsoever concerning such lift trucks. The sole purpose of these provisions is to transfer to Buyer any interest that Seller may have in the lift trucks.

SELLER:

The Oregon Bank

By: K. T. Sheehy

Title: Vice President & Secretary

BUYER:

Murphy Plywood Company

By: J. D. Murphy

Title: Treasurer

STATE OF OREGON, County of Multnomah) ss.

The foregoing instrument was acknowledged before me this 1st day of April, 1985 by Kevin T. Sheehy, the Vice President of The Oregon Bank, a corporation, on behalf of the corporation.

Nancy G. Sergeant
Notary Public for Oregon
My Commission Expires: 10-19-86

STATE OF OREGON, County of Lane) ss.

The foregoing instrument was acknowledged before me this 2nd day of April, 1985 by John Murphy, the Treasurer of Murphy Plywood Company, a corporation, on behalf of the corporation.

Valerie A. Lawless
Notary Public for Oregon
My Commission Expires: 9-23-88

#100. 1 ONLY PAINT MACHINE W/5 GALLON TANK W/8 INK GUNS AND 50' OF HOSE

#101. 1 ONLY PAINT MACHINE W/5 GALLON TANK W/NO GUN

#102. 1 ONLY SKILSAW RADIAL MODEL 315 SERIAL #950999 - 1 1/2 HP 3500 RPM W/STEEL TABLE

#103. 1 ONLY BELT DRIVER 10' TABLE SAW HOMEMADE - 1 HP MOTOR?

#104. 1 ONLY STRAP CHOPPER(SWEED) MOUNTED ON STEEL FRAME

#105. 1 ONLY SIGNODE AUTOMATIC STRAPPING MACHINE W/INFEED AND OUT FEED CONVEYOR FOR 5/8 STRAPPING W/2 MODEL DF-23 DESPENSER

#106. 1 ONLY COMPLETE PANEL OILER W/INFEED AND OUTFEED CONVEYOR INCLUDING SCISSOR LIFTS 6 ROLL HOMEMADE

#107. 1 ONLY MAIN BOILER COMPLEX COMPLETE(1973) HOG FUEL FIRE W/ AUXILARY EQUIPMENT F.W. SERIAL #5528 - 70,000# F.S.(FOSTER WHEELER) 250# - (BUMSTEDD & WOOLFORD CONTROL PANEL)

2 - FEED WATER PUMPS - NALCO WATER
1 TREATMENT UNIT
1 SMALL AIR COMPRESSOR
FUEL CONVEYOR SYSTEM FROM
FUEL STORAGE TANK
AIR SCRUBBER
FUEL RECIEVER BIN FILLED BY GRAVITY FROM DUMP TRUCKS

#108. 2 ONLY PROPANE TANKS W/FITTING PUMP FOR FORK TRUCKS

1 - 500 GALLON
1 - 1000 GALLON

Certificate No. 992

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Date of Issue 7/27/79

Application No. T-1076

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To:	Location of Pollution Control Facility:
Mt. Mazama Plywood Company 411 West Central Avenue Sutherlin, Oregon	411 West Central Avenue Sutherlin, Oregon
As: ☐ Lessee ☒ Owner	

Description of Pollution Control Facility:

A wastewood fired boiler.

Type of Pollution Control Facility: ☐ Air ☐ Noise ☐ Water ☒ Solid Waste

Date Pollution Control Facility was completed: March 7, 1978 Placed into operation: March 11, 1978

Actual Cost of Pollution Control Facility: $ 898,015.00

Percent of actual cost properly allocable to pollution control: 100%

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

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

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

Signed Joe B. Richards

Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on the 27th day of July, 1979.

VICTOR ATIYEH
GOVERNOR

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, September 12, 1986, EQC Meeting

Request for Authorization to Conduct a Public Hearing on Pollution Control Tax Credit Rule Amendments, Chapter 340, Division 16

Background

Questions have been raised recently regarding the significance of portions of the pollution control tax credit statute (ORS 468.150 to .190) and rules (OAR Chapter 340, Division 16). Legal counsel for the Department has recommended adopting rules to address ambiguities related to the significance of the term "actual cost" and procedures for transfer of tax credit certificates to transferees of pollution control facilities. These issues are discussed separately below.

A. Actual Costs.

On March 19, 1986, the Department received a letter from legal counsel for Ogden-Martin, owners of the resource recovery facility in Marion County. In the letter, a request was made for clarification from the Department as to which costs related to the facility are eligible for tax credits.

A request for preliminary certification for tax credit was received from the company on December 8, 1983 and construction began later in December, 1983. Construction of the plant has been completed and the company is now conducting test runs. It should be fully operational by autumn of 1986, at which time Ogden-Martin plans to apply for final pollution control tax credit certification.

ORS 468.170 states that "the action of the Commission shall include certification of the actual cost of the facility and the portion of the actual cost properly allocable to the prevention, control or reduction of air, water or noise pollution or solid or hazardous waste or to recycling or properly disposing of used oil as set forth in ORS 468.190(2)" (emphasis added). The term "actual cost" as used here

is not defined by statute or rule. In attempting to determine the meaning of this term, the Department's legal counsel conducted research into the legislative history of the statute and the legislative and case history of the term "actual cost." The conclusion reached is that the term has no consistent common law significance, no well-understood trade or technical meaning, and no specific meaning defined by the legislature. Legal counsel, therefore, has recommended that the Department undertake rulemaking to define the term actual cost.

The proposed rule amendments define "actual costs" to include those costs which should be capitalized in accordance with generally accepted accounting principles. In some cases, the Commission may elect to exclude costs not consistent with the intent of the tax credit statute which have not been specifically included or excluded by the rule. Though all conceivable costs associated with a pollution control facility may not be included on the list, the list provides a good basis for applicants to use in attempting to determine actual costs and allows the Commission to consider eligibility of other costs in the future.

B. Retroactive Transfer of Tax Credits

On May 28, 1986, the Department received a letter from legal counsel for Willamette Industries requesting that a tax credit issued to Bauman Lumber in 1972 be revoked and reissued to Willamette Industries retroactive to April, 1974 when Willamette Industries purchased Bauman Lumber Company. This raises a question as to whether a reissued certificate becomes effective at the date of reissuance or at the date of transfer of the facility.

ORS 317.072(10) requires that notice be given to the Environmental Quality Commission upon any sale, exchange or other disposition of a certified facility. The Environmental Quality Commission is directed to revoke the certificate as of the date of disposition, and the transferee is permitted to apply for a new certificate to claim the remaining tax credit that was not claimed by the transferor. ORS 468.170(8) provides that the period in which a certificate is valid for tax credit purposes is 10 consecutive years from the year of certification. It is clear from the provisions of ORS 468.155 to 468.190 and ORS 317.072 that the tax credit is available only to the holder of a certificate for a pollution control facility. The certificates are issued in the name of the person who constructed or acquired the pollution control facility. Therefore, a transferee of a pollution control facility would not be able to claim the credit until the transferee obtains a new certificate in his or her name.

The Attorney General's office has told the Department that rule adoption would be the best way to clarify these issues. It is, therefore, recommended that the rule be amended to specifically state

that reissued certificates are only valid from the date of reissuance and that tax credits can not be issued retroactively by the Commission (see OAR 340-16-040(3)).

C. Deadline for requesting transfer of tax credit certificate.

A question has been raised as to when an applicant must apply for revocation and reissuance of a tax credit certificate. While the statute does not state when notice of disposition is to be given to the EQC, nor when application for a new certificate claiming unused tax credit must be made, the Department's legal counsel interprets the statute to mean that it is prior to the date of expiration of the certificate issued to the original owner. ORS 316.097 (8) states that "upon any sale, exchange, or other disposition of a facility, notice thereof shall be given to the EQC who shall revoke the certification covering the facility as of the date of such disposition" and may reissue a tax credit to the transferee. It may be presumed that there must be a valid, unexpired certification in existence before the EQC can revoke and reissue it. Pursuant to ORS 468.170 (8), the original holder of the tax credit certificate is granted the tax credit "for a period of 10 consecutive years which 10-year period shall begin with the tax year of the person in which the facility is certified." (Emphasis added) Since the certificate is only valid to the original holder of the tax credit certificate for 10 consecutive years from the date of issuance and since the transferee is treated in the same manner as the original owner, it follows that the transferee must apply for revocation and reissuance of the certificate within 10 years of the date when the certificate was originally issued.

It is, therefore, recommended that the rule amendment be made to clarify this question. The amendment would require a tax credit to be reissued within 10 years of issuance of the original certificate (see OAR 340-16-040(2)).

Alternatives and Evaluation

1. The Department could continue operating without amending the rules by interpreting the tax credit statutes on a case-by-case basis. By adopting rules, however, the public is put on notice as to what is required and the Department and Commission have better guidance as to how to address similar situations in the future.

2. "Actual Costs" could be defined to include more or fewer eligible costs than recommended in the proposed rule. However, since no specific definition of the term is provided by the Legislature or the courts, use of the generally accepted definition of capitalized costs as used by accountants is preferable.

3. Tax credit certificates could be transferred retroactively thereby allowing use of the tax credit from the date of the sale. Though

the statute does not specifically prohibit this, it may be inferred from the statute, as discussed above, that a transferee may not claim tax credit until the certificate is reissued in the transferee's name.

4. The transferee of a tax credit could be allowed to apply for reissuance of the certificate more than 10 years after the original date of issuance of the certificate. This interpretation of the statute would, however, be giving rights to the transferee which the original recipient of the tax credit certificate did not have. Since this right is not available to the original recipient of the tax credit, and since the transferee is otherwise treated the same as the original holder of the tax credit certificate, it seems inconsistent with the intent of the statute to allow tax credits to be transferred more than 10 years after the original certificate was issued.

Summation

1. Problems related to interpretation of the term "actual costs" and to procedures relating to reissuance of tax credits have been identified.

2. The Attorney General's office has recommended that rules be adopted to clarify the Commission's interpretation of the statute. Adoption of rules will ensure that the public is given adequate notice of the statute's meaning and provide guidance for future actions by the Commission.

Director's Recommendation

Based on the summation, it is recommended that the Commission authorize public hearings to take testimony on the proposed amendments to the Pollution Control Tax Credit Rule, Chapter 340, Division 16.

Fred Hansen

Attachments
I Statement of Need for Rules
II Statement of Land Use Consistency
III Draft Public Notice of Rule Adoption
IV Proposed Amendments to Chapter 340, Division 16
V Letter regarding Actual Costs for Ogden-Martin
IV Letter regarding Retroactive Issuance of Tax Credit to Willamette Industries

M. Conley:y
MY3193
229-6408
August 27, 1986

ATTACHMENT I
Agenda Item No. D
September 12, 1986 EQC Meeting

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF AMENDING OAR CHAPTER 340, DIVISION 16	)))	STATEMENT OF NEED FOR RULES

Statutory Authority:

Amendment of the Pollution Control Tax Credit Rules is consistent with enabling legislation, ORS 468.150 to 468.190.

Need for Rule Amendments:

Through application of the statute and current rules, it has been determined that certain provisions of the statutes and rules need clarification. Specifically, clarification is needed as to which costs related to pollution control facilities are eligible for tax credit certification. Clarification is also needed regarding procedures for transfer of tax credits.

Principal Documents Relied Upon:

Existing statute, ORS 468.150 to 468.190 and existing state rules OAR Chapter 340-16-010 to 340-16-050.

Fiscal and Economic Impact:

Amending the rules to specifically define which costs are eligible for pollution control tax credits will probably have a minimal fiscal and economic impact. The rule identifies eligible and ineligible costs based on generally accepted accounting principles and current interpretation by the Department of the term "actual cost." Applicants are not currently required to identify the components which comprise the total eligible cost of the facility. However, since costs such as construction period interest are generally accepted by accountants as costs which should be capitalized, they may currently be included as part of the actual cost of the facility.

Amending the rules to specifically state that the Environmental Quality Commission cannot reissue tax credits retroactively to transferees of facilities should have no fiscal or economic impact. This is the practice currently followed by the Department, based on statutory interpretation.

Amending the rules to require transferees of pollution control facilities to apply for reissuance of tax credit certificates within 10 years of issuance of the original certificate should have a minimal fiscal and economic impact. Most applicants apply for reissuance of the tax credit certificate immediately after transfer of the facility.

The overall impact of the rule would not be significant or adverse to small business.

MC:y
MD146.A

Attachment II
Agenda Item No. D
September 12, 1986 EQC Meeting

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF AMENDING OAR CHAPTER 340, DIVISION 16	)))	LAND USE CONSISTENCY

The proposal described appears to be consistent with all statewide planning goals. Specifically, the rule amendments comply with Goal 6 because they would provide tax credits for pollution control facilities, thereby contributing to the protection of air, water and land resource quality.

Public comment on this proposal is invited and may be submitted in the manner described in the accompanying Public Notice of Rules Adoption.

It is requested that local, state and federal agencies review the proposal and comment on possible conflicts with their programs affecting land use and with statewide planning goals within their jurisdiction. The Department of Environmental Quality intends to ask the Department of Land Conservation and Development to mediate any apparent conflicts thereby brought to its attention.

After public hearing, the Commission may adopt permanent rules identical to the proposal, adopt modified rules on the same subject matter, or decline to act. The Commission's deliberation should come on December 12, 1986 as part of the agenda of a regularly scheduled Commission meeting.

MC:y
MD146.B

ATTACHMENT III
Agenda Item No. D
September 12, 1986 EQC Meeting

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Pollution Control Tax Credit Rule Amendments Public Hearing

Date Prepared: August 15, 1986
Hearing Date: October 16, 1986
Comments Due: October 16, 1986

WHO IS AFFECTED: Amendment of the rules will affect people applying for pollution control tax credits.

WHAT IS PROPOSED: The DEQ proposes to adopt amendments to OAR Chapter 340, Division 16 to improve the Pollution Control Tax Credit Rules (OAR 340-16-010 through 340-16-050) to define the term "actual costs" of a pollution control facility eligible for tax credit and to establish procedures for reissuance of tax credit certificates to transferees of pollution control facilities.

WHAT ARE THE HIGHLIGHTS: Amendment of the rules would define the term "actual cost" of a pollution control facility to identify which costs are "eligible" and "ineligible."

Amendment of the rules would prohibit the Environmental Quality Commission from retroactively reissuing a tax credit certificate to a transferee of the pollution control facility.

Amendment of the rules would require a transferee of a facility to apply for reissuance of the tax credit within 10 years of issuance of the original tax credit certificate.

HOW TO COMMENT: Copies of the proposed rule amendments can be obtained from:

Sherry Chew
Management Services Division
P.O. Box 1760
Portland, OR 97207
Telephone: 229-6484
toll-free 1-800-452-4011

P.O. Box 1760
Portland, OR 97207

8/16/84

FOR FURTHER INFORMATION:

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

Written comments should be sent to the same address by October 16, 1986. Verbal comments may be given during the public hearing scheduled as follows:

3:00 p.m.
October 16, 1986
Room 1400
522 SW Fifth Avenue
Portland, Oregon

WHAT IS THE NEXT STEP: After the public hearing, the Environmental Quality Commission may adopt rules identical to those proposed, modify the rules or decline to act. The Commission's deliberations should come on December 12, 1986 as part of the agenda of a regularly scheduled Commission meeting.

ATTACHMENTS: Statement of Need for Rules (including Fiscal Impact)
Statement of Land Use Consistency

MY3194

Attachment IV
Agenda Item D
September 12, 1986
EQC Meeting

OREGON ADMINISTRATIVE RULES

FOR POLLUTION CONTROL TAX CREDITS

CHAPTER 340, DIVISION 16

340-16-015 PURPOSE

The purpose of these rules is to prescribe procedures and criteria to be used by the Department and Commission for issuance of tax credits for pollution control facilities. These rules are to be used in connection with ORS 468.150 to 468.190 and apply only to facilities on which construction has been completed after December 31, 1983, except where otherwise noted herein.

340-16-010 DEFINITIONS

(1) "Circumstances beyond the control of the applicant" means facts, conditions and circumstances which applicant's due care and diligence would not have avoided.

(2) "Commencement of erection, construction or installation" means the beginning of a continuous program of on-site construction, erection or modification of a facility which is completed within a reasonable time, and shall not include site clearing, grading, dredging, landfilling or similar physical change made in preparation for the facility.

(3) "Commission" means Environmental Quality Commission.

(4) "Department" means Department of Environmental Quality.

(5) "Facility" means a pollution control facility.

(6) "Like-for-like replacement cost" means the current price of providing a new facility of the same type, size and construction materials as the original facility.

(7) "Principal purpose" means the most important or primary purpose. Each facility may have only one principal purpose.

(8) "Reconstruction or replacement" means the provision of a new facility with qualities and pollution control characteristics equivalent to the original facility. This does not include repairs or work done to maintain the facility in good working order.

(9) "Sole purpose" means the exclusive purpose.

(10) "Special circumstances" means emergencies which call for immediate erection, construction or installation of a facility, cases where applicant has relied on incorrect information provided by Department personnel as demonstrated by letters, records of conversations or other written evidence, or similar adequately documented circumstances which directly resulted in applicant's failure to file a timely application for preliminary certification. Special circumstances shall not include cases where applicant was unaware of tax credit certification requirements or applied for preliminary certification in a manner other than that prescribed in 340-16-015(1).

(11) "Substantial completion" means the completion of erection, installation, modification, or construction of all elements of the facility which are essential to perform its purpose.

(12) "Useful life" means the number of years the claimed facility is capable of operating before replacement or disposal.

340-16-015 PROCEDURES FOR RECEIVING PRELIMINARY TAX CREDIT CERTIFICATION

(1) Filing of Application

(a) Any person proposing to apply for certification of a pollution control facility pursuant to ORS 468.165, shall file an application for preliminary certification with the Department of Environmental Quality 30 days before the commencement of erection, construction or installation of the facility. The application shall be made on a form provided by the Department. The preliminary certificate need not be issued prior to construction for compliance with this requirement.

(b) If the application is filed less than 30 days before commencement of construction, the application will be rejected as incomplete due to failure to comply with ORS 465.175(1) and OAR 340-16-015(a). However, if the Department reviews the application within 30 days of filing, and finds it complete, the Department shall notify the applicant in writing that the application is complete and ready for processing, and that the applicant may proceed with construction without waiting 30 days and without being rejected as incomplete.

(c) The Commission may waive the filing of the application if it finds the filing inappropriate because special circumstances render the filing unreasonable and if it finds such facility would otherwise qualify for tax credit certification pursuant to ORS 468.150 to 468.190.

(d) Within 30 days of the filing of an application the Department shall request any additional information that applicant needs to submit in order for the application to be considered complete. After examination thereof, the Department may request corrections and revisions to the plans and specifications. The Department may, also, require any other information necessary to determine whether the

proposed construction is in accordance with Department statutes, rules and standards.

(e) The application shall not be considered complete until the Department receives the information requested and notifies the applicant in writing that the application is complete and ready for processing. However, if the Department does not make a timely request pursuant to subsection (d) above, the application shall be deemed complete 30 days after filing.

(f) Notice of the Department's recommended action to deny an application shall be mailed at least seven days before the Commission meeting where the application will be considered unless the applicant waives the notice requirement in writing.

(2) Approval of Preliminary Certification

(a) If the Department determines that the proposed facility is eligible it shall issue a preliminary certificate approving the erection, construction or installation within 60 days of receipt of a completed application. It is not necessary for this certificate to include a determination of the full extent a facility is eligible for tax credit.

(b) If within 60 days of the receipt of a completed application, the Department fails to issue a preliminary certificate of approval and the Commission fails to issue an order denying certification, the preliminary certificate shall be considered to have been issued. The construction must comply with the plans, specifications and any corrections or revisions thereto, if any, previously submitted.

(c) Issuance of a preliminary tax credit certification does not guarantee final tax credit certification.

(3) Denial of Preliminary Certification

If the Department determines that the erection, construction or installation does not comply with the Department statutes, rules and standards, the Commission shall issue an order denying certification within 60 days of receipt of a completed application.

(4) Appeal

Within 20 days from the date of mailing of the order the applicant may demand a hearing. The demand shall be in writing, shall state the grounds for hearing and shall be mailed to the Director of the Department. The hearing shall be conducted in accordance with the applicable provisions of ORS 183.310 to 183.550.

340-16-020 PROCEDURES FOR RECEIVING FINAL TAX CREDIT CERTIFICATION

(1) Filing of Application

(a) A written application for final tax credit certification shall be made to the Department on a form provided by the Department.

(b) Within 30 days of receipt of an application, the Department shall request any additional information that applicant needs to submit in order for the application to be considered complete. The Department may also require any other information necessary to determine whether the construction is in accordance with Department statutes, rules and standards.

(c) An application shall not be considered filed until all requested information is furnished by the applicant, and the Department notifies the applicant in writing that the application is complete and ready for processing.

(d) The application shall be filed within two years of substantial completion of construction of the facility. Failure to file a timely application shall make the facility ineligible for tax credit certification.

(e) The Commission may grant an extension of time to file an application if circumstances beyond the control of the applicant would make a timely filing unreasonable.

(f) An extension shall only be considered if applied for within two years of substantial completion of construction of the facility. An extension may be granted for no more than one year. Only one extension may be granted.

(g) An application may be withdrawn and resubmitted by applicant at any time within two years of substantial completion of construction of the facility without paying an additional processing fee, unless the cost of the facility has increased. An additional processing fee shall be calculated by subtracting the cost of the facility on the original application from the cost of the facility on the resubmitted application and multiplying the remainder by one-half of one percent.

(h) If the Department determines the application is incomplete for processing and applicant fails to submit requested information within 180 days of the date when the Department requested the information, the application will be rejected, unless applicant requests in writing additional time to submit requested information.

(2) Commission Action

(a) Notice of the Department's recommended action on the application shall be mailed at least seven days before the Commission meeting where the application will be considered unless the applicant waives the notice requirement in writing. The Commission shall act on an application

for certification before the 120th day after the filing of a complete application. The Commission may consider and act upon an application at any of its regular or special meetings. The matter shall be conducted as an informal public informational hearing, not a contested case hearing, unless ordered otherwise by the Commission.

(b) Certification

(A) If the Commission determines that the facility is eligible, it shall certify the actual cost of the facility and the portion of the actual cost properly allocable to pollution control, resource recovery or recycling as set forth in ORS 468.190. Each certificate shall bear a separate serial number for each such facility.

(B) No determination of the proportion of the actual cost of the facility to be certified shall be made until receipt of the application.

(C) If two or more facilities constitute an operational unit, the commission may certify such facilities under one certificate.

(D) A certificate is effective for purposes of tax relief in accordance with ORS 307.405, 316.097 and 317.116 if erection, construction or installation of the facility was begun before December 31, 1988.

(E) Certification of a pollution control facility qualifying under ORS 468.165(1) shall be granted for a period of 10 consecutive years. The 10-year period shall begin with the tax year of the person in which the facility is certified under this section. However, if ad valorem tax relief is utilized by a corporation organized under ORS Chapter 61 or 62 the facility shall be exempt from ad valorem taxation, to the extent of the portion allocable, for a period of 20 consecutive years from the date of its first certification by the Commission.

(F) Portions of a facility qualifying under ORS 468.165(1)(c) may be certified separately under this section if ownership of the portions is in more than one person. Certification of such portions of a facility shall include certification of the actual cost of the portion of the facility to the person receiving the certification. The actual cost certified for all portions of a facility separately certified under this subsection shall not exceed the total cost of the facility that would have been certified under one certificate. The provisions of ORS 316.097(8) or 317.116 whichever is applicable, shall apply to any sale, exchange or other disposition of a certified portion to a facility.

(c) Rejection

If the Commission rejects an application for certification, or certifies a lesser actual cost of the facility or a lesser portion of the actual cost properly allocable to pollution control, resource recovery or recycling than was claimed in the application for certification, the Commission shall cause written notice of its action, and a concise statement of the findings and reasons therefore, to be sent by registered or certified mail to the applicant within

120 days after the filing of the application. Failure of the Commission to act constitutes rejection of the application.

(3) Appeal

If the application is rejected for any reason, or if the applicant

is dissatisfied with the certification of actual cost or portion of the actual cost properly allocable to pollution control, resource recovery or recycling, the applicant may appeal from the rejection as provided in ORS 468.110. The rejection of the certification is final and conclusive on all parties unless the applicant takes an appeal therefrom as provided in ORS 468.110 before the 30th day after notice was mailed by the Commission.

340-16-025 QUALIFICATION OF FACILITY FOR TAX CREDITS

(1) "Pollution control facility" or "facility" shall include any land, structure, building, installation, excavation, machinery, equipment or device, or alternative methods for field sanitation and straw utilization and disposal as approved by the Field Burning Advisory Committee and the Department, or any addition to, reconstruction of or improvement of, land or an existing structure, building, installation, excavation, machinery, equipment or device reasonably used, erected, constructed or installed by any person, which will achieve compliance with Department statutes and rules or Commission orders or permit conditions, where applicable, if:

(a) The principal purpose of the facility is to comply with a requirement imposed by the Department, the Federal Environmental Protection Agency or regional air pollution authority to prevent, control or reduce air, water or noise pollution or solid or hazardous waste or to recycle or provide for the appropriate disposal of used oil; or

(b) The sole purpose of the facility is to prevent, control or reduce a substantial quantity of air, water or noise pollution or solid or hazardous waste or to recycle or provide for the appropriate disposal of used oil.

(2) Such prevention, control or reduction required by this subsection shall be accomplished by:

(a) The disposal or elimination of or redesign to eliminate industrial waste and the use of treatment works for industrial waste as defined in ORS 468.700;

(b) The disposal or elimination of or redesign to eliminate air contaminants or air pollution or air contamination sources and the use of air cleaning devices as defined in ORS 468.275;

(c) The substantial reduction or elimination of or redesign to eliminate noise pollution or noise emission sources as defined by rule of the commission;

(d) The use of a resource recovery process which obtains useful material or energy resources from material that would otherwise be solid waste as defined in ORS 459.005, hazardous waste as defined in ORS 459.410, or used oil as defined in ORS 468.850;

(e) Subsequent additions to a solid waste facility, made either to an already certified facility or to an operation which would have qualified as a facility but for the fact that it was erected, constructed or installed before January 1, 1973, which will increase the production or recovery of useful materials or energy over the amount being produced or recovered by the original facility whether or not the materials or energy produced or recovered are similar to those of the original facility.

(f) The treatment, substantial reduction or elimination of or redesign to treat, substantially reduce or eliminate hazardous waste as defined in ORS 459.410; or

(g) Approved alternative field burning methods and facilities which shall be limited to:

(A) Equipment, facilities, and land for gathering, densifying, processing, handling, storing, transporting and incorporating grass straw or straw based products which will result in reduction of open field burning;

(B) Propane flamers or mobile field sanitizers which are alternatives to open field burning and reduce air quality impacts; and

(C) Drainage tile installations which will result in a reduction of grass seed acreage under production.

(3) "Pollution control facility" or "facility" does not include:

(a) Air conditioners;

(b) Septic tanks or other facilities for human waste;

(c) Property installed, constructed or used for moving sewage to the collecting facilities of a public or quasi-public sewerage system;

(d) Any distinct portion of a solid waste, hazardous waste or used oil facility that makes an insignificant contribution to the purpose of utilization of solid waste, hazardous waste or used oil including the following specific items:

(A) Office buildings and furnishings;

(B) Parking lots and road improvements;

(C) Landscaping;

(D) External lighting;

(E) Company signs;

(F) Artwork; and

(G) Automobiles.

(e) Facilities not directly related to the operation of the industry or enterprise seeking the tax credit;

(f) Replacement or reconstruction of all or a part of any facility for which a pollution control facility certificate has previously been issued under ORS 468.170, except:

(A) If the cost to replace or reconstruct the facility is greater than the like-for-like replacement cost of the original facility due to a requirement imposed by the department, the federal Environmental Protection Agency or a regional air pollution authority, then the facility may be eligible for tax credit certification up to an amount equal to the difference between the cost of the new facility and the like-for-like replacement cost of the original facility; or

(B) If a facility is replaced or reconstructed before the end of its useful life then the facility may be eligible for the remainder of the tax credit certified to the original facility.

(4) Any person may apply to the commission for certification under ORS 468.170 of a pollution control facility or portion thereof erected, constructed or installed by the person in Oregon if:

(a) The air or water pollution control facility was erected, constructed or installed on or after January 1, 1967.

(b) The noise pollution control facility was erected, constructed or installed on or after January 1, 1977.

(c) The solid waste facility was under construction on or after January 1, 1973, or the hazardous waste, used oil, resource recovery, or recycling facility was under construction on or after October 3, 1979, and if:

(A) The facility's principal or sole purpose conforms to the requirements of ORS 468.155(1);

(B) The facility will utilize material that would otherwise be solid waste as defined in ORS 459.005, hazardous waste as defined in ORS 459.410 or used oil as defined in ORS 468.850:

(i) By burning, mechanical processing or chemical processing; or

(ii) Through the production, processing, presegregation, or use of:

(I) Materials for their heat content or other forms of energy of or from the material; or

(II) Materials which have useful chemical or physical properties and which may be used for the same or other purposes; or

(III) Materials which may be used in the same kind of application as its prior use without change in identity;

(C) The end product of the utilization is a usable source of power or other item of real economic value;

(D) The end product of the utilization, other than a usable source of power, is competitive with an end product produced in another state; and

(E) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.

(d) The hazardous waste control facility was erected, constructed or installed on or after January 1, 1984 and if:

(A) The facility's principal or sole purpose conforms to the requirements of ORS 468.155(1) and

(B) The facility is designed to treat, substantially reduce or eliminate hazardous waste as defined in ORS 459.410.

(5) The Commission shall certify a pollution control, solid waste, hazardous waste or used oil facility or portion thereof, for which an application has been made under ORS 468.165, if the Commission finds that the facility:

(A) Was erected, constructed or installed in accordance with the requirements of ORS 468.165(1) and 468.175;

(B) Is designed for, and is being operated or will operate in accordance with the requirements of ORS 468.155; and

(C) Is necessary to satisfy the intents and purposes of and is in accordance with the applicable Department statutes, rules and standards.

340-16-026 ACTUAL COSTS OF POLLUTION CONTROL FACILITIES ELIGIBLE FOR CERTIFICATION

(1) In determining eligible and ineligible costs, the Commission will consider whether costs are treated as expenses of the current period or capitalized as part of the facility cost in the company records. Items which are not capitalized by the company but which are included as part of the facility cost eligible for certification must be identified and explained by the applicant. The Commission may request additional verification of these records as necessary.

(a) Eligible costs.

(A) To the extent that costs are necessarily incurred in the acquisition, erection, construction and installation of a pollution control facility, as defined in OAR 340-16-025, the following expenses are eligible for certification by the Commission as part of the cost of the facility:

(i) Land acquisition costs, including amounts paid for:

(I) Purchase price;

(II) Costs of closing the transaction and perfecting title, such as commissions, legal fees, title investigation, and title insurance;

(III) Costs of preparing the land to make it suitable for desired use, such as surveying, clearing, grading, draining, and filling.

(ii) Facility acquisition, erection, construction, and installation costs, including amounts paid for:

(I) Purchase price of facility and/or necessary components;

(II) Construction labor, materials, supplies, and related overhead;

(III) Facility design and engineering consultant fees;

(IV) Patent searches;

(V) State, federal and local permit fees;

(VI) Construction period interest and taxes;

(VII) Insurance premiums for coverage during construction period;

(VIII) Financial consultant fees, legal fees, and other construction period financial costs. Such costs which are incurred for debt which extends beyond the construction period must be prorated. Only the proportionate share of costs related to the construction period are eligible.

(IX) Testing of facility prior to it being placed in operation for its intended use.

(X) Other costs as determined by the Commission.

(b) Ineligible costs.

(A) The following costs are not eligible for certification as costs of the facility:

(i) Items identified in 340-16-025(3);

(ii) Interest charges paid after the completion date of the facility;

(iii) Insurance costs paid after the completion date of the facility;

(iv) Maintenance, operations, and repair costs;

(v) Amounts set aside for a contingent liability;

(vi) Tax credit processing and application fees;

(vii) Other costs as determined by the Commission.

340-16-030 DETERMINATION OF PERCENTAGE OF CERTIFIED FACILITY COST ALLOCABLE TO POLLUTION CONTROL

(1) Definitions

(a) "Annual operating expenses" means the estimated costs of operating the claimed facility including labor, utilities, property taxes, insurance, and other cash expenses, less any savings in expenses attributable to installation of the claimed facility. Depreciation, interest expenses, and state and federal taxes are not included.

(b) "Average annual cash flow" means the estimated average annual cash flow from the claimed facility for the first five full years of operation calculated as follows:

(A) Calculate the annual cash flow for each of the first five full years of operation by subtracting the annual operating expenses from the gross annual income for each year and

(B) Sum the five annual cash flows and divide the total by five. Where the useful life of the claimed facility is less than five years, sum the annual cash flows for the useful life of the facility and divide by the useful life.

(c) "Claimed facility cost" means the actual cost of the claimed facility minus the salvage value of any facilities removed from service.

(d) "Gross annual income" means the estimated total annual income from the claimed facility derived from sale or reuse of recovered materials or energy or any other means.

(e) "Salvage value" means the value of a facility at the end of its useful life minus what it costs to remove it from service. Salvage value can never be less than zero.

(2) In establishing the portion of costs properly allocable to the prevention, control or reduction of air, water or noise pollution or solid or hazardous waste or to recycling or properly disposing of used oil for facilities qualifying for certification under ORS 468.170, the Commission shall consider the following factors, if applicable:

(a) The extent to which the facility is used to recover and convert waste products into a salable or usable commodity;

(b) The estimated annual percent return on the investment in the facility;

(c) The alternative methods, equipment and costs for achieving the same pollution control objective;

(d) Related savings or increase in costs which occur or may occur as a result of the installation of the facility; or

(e) Other factors which are relevant in establishing the portion of the actual cost of the facility properly allocable to the prevention, control or reduction of air, water or noise pollution or solid or hazardous waste or to recycling or properly disposing of used oil.

(3) For facilities that have received preliminary certification and on which construction has been completed before January 1, 1984, the portion of actual costs properly allocable shall be:

(a) Eighty percent or more.

(b) Sixty percent or more but less than 80 percent.

(c) Forty percent or more but less than 60 percent.

(d) Twenty percent or more but less than 40 percent.

(e) Less than twenty percent.

(4) For facilities on which construction has been completed after December 31, 1983, the portion of actual costs properly allocable shall be from zero to 100 percent in increments of one percent. If zero percent, the Commission shall issue an order denying certification.

(5) In considering the factors listed in 340-16-030 to establish the portion of costs allocable to pollution control, the Commission will use the factor, or combination of factors, that results in the smallest portion of costs allocable.

(6) When the estimated annual percent return on investment in the facility, 340-16-030(2)(b), is used to establish the portion of costs allocable to pollution control, the following steps will be used:

(a) Determine the claimed facility cost, average annual cash flow and useful life of the claimed facility.

(b) Determine the return on investment factor by dividing the claimed facility cost by the average annual cash flow.

(c) Determine the annual percent return on investment by using Table 1. At the top of Table 1, find the number equal to the useful life of the claimed facility. In the column under this useful life number, find the number closest to the return on investment factor. Follow this row to the left until reaching the first column. The number in the first column is the annual percent return on investment for the claimed facility. For a useful life greater than 30 years, or percent return on investment greater than 25 percent, Table 1 can be extended by utilizing the following equation:

$$I_R = \frac{1-(1+i)^{-n}}{i}$$

Where: I_R is the return on investment factor.
i is the annual percent return on investment.
n is the useful life of the claimed facility.

(d) Determine the reference annual percent return on investment from Table 2. Select the reference percent return from Table 2 that corresponds with the year construction was completed on the claimed facility. For each future calendar year not shown in Table 2, the reference percent return shall be the five-year average of the rate of return before taxes on stockholders' equity for all United States manufacturing corporations for the five years prior to the calendar year of interest.

(e) Determine the portion of actual costs properly allocable to pollution control from the following equation:

$$P_A = \frac{RROI - ROI}{RROI} \times 100\%$$

Where: P_A is the portion of actual costs properly allocable to pollution control in percent, rounded off to the nearest whole number.
ROI is the annual percent return on investment from Table 1.
RROI is the reference annual percent return on investment from Table 2.

If ROI is greater than or equal to RROI, then the portion of actual costs properly allocable to pollution control shall be zero percent.

Table 2

Reference Annual Percent Return on Investment

Year Construction Completed	Reference Percent Return
1975	19.1
1976	19.8
1977	21.0
1978	21.9
1979	22.5
1980	23.0
1981	23.6
1982	23.4
1983	21.5
1984	19.9

Calculation of the reference percent return was made by averaging the average annual percent return before taxes on stockholders' equity for all manufacturing corporations as found in the Quarterly Financial Report for Manufacturing, Mining and Trade Corporations, published by the U.S. Department of Commerce, Bureau of the Census, for the five years prior to the year shown.

340-16-035 PROCEDURE TO REVOKE CERTIFICATION

(1) Pursuant to the procedures for a contested case under ORS 183.310 to 183.550, the Commission may order the revocation of the final tax credit certification if it finds that:

(a) The certification was obtained by fraud or misrepresentation or

(b) The holder of the certificate has failed substantially to operate the facility for the purpose of, and to the extent necessary for, preventing, controlling or reducing air, water or noise pollution or solid waste, hazardous wastes or recycling or disposing of used oil as specified in such certificate, or has failed to operate the facility in compliance with Department or Commission statutes, rules, orders or permit conditions where applicable.

(2) As soon as the order of revocation under this section has become final, the Commission shall notify the Department of Revenue and the county assessor of the county in which the facility is located of such order.

(3) If the certification of a pollution control or solid waste, hazardous wastes or used oil facility is ordered revoked pursuant to paragraph (a) of subsection (1) of this section, all prior tax relief provided to the holder of such certificate by virtue of such certificate shall be forfeited and the Department of Revenue or the proper county officers shall proceed to collect those taxes not paid by the certificate holder as a result of the tax relief provided to the holder under any provision of ORS 307.405, 316.097 and 317.116.

(4) If the certification of a pollution control or solid waste, hazardous wastes or used oil facility is ordered revoked pursuant to paragraph (b) of subsection (1) of this section, the certificate holder shall be denied any further relief provided under ORS 307.405, 316.097 or 317.116 in connection with such facility, as the case may be, from and after the date that the order of revocation becomes final.

(5) The Department may withhold revocation of a certificate when operation of a facility ceases if the certificate holder indicates in writing that the facility will be returned to operation within five years time. In the event that the facility is not returned to operation as indicated, the Department shall revoke the certificate.

340-16-040 PROCEDURES FOR TRANSFER OF A TAX CREDIT CERTIFICATE

(1) To transfer a tax credit certificate from one (holder) to another, the Commission shall revoke the certificate and (reissue) a new one to the new holder for the balance of the available tax credit following the procedure set forth in ORS 307.405, 316.097, and 317.116.

(2) A request for transfer of a tax credit must be made before the original certificate has expired. The tax credit certificate is considered valid for a period of ten consecutive years beginning with the tax year of the person in which the facility is originally certified.

(3) Reissued tax credit certificates are only valid from the date of reissuance by the Commission. Certificates may not be reissued retroactively.

340-16-045 FEES FOR FINAL TAX CREDIT CERTIFICATION

(1) An application processing fee of one-half of one percent of the cost claimed in the application of the pollution control facility to a maximum of $5,000 shall be paid with each application. However, if the application processing fee is less than $50, no application processing fee shall be charged. A non-refundable filing fee of $50 shall be paid with each application. No application is complete until the filing fee and processing fee are submitted. An amount equal to the filing fee and processing fee shall be submitted as a required part of any application for a pollution control facility tax credit.

(2) Upon the Department's receipt of an application, the filing fee becomes non-refundable.

(3) The application processing fee shall be refunded in whole if the application is rejected.

(4) The fees shall not be considered by the Environmental Quality Commission as part of the cost of the facility to be certified.

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

340-16-050 TAXPAYERS RECEIVING TAX CREDIT

(1) A person receiving a certificate under this section may take tax relief only under ORS 316.097 or 317.116, depending upon the tax status of the person's trade or business except if the taxpayer is a corporation organized under ORS Chapter 61 or 62, or any predecessor to ORS Chapter 62 relating to incorporation of cooperative associations, or is a subsequent transferee of such a corporation, the tax relief may be taken only under ORS 307.405.

(2) If the person receiving the certificate is an electing small business corporation as defined in section 1361 of the Internal Revenue Code, each shareholder shall be entitled to take tax credit relief as provided in ORS 316.097, based on that shareholder's pro rata share of the certified cost of the facility.

(3) If the person receiving the certificate is a partnership, each partner shall be entitled to take tax credit relief as provided in ORS 316.097, based on that partner's pro rata share of the certified cost of the facility.

(4) Upon any sale, exchange or other disposition of a facility written notice must be provided to the Department of Environmental Quality by the company, corporation or individual for whom the tax credit certificate has been issued. Upon request, the taxpayer shall provide a copy of the contract or other evidence of disposition of the property to the Department of Environmental Quality.

(5) The company, corporation or individual claiming the tax credit for a leased facility must provide a copy of a written agreement between the lessor and lessee designating the party to receive the tax credit and a copy of the complete and current lease agreement for the facility.

(6) The taxpayer claiming the tax credit for a facility with more than one owner shall provide a copy of a written agreement between the owners designating the party or parties to receive the tax credit certificate.

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item E, September 12, 1986, EQC Meeting

Request for Authorization to Conduct a Public Hearing on Proposed Amendments to the Hazardous Waste Permit Fee Schedule, OAR 340-105-110.

Background

ORS 466.165 authorizes the Department to assess fees to generators of hazardous waste and to permittees of hazardous waste collection, treatment or disposal sites. The fees are to be in an amount determined by the Commission to be necessary to carry on the Department's monitoring, inspection and surveillance program for hazardous waste management facilities and for related administrative costs. A fee increase for hazardous waste disposal sites is needed to assure continued funding for an existing, full-time inspector for the Chem-Security Systems, Inc. disposal site at Arlington, Oregon.

In addition, the State Legislative Counsel Committee has reviewed the current hazardous waste permit fee schedule and has expressed concern about the Department's legal authority to assess permit application processing fees for hazardous waste storage facilities. The committee has recommended that these fees be temporarily deleted from the fee schedule, until statutory authority is clarified.

The Department is proposing to amend the hazardous waste permit fee schedule in OAR 340-105-110, to accomplish these two tasks.

Discussion

Chem-Security Systems, Inc. (CSSI) currently operates the only authorized hazardous waste disposal site in the state, at Arlington. Proper design and operation of this facility is therefore vital to a successful, comprehensive hazardous waste management program in Oregon. To this end, the Department recently hired a Senior Environmental Engineer to monitor the Arlington facility full-time. Previously, the site was monitored on a part-time basis by staff who had other program responsibilities as well.

Funding for the new position is primarily by Compliance Determination fees collected from CSSI. The fees are based upon the amount of waste received at the site.

Unfortunately, the volume of waste received at the CSSI disposal site can vary significantly from year to year. For example, during 1984 the facility received approximately 200,000 tons of waste. During 1985, it received approximately 100,000 tons of waste. The reason for this fluctuation is that the facility receives unpredictable amounts of spill cleanup and superfund site cleanup wastes in addition to wastes from routine, on-going hazardous waste generators. This situation makes funding for the new site inspector unreliable. To assure a stable funding base, a fee increase of $50,000 annually is needed.

The CSSI disposal site, as noted above, is currently receiving about 100,000 tons of waste annually. Therefore, the proposed fee increase amounts to about 50 cents per ton. Since the facility currently charges users about $200 per ton for disposal, the proposed increase actually amounts to only one-quarter of one percent to CSSI's customers. This proposal has been reviewed and approved by the Department's Hazardous Waste Program Funding Committee. The committee represents affected industries, including CSSI.

The State's Legislative Counsel Committee routinely reviews the Department's administrative rules. Recently, the committee reviewed the hazardous waste permit fee schedule in OAR 340-105-110. The committee found that statutory authority for a portion of the fee schedule, concerning permit application processing fees for storage facilities, is unclear. The Department acknowledged this fact and has agreed to seek clarification during the upcoming 1987 legislative session. Also, the Department indicated to the committee that no such fees would be assessed until authority had been clarified. However, by letter dated July 22, 1986 (copy attached), the committee requested that this portion of the fee schedule be temporarily deleted, until the authority issue is resolved. The Department has agreed to combine this action with the proposed fee increase for the CSSI disposal site.

Alternatives and Evaluation

Thorough oversight of the CSSI disposal site is deemed to be vital to an effective hazardous waste management program. Current funding for a full-time site inspector is unreliable and needs to be stabilized. Loss of this staff position would result in a less comprehensive state oversight program and could threaten public health and safety and the environment in the Arlington area.

Failure to temporarily suspend permit processing fees for hazardous waste storage facilities would have no serious impact. However, this action would eliminate any possible confusion about the Department's intent to assess such fees. It is convenient to take such action in conjunction with the proposed amendment of the fee schedule for disposal sites.

Summary

1. The Department is authorized by ORS 466.165 to assess fees to permittees of hazardous waste management facilities.

2. The Commission is authorized by ORS 466.165 to determine the amount of fee necessary for the Department to conduct a monitoring, inspection and surveillance program.

3. Funding for an existing, full-time inspector for the state's only authorized hazardous waste disposal site is insecure and needs to be stabilized. The Department's Hazardous Waste Program Funding Committee supports a proposed fee increase for the disposal site to accomplish this.

4. The Legislative Counsel Committee has recommended that permit application processing fees for hazardous waste storage facilities be temporarily suspended, until statutory authority for such fees is clarified.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize a public hearing to take testimony on the proposed amendments to the hazardous waste permit fee schedule in OAR 340-105-110.

Fred Hansen

Attachments: Letter from Legislative Counsel Committee, dated July 22, 1986

Draft Statement of Need for Rulemaking

Draft Statement of Land Use Consistency

Draft Hearings Notice

Proposed Amendment of OAR 340-105-110

William H. Dana:f
ZF1294
229-6015
August 13, 1986

9-12-86 EQC Meeting
Attachment A
Agenda Item E

THOMAS G. CLIFFORD
LEGISLATIVE COUNSEL

S101 STATE CAPITOL
SALEM, OREGON 97310
AREA CODE 503
378-8148

STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

July 22, 1986

Fred Hansen, Director
Department of Environmental Quality
522 S. W. Fifth Avenue, Box 1760
Portland, Oregon 97207

Re: ARR 6413 - OAR 340-105-110

Dear Fred:

As you know, at its June 9, 1986, meeting, the Legislative Counsel Committee reviewed an administrative rule of the Environmental Quality Commission (EQC) relating to hazardous waste storage facility fees. After discussing the rule in question, the committee asked me to inform you of their recommendations.

Briefly, to refresh your memory, the rule in question is OAR 340-105-110. In our review, we concluded that there was no fee authorized by statute and therefore, the EQC lacks the statutory authority to charge an application processing fee for storage facilities. In response to our report (ARR 6413), your office indicated that the Department of Environmental Quality (DEQ) is proposing to submit legislation during the 1987 session to clarify the commission's authority to charge this fee. I indicated this to the committee in the course of their discussion of the rule. However, it is the consensus of the committee that in the interim, until such legislation is passed by the 1987 Legislature, the EQC should amend this rule to delete the provision charging an application processing fee for storage facilities.

In addition to recommending that the rule provision in question be deleted until enabling legislation is passed, the committee asked that I recommend that you check the legislative history to determine if there is any clear statement by the legislature that would indicate a legislative intent that the EQC charge such a fee. There was some feeling by the committee that this may in fact provide you with the authority needed to continue the fee; however, a concern was expressed by Senator Walt Brown that even if such a statement were found, unless the statute is ambiguous, the legislative history would not be relevant.

The committee would appreciate a response before their next meeting, which is as yet unscheduled. Please let me know if I can be of any assistance to you in this matter.

Very truly yours,

Jeannette K. Holman
Deputy Legislative Counsel

JKH

Attachment B
Agenda Item E
9/12/86 EQC Meeting

Before the Environmental Quality Commission
of the State of Oregon

In the Matter of Amending	)	Statement of Need for Rule
OAR Chapter 340	)	Amendment and Fiscal and
Section 105-110	)	Economic Impact.

1. Statutory Authority

ORS 466.165 provides that fees may be required of hazardous waste generators and of permittees of hazardous waste collection, treatment or disposal sites. The fee shall be in an amount determined by the Commission to be necessary to carry on the Department's monitoring, inspection and surveillance program established under ORS 466.195 and to cover related administrative costs.

2. Statement of Need

A fee increase for hazardous waste disposal sites in need, to assure continued funding for an existing, full-time inspector for the Chem-Security Systems, Inc. disposal site at Arlington, Oregon. In addition, the current permit application processing fees for hazardous waste storage facilities should be temporarily deleted, until statutory authority for such fees is clarified.

3. Principal Documents Relied Upon

a. Oregon Revised Statutes, Chapter 466
b. Oregon Administrative Rules, Chapter 340, Division 105

4. Fiscal and Economic Impact

There is currently only one hazardous waste disposal site in Oregon: the Chem-Security Systems, Inc. facility at Arlington. Accordingly, the proposed fee increase will only impact that facility and hazardous waste generators who use the site.

The proposed fee increase amounts to about 50 cents per ton of waste received at the site, based on current waste flow. The facility currently charges users about $ 200 per ton for disposal. Therefore, the proposed increase amounts to only about one-quarter of one percent of the current disposal rate. The Department believes that the impact of this proposed increase will be insignificant to both large and small businesses.

The proposed temporary deletion of the permit application processing fees for hazardous waste storage facilities will have no economic impact. The Department did not intend to assess this fee, until statutory authority had been clarified. The proposed deletion simply formalizes existing policy.

Attachment C
Agenda Item E
9/12/86 EQC Meeting

Before the Environmental Quality Commission
of the State of Oregon

In the Matter of Amending	)	Land Use Consistency
OAR Chapter 340	)	
Section 105-110	)	

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

ZF1294.C

Attachment D
Agenda Item E
9/12/86 EQC Meeting

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Proposed amendments to the Hazardous Waste Permit Fee Schedule, OAR 340-105-110.

Date Prepared: August 20, 1986
Hearing Date: October 17, 1986
Comments Due: October 17, 1986

WHO IS AFFECTED: Owners and operators of facilities that generate, store or dispose of hazardous waste.

WHAT IS PROPOSED: The Department of Environmental Quality is proposing to increase the annual compliance determination fees for licensed hazardous waste disposal sites. The Department is also proposing to temporarily rescind the permit application processing fee for hazardous waste storage facilities.

WHAT ARE THE HIGHLIGHTS: If adopted, the proposed fee increase for disposal sites would probably result in increased disposal costs for generators of hazardous wastes. It is expected that disposal costs would rise about 50 cents per ton of waste disposed or about one-quarter of one percent of the current disposal rate.

HOW TO COMMENT: Public Hearing

9:00 a.m.
Friday October 17, 1986
522 S.W. Fifth Ave., Portland, OR, Room 1400

Written comments should be sent to the DEQ, P.O. Box 1760, Portland, OR 97207 by October 17, 1986.

WHAT IS THE NEXT STEP: The Environmental Quality Commission may adopt the amendment as proposed, adopt modified amendments as a result of testimony received or decline to adopt any amendments.

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

P.O. Box 1760
Portland, OR 97207

8/16/84

FOR FURTHER INFORMATION:
Contact the person or division identified in the public notice by calling 229-5696 in the Portland area. To avoid long distance charges from other parts of the state, call 1-800-452-4011.

ZF1294.D

Attachment E
Agenda Item E
9/12/86 EQC Meeting

OAR 340-105-110 is proposed to be amended as follows:

340-105-110 (1) . . .

Table 1: Fee Schedule

(1) Filing Fee. A filing fee of $50 shall accompany each application for issuance, renewal or modification of a hazardous waste management facility permit. This fee is nonrefundable and is in addition to any application processing fee or annual compliance determination fee which might be imposed.

(2) Application Processing Fee. An application processing fee varying between $25 and $5,000 shall be submitted with each application. The amount of the fee shall depend on the type of facility and the required action as follows:

(a) A new facility (including substantial expansion of an existing facility:

(A)	Storage facility.....	$ [150] No Fee
(B)	Treatment facility - Recycling.....	150
(C)	Treatment facility - other than incineration.....	250
(D)	Treatment facility - incineration.....	500
(E)	Disposal facility.....	5,000
(F)	Disposal facility - post closure.....	2,500

(b) Permit Renewal:

(A)	Storage facility.....	[50] No Fee
(B)	Treatment facility - recycling.....	50
(C)	Treatment facility - other than incineration.....	75
(D)	Treatment facility - incineration.....	175
(E)	Disposal facility.....	5,000
(F)	Disposal facility - post closure.....	800

(c) Permit Modification - Changes to Performance/Technical Standards:

(A)	Storage facility.....	[50] No Fee
(B)	Treatment facility - recycling.....	50
(C)	Treatment facility - other than incineration.....	75
(D)	Treatment facility - incineration.....	175
(E)	Disposal facility.....	1,750
(F)	Disposal facility - post closure.....	800

(d) Permit Modification - All Other Changes not Covered by (2)(c):
All Categories, Except Storage Facilities 25

(e) Permit Modification - Department Initiated..... no fee

(3) Annual Compliance Determination Fee. (In any case where a facility fits into more than one category, the permittee shall pay only the highest fee):

(a)	Storage facility:		
	(A) 5-55 gallon drums or 250 gallons total or 2,000 pounds	250	
	(B) 5 to 250 - 55 gallon drums or 250 to 10,000 gallons total or 2,000 to 80,000 pounds	1,000	
	(C) >250 - 55 gallon drums or >10,000 gallons total or >80,000 pounds	2,500	
(b)	Treatment Facility:		
	(A) <25 gallons/hour or 50,000 gallons/day or 6,000 pounds/day	250	
	(B) 25-200 gallons/hour or 50,000 to 500,000 gallons/day or 6,000 to 60,000 pounds/day	1,000	
	(C) >200 gallons/hour or >500,000 gallons/day or >60,000 pounds/day	2,500	
(c)	Disposal Facility:		
	(A) <750,000 cubic feet/year or <37,500 tons/year	[50,000]	<u>100,000</u>
	(B) 750,000 to 2,500,000 cubic feet/year or 37,500 to 125,000 tons/year	[100,000]	<u>150,000</u>
	(C) >2,500,000 cubic feet/year or >125,000 tons/year	[150,000]	<u>200,000</u>
(d)	Disposal Facility - Post Closure:		
	All categories	5,000	

Attachment F
Agenda Item E
9/12/86 EQC Meeting

Hazardous Waste Program Funding Committee Membership List

Tom Donaca, Chairperson - Associated Oregon Industries

Jason Boe - Oregon Petroleum Markets Association

Frank Deaver - Tektronix

Loren Fletcher - Tektronix

Bob Gilbert - Crown Zellerbach

Tom McCue - Oregon Steel Mills

John Pittman - Wacker Siltronics

Jerry Schaeffer - Wacker Siltronics

Bill Van Dyke - Chem-Security Systems, Inc.

Richard Zweig - Chem-Security Systems, Inc.

ZF1294.F

VICTOR ATIYEH
GOVERNOR

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 F, September 12, 1986, EQC Meeting

Proposed adoption of revisions to "Spills and Other Incidents" Rules OAR 340-108-001 through 340-108-021; Proposed Adoption of Additional Oil and Hazardous Material Spill and Release Rules OAR 340-108-030, -050, -060, -070 and -080; Proposed Revisions to Water Pollution and Hazardous Waste Management Schedule of Civil Penalties OAR 340-12-055 and -068; and Proposed Adoption of Oil and Hazardous Material Spill and Release Schedule of Civil Penalties OAR 340-12-069.

Background

As a result of critiquing a number of major oil and hazardous materials spills over the last several years, a number of needed improvements to local/state emergency response capability were identified. The most important of these were:

1) Lack of initial and followup hazardous materials training for most first responders.

2) Lack of adequate equipment, including personal safety protection equipment, at the local and state level to contain and control major releases of chemically hazardous materials.

3) Incompatible or insufficient field communications equipment. Also, the lack of a dedicated radio frequency that could be used during hazardous material emergencies.

4) Lack of a state cleanup fund to use when a responsible party couldn't be identified or the responsible party failed to take a timely or appropriate spill cleanup action.

5) Inadequate authority to require notification and cleanup of spills of oil and other petroleum products on land where waters of the state were not immediately polluted or threatened.

6) Absence of a strict liability without regard to fault standard for persons spilling or releasing oil or hazardous material into the environment.

To address these and other deficiencies, the Department introduced House Bill 2146 during the 1985 Legislative session. After considerable debate, House Bill 2146 was passed and is currently codified as ORS 466.605 to 466.690. Principal features of House Bill 2146 were:

1) Requires the Environmental Quality Commission to adopt an oil and hazardous material emergency response master plan (currently under development by Department staff - will be brought before the Commission early next year).

2) Broadened definition of hazardous material for purposes of using the spill cleanup fund to include radioactive materials and waste and communicable disease agents and gives the Commission authority to designate additional hazardous materials.

3) Gives the Commission authority to establish an amount of oil or hazardous material which if spilled or released, must be reported.

4) Gives the Department expanded authority to require cleanup, or in the absence of a timely and appropriate cleanup, to conduct a cleanup.

5) Gives the Department expanded authority to recover costs, and in the case where a person does not make a good faith effort to cleanup, the Commission may assess up to treble damages.

6) Creates an Oil and Hazardous Material Emergency Response and Remedial Action fund separate and distinct from the general fund (only $26,000 of general funds were initially appropriated to the fund although up to $2.5 million from the Petroleum Violation Escrow fund, if not obligated by federal requirements to existing energy programs, may also be deposited to the fund).

7) Lastly, any civil penalties assessed for violation of these expanded authorities shall also be directed to the fund.

In order to fully implement the expanded authority, modifications to existing spill rules in OAR 340- Division 12 (Civil Penalties) and Division 108 (Spills and Other Incidents) are needed. Approximately four months ago, the Department began working informally with Oregon Department of Energy, Health Division, industry and environmental interests to develop modifications to existing spill cleanup and civil penalty rules. In addition, two preliminary drafts of the proposed rules were circulated in-house to our regional offices, the Water Quality Division and Regional Operations. On June 13, 1986, we requested authority to hold a public

hearing. The hearing request was approved, and the authorized hearing was held on Monday, June 23, 1986 at 1:00 p.m. in Room 1400 at 522 S.W. 5th Street in Portland.

Just prior to the hearing, on June 16, 1986, the Department received a request to delay a decision in this matter for 60 days. The Department agreed to extend the public comment period until 5:00 p.m., August 8, 1986 (later extended on July 30, 1986 to 9:00 a.m., August 11, 1986) and offered to hold two work sessions during July (10th and 30th from 9:00 to noon in Room 1400 at 522 S.W. 5th, Portland).

Forty-two persons attended the June 23, 1986 public hearing. Eleven persons gave verbal testimony and an additional twelve persons submitted written testimony.

Thirteen (13) persons attended the July 10, 1986 work session which concentrated on all issues but cleanup standards. Seventeen (17) persons attended the July 30, 1986 work session on cleanup standards. An additional twelve written comments were received prior to the close of the public comment period on August 11. Two comments were received after the close of the public comment period.

Both work sessions generated lively discussions which resulted in general agreement on most issues except reportable quantity levels. A complete discussion of issue resolution is contained in the combined hearing officer/responsiveness summary that is Attachment V to this report.

Discussion

The Department proposes to amend OAR 340- Divisions 12 and 108 to incorporate new authority and/or wording from ORS 466.205; 466.605 to 466.690 and 466.880. The most significant changes are as follows:

OAR 340-108-001 (3) and (4): Purpose and Applicability

The previous wording of OAR 340-108-001(3) implied, albeit unintentionally, that a hazardous waste generator or treatment, storage or disposal facility operator had only to comply with their contingency plan and emergency procedures rather than their contingency plan, emergency procedures and the cleanup provisions in OAR Chapter 340- Division 108. The revisions are intended to make it clear that in addition to complying with their contingency plan and emergency procedures, they must also comply with the cleanup requirement of this Division. This is because contingency plans are largely procedural in nature while Division 108 contains the substantive compliance requirements that direct reporting and cleanup.

OAR 340-108-002: Definitions

The proposed changes in definitions largely reflect new language in the statutes. The term "having control over" is defined to mean persons using,

handling, processing, manufacturing, storing, treating, disposing or transporting oil or hazardous material. The definition for hazardous material is from ORS 466.605 except that we are proposing to adopt a hazardous material list similar to EPA's recently adopted hazardous substance list under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) rather than the narrower list formerly adopted under Section 311 of the Clean Water Act. We are also proposing to temporarily defer action on including reference to radioactive substances as defined in ORS 453.005 and communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433 until both these terms can be explored in further detail with the Health Division. Lastly, threatened spill or release has been clarified to mean circumstances or events exist that indicate a spill or release of oil or hazardous material is likely and imminent.

OAR 340-108-010: Reportable Quantities

Incorporates new language spelling out specific reportable quantity levels, including the expanded CERCLA list of hazardous materials rather than the more narrow Section 311, Clean Water Act List. Does not include reference to radioactive substances or communicable disease agents for the same reasons as cited above.

OAR 340-108-020: Emergency Action, Reporting

Spells out actions to be taken including reporting spills or releases, to Oregon Emergency Management Division, federal National Response Center and local 911 emergency dispatch centers; implementation of contingency plans and immediate cleanup pursuant to OAR 340-108-030.

OAR 340-108-030: Cleanup Standards

Incorporates proposed criteria upon which to determine the lowest practicable cleanup level on a case-by-case basis. Also requires that the best available methods of cleanup be employed.

OAR 340-108-040: Cleanup Report

No changes to existing wording.

OAR 340-108-050 and -060: Sampling/Testing Procedures, References

Reference to existing sampling and testing procedures and where copies of federal documents referred to in the rules can be inspected.

OAR 340-108-070: Liability

Largely incorporates the revised liability provisions of ORS 466.645. Relative to hazardous waste cleanups only, also contains the new lien provisions contained in ORS 466.205.

OAR 340-108-080: Information Requests/Inspections

Incorporation of the information requests/inspection requirements of ORS 466.660. These authorities allow the Department to gather any information necessary to determine the need for an emergency response from persons who handle or use oil and hazardous materials. Addition of reference to Oregon's public records law in ORS 192.500.

OAR 340-12-069: Civil Penalties

Addition of a new Oil and Hazardous Material Spill and Release Schedule of Civil Penalties to OAR 340- Division 12. Deletes potentially conflicting provisions from OAR 340- Division 12 -055 and -068.

Alternatives and Evaluation

With few exceptions as will be discussed below, the proposed changes are intended to modify the wording in existing OAR 340- Division 108 to be consistent with the underlying statutes ORS 466.205 and 466.605 to 466.690. To the degree that consistency is achieved, there will be less confusion for the regulated community as to the Department's and Commission's expectations.

The following rules, however, are intended to clarify the authority given to the Department and Commission:

OAR 340-108-002(9) - Definitions of Hazardous Material

Public comment received at the end of the written comment period objected to the vague terms "radioactive substance defined in ORS 453.005" and "communicable disease agents regulated under ORS Chapter 431 and 433." These terms were initially offered by the Health Division during the Legislature's consideration of HB 2146 during 1985. No concerns of vagueness were raised at that time. During discussions with the Health Division on August 18, 1986, however, it was concluded that the term "communicable disease agent" may be overly broad for purposes of these regulations. Insufficient time was available to discuss radioactive substances or to draft a solution so the Department is deferring the inclusion of these terms at this time pending further discussion with the Health Division.

As for chemically hazardous materials and waste, the Department reviewed a number of documents before reaching its decision on what to include (See list of Principal Documents Relied On in the Statement of Need - Attachment II.). The Department is proposing to incorporate EPA's list under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) rather than the more narrow list under Section 311 of the Clean Water Act. The CERCLA list includes the Section 311 list, hazardous wastes, hazardous air pollutants and substances regulated by the Toxic Substances Control Act. The Department also considered incorporating EPA's recently published acutely toxic chemical list under their Chemical

Emergency Preparedness Program, however, the Department was advised by EPA headquarters that the list is currently undergoing a substantial revision and over 50 chemicals may be deleted. The chemicals to be deleted are those that exist only in laboratory quantities and have never been produced commercially. The Department did not receive any objections to its proposed use of the CERCLA list of hazardous substances. As EPA modifies the CERCLA list of hazardous materials, we would expect to incorporate those changes into these rules.

OAR 340-108-002(14) - Definition of Reportable Quantity

Substantial public comment was received on the Department's proposal to adopt lower reportable quantity levels than adopted by EPA under their CERCLA program. The main arguments were aimed at maintaining consistency with federal programs and the levels were not based on public health or environmental considerations. Concern was also offered stating that lower levels would result in over reporting and an inappropriate use of state resources. In reviewing several Federal Registers and EPA technical background documents, the Department remains convinced that EPA is expecting state and local response to smaller spills and releases than covered by their rules. Further, the Department is convinced that some people remain confused between reportable quantity levels and cleanup requirements. The responsibility for cleanup is absolute, a cleanup decision must be made and appropriate action taken regardless of the amount spilled or released. Reportable quantities are intended solely to alert appropriate governmental bodies that a spill or release has occurred so the government can decide if a government field response is warranted.

For instance, the Department's four-year experience in reports versus field response is as follows:

Year	Spills Reported	Field Response
1984	367	181
1983	372	170
1982	263	118
1981	234	109

After reviewing the testimony, examining EPA documents, interviewing EPA's expert on reportable quantities by phone and considering our recent experience with reported spills and releases, the Department concluded that lower levels were justified, appropriate and manageable. The proposed rule adjusts the federal 5-tier level of 1, 10, 100, 1000, and 5000 pounds to a 4-tiered level of 1, 10, 100 and 500 pounds. The Legislative approach in ORS 466.605(8), considering it references the narrow list of Section 311 of the Clean Water Act was also passed over as not being comprehensive enough in light of today's knowledge of hazardous materials. The Department also simplified the definition and placed the reportable quantity levels in a separate rule OAR 340-108-010.

OAR 340-108-010(2) - Mixtures and Solutions

Very few chemicals are transported or used as pure substances. Most frequently, commercial chemicals are mixtures or solutions of several pure substances. EPA requires reporting of spills or releases of mixtures or solutions if the quantity of any ingredient exceeds the reportable quantity for that ingredient. The Department does not consider this adequate since many, but certainly not all, mixtures or solutions contain hazardous materials with similar hazardous characteristics. Our proposal is to add up the weight of all hazardous materials in a mixture or solution and report a spill or release at the lowest reportable quantity of any ingredient. Two examples of the application of the two approaches is contained in the hearings officer's report.

OAR 340-108-030 - Cleanup Standards

For purposes of the public hearing, the Department proposed three approaches to cleanup standards: 1) specific numeric standards, 2) specific numeric standards with an opportunity to adjust up or down for cause and 3) case-by-case approach using a risk assessment approach comprised of fifteen criteria.

Although there is limited interest in the numeric standard approach because of its apparent preciseness, absolutely no agreement could be reached on appropriate cleanup standards to use. Although we like to believe that there is adequate scientific knowledge of the toxicity of all substances, the actual fact is that the information base varies widely. Even with a substance like PCB that has been studied extensively, there is no common consensus because of recent evidence that many PCB oils may be contaminated with low levels of dioxins or dibenzo-furans. The contaminants may be introduced during manufacturing or may be generated during use because of high heat and/or fire.

As a result, the risk assessment approach evolved as the consensus standard. One additional criteria was added, that of the pre-existing background levels of oil or hazardous material at the cleanup site.

In addition to the criteria, extensive debate occurred relative to the reasons for doing a cleanup. Certain industry representatives maintained that protection of public health and the environment should be the principal reason to do a cleanup. The Department maintained that site restoration, public safety and welfare are also considerations. A landowner whose land was free of potentially hazardous chemicals before a spill or release can expect to have the land returned to near background conditions after cleanup. The compromise struck, albeit tenuous, was to include preamble language that says that cleanup will be carried out using the best available cleanup methods to the lowest practicable level of contamination after applying the risk assessment criteria.

OAR 340-108-070(8), (9) and (10) - Authority to File a Lien

As originally drafted, the Department proposed to extend the authority to file a lien to recover hazardous waste cleanup costs to any cleanup costs for oil or hazardous materials. Comments at the public hearing pointed out that the liability standard contained within ORS 466.205 for hazardous wastes (person having the care, custody or control of hazardous waste . . . who causes or permits any disposal . . . shall be liable for damages . . .) is significantly different than the standard for oil and hazardous material in ORS 466.640 (strict liability without regard to fault for the person owning or having control over oil or hazardous material that is spilled or released). The commentors further pointed out that had the Legislature had this in mind in 1985, they could have easily placed the authority in ORS 466,640 when they considered and passed HB 2146. As a result of testimony, the Department has changed the proposed rules so that the lien authority applies only to hazardous waste cleanups.

OAR 340-12-069 - Civil Penalty

The Department originally proposed to modify the Hazardous Waste Management Schedule of Penalties (OAR 340-12-068) to cover spills and releases of oil or hazardous material. Upon reflection, it appeared warranted to propose a separate penalty schedule. Potentially conflicting sections are proposed to be deleted from OAR 340-12-055 and -068.

Summary

1. House Bill 2146 (now ORS 466.205, 466.605 to 466.690 and 466.680) significantly strengthened the Department's authority to require cleanup of oil and hazardous material spills and releases or threatened spills and releases.

2. Revisions and additions are proposed to the Department's existing spill rules found in OAR 340- Division 108.

3. Designation of what constitutes a hazardous material is found in proposed rule OAR 340-108-002. The Department has concluded that the hazardous materials listed in Appendix I, because of their quantity, concentration or physical or chemical characteristics may pose a present or future hazard to human health, safety, welfare or the environment when spilled or released. This conclusion is based upon available scientific information, including the documents listed in the Statement of Need - Attachment II. Except for objection to the terms "radioactive substance" and "communicable disease agents" in the proposed rule, no objections were raised to the CERCLA list of hazardous substances. The Department is temporarily deferring a decision on including radioactive substances and communicable disease agents until further discussions can be arranged with the Health Division.

4. The Department is proposing that spills and releases of mixtures and solutions of hazardous materials be reported.

5. The Department is proposing to incorporate cleanup standards in the rules that embody a risk assessment approach. In addition, rule OAR 340-108-030 directs cleanup to the lowest practicable level of contamination while employing best available cleanup methods.

6. The Department is proposing that the sampling and testing procedures specified in the existing hazardous waste rules be used in responses to spills and releases. Sampling procedures for oil are also specified.

7. The Department is incorporating the statutory authority for conducting inspections to gather oil and hazardous material information on storage practices. The rule also makes reference to existing state law (ORS 192.500) on trade secrets exempt from disclosure.

8. The Department proposes to add an oil and hazardous material spill and release schedule of civil penalties. Potentially conflicting provisions in the Water Pollution and Hazardous Waste Management schedules are being deleted.

Director's Recommendation

Based on the above report, it is recommended that the Commission find that the hazardous materials listed in OAR 340-108- Appendix I, because of their quantity, concentration or physical or chemical characteristics may pose a present or future hazard to human health, safety, welfare or the environment when spilled or released. It is also recommended that the Commission adopt proposed revisions to "Spills and Other Incidents" rules OAR 340-108-001 through 340-108-021; proposed rules OAR 340-108-030, -050, -060, -070 and -080; proposed revisions to Schedule of Civil Penalties OAR 340-12-055 and -068 and proposed rule OAR 340-12-069.

Mike Downs for
Fred Hansen

Attachments:
I. Proposed Rule
II. Statement of Need for Proposed Rule and Fiscal and Economic Impact
III. Land Use Consistency Statement
IV. Public Notice of Proposed Rulemaking
V. Hearing Officer's Report and Responsiveness Summary
VI. Draft Rules from June 13, 1986 EQC Staff Report
VII. ORS 466.205; 466.605 to 466.690 and 466.880

Richard P. Reiter:m
229-5774
August 20, 1986
ZB5697

Attachment I
Agenda Item F
9/12/86 EQC Meeting

DIVISION 108
HAZARDOUS WASTE MANAGEMENT

Oil and Hazardous Material Spills and Releases
[Spills and Other Incidents]

Subdivision A: General

340-108-001 Purpose and applicability.
340-108-002 Definitions.

Subdivision B: [Liability] Reportable Quantities

340-108-010 [Liability.] Reportable Quantities

Subdivision C: Required Action

340-108-020 Emergency action, reporting.
340-108-030 Cleanup standards
340-108-[021] 040 Cleanup report.
340-108-050 Sampling/Testing Procedures
340-108-060 References

Subdivision D: Liability and Inspections

340-108-070 Liability
340-108-080 Information requests/inspections

Authority: ORS Chapter 468, including 468.020; [459, including 459.440;] 466, including 466.020, 466.205, 466.625 and 466.630; and 183.

Subdivision A: General

Purpose and applicability.

340-108-001 (1) The purpose of this Division is to specify the [emergency procedures required to respond] reporting requirements, cleanup standards and liability that attaches to a spill or [other incident] release or threatened spill or release involving oil or [a] hazardous [waste or hazardous substance] material.

(2) The [regulations] rules of this Division apply to [all] any [persons whose actions cause or allow to be caused] person owning or having control over any oil or [a] hazardous [waste or hazardous substance] material spilled or [other incident; except that] released or threatening to spill or release.

(3) Spills or releases or threatened spills or releases of hazardous waste [and other incidents] occurring on the site of a generator [who accumulates hazardous waste or in a hazardous waste treatment, storage or disposal facility] shall be managed in accordance with the contingency plan and emergency procedures [requirements of] required by Subparts C and D of 40 CFR 265 and this Division.

(4) Spills or releases or threatened spills or releases of hazardous waste on the site of a hazardous waste treatment, storage or disposal facility shall be managed in accordance with the contingency plan and emergency procedures required by Subparts C and D of 40 CFR Part 265, or a permit issued pursuant to OAR 340- Divisions 105 and 106, and this Division.

(5) [(4)] Oil spilled in an area that may allow it to reach any waters of the state shall [also] be managed in accordance with ORS Chapter 468; [and] OAR Chapter 340-[,] Division 47; and this Division.

Definitions.

340-108-002 As used in this Division unless otherwise specified:

(1) "Barrel" means 42 U.S. gallons of oil at 60 degrees Fahrenheit.

(2) "Cleanup" includes, but is not limited to, the containment, collection, removal, treatment or disposal of oil or hazardous material; site restoration; and any investigations, monitoring, surveys, testing and other information gathering required or conducted by the department.

(3) "Cleanup costs" means all costs associated with the cleanup of a spill or release or threatened spill or release incurred by the state, its political subdivision or any person with written approval from the department when implementing ORS 466.205, 466.605 to 466.690, 466.880 (3) and (4) and 466.995 (3) or 468.800.

(4) "Commission" means the Environmental Quality Commission.

(5) "Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment and is prepared pursuant to 40 CFR Part 264- Subpart D or Part 265- Subpart D.

(6) "Department" means the Department of Environmental Quality.

(7) "Director" means the Director of the Department of Environmental Quality.

["Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste or hazardous substance into or on any land or water so that the hazardous waste or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters of the State.]

(8) "Having control over any oil or hazardous material" includes, but is not limited to, persons using, handling, processing, manufacturing, storing, treating, disposing or transporting oil or hazardous material.

(9) "Hazardous material" means:

(a) Radioactive waste and material as defined in ORS 469.300 and 469.530;

(b) Substances and wastes listed in Appendix I of this Division.

["Hazardous substance" means any substance intended for use which may also be identified as hazardous pursuant to Division 101.]

[Hazardous waste" means a hazardous waste as defined in rule 340-100-010.]

(10) "Modified Spill Prevention Control and Countermeasure (SPCC) Plan" means the plan to prevent the spill of oil from a non-transportation-related facility that has been modified to include those hazardous substances and hazardous wastes handled at the facility.

(11) "Oil" [means oil, including] includes gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse and any other petroleum related product.

["Other incident" includes but is not limited to the actual or imminent possibility of a dangerous uncontrolled reaction, the release of leachate, noxious gases or odors, fires, explosion or other disposal which may endanger public health or the environment.]

(12) "Person" includes, but is not limited to, an individual, trust, firm, joint stock company, corporation, partnership, association, municipal corporation, political subdivision, interstate body, the state and any agency or commission thereof and the Federal Government and any agency thereof.

(13) "Reportable quantity" is an amount of oil or hazardous material which if spilled or released, or threatens to spill or release, in quantities equal to or greater than those specified in OAR 340-108-010 must be reported pursuant to OAR 340-108-020.

(14) "SPCC" means Spill Prevention, Control and Countermeasures Plan prepared in accordance with Title 40 Code of Federal Regulations - Part 112 or Part 1510.

(15) "Spill or release" means the discharge, deposit, injection, dumping, spilling, emitting, releasing, leaking or placing of any oil or hazardous material into the air or into or on any land or waters of the state, as defined in ORS 468.700, except as authorized by a permit issued under ORS chapter 454, 459, 468 or 469, ORS 466.005 to 466.385, 466.880 (1) and (2), 466.890 and 466.995 (1) and (2) or federal law or while being stored or used for its intended purpose.

(16) "Threatened spill or release" means circumstances or events exist that indicate a spill or release of oil or hazardous material is likely and iminent.

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

THE TEXT OF SUBDIVISION B HAS BEEN REPLACED IN ITS ENTIRETY.

THE NEW TEXT READS AS FOLLOWS:

Subdivision B: Reportable Quantities

340-108-010 (1) Reportable quantity means:

(a) Any quantity of radioactive material, or radioactive waste;

(b) If spilled into waters of the state, or escape into waters of the state is likely, any quantity of oil that would produce a visible oily slick, oily solids, or coat aquatic life, habitat or property with oil, but excluding normal discharges from properly operating marine engines;

(c) If spilled on the surface of the land, any quantity of oil over one barrel (42 gallons); and

(d) An amount equal to or greater than the quantity listed under the state reportable quantity column in Appendix I of this Division for substances and wastes.

(2) Spills or releases of mixtures or solutions containing any of the hazardous materials listed in Appendix I of this Division are subject to the reporting requirements of this rule if the total quantity of all the hazardous materials in the mixture or solution (in pounds) exceeds the lowest reportable quantity listed in Appendix I for any one of the hazardous materials in the mixture or solution. A person may rely upon actual knowledge and readily available information such as material safety data sheets, shipping papers, hazardous waste manifests and container labels, to determine the presence and concentration of hazardous materials in a mixture or solution.

(3) The quantity determination required by Section 1 of this rule shall be the quantity of oil or hazardous material spilled or released prior to contact or mixing with any other material or substance (i.e., with soil, water, sawdust, etc.). In the case of a threatened spill or release, it shall be the amount of oil or hazardous material in the container or tank from which a spill or release is likely and iminent.

Subdivision C: Required Action

Emergency action, reporting.

340-108-020 In the event of a spill or [other incident] release or threatened spill or release, the person owning or having [the care, custody, or] control [of the] over oil or hazardous [waste or hazardous substance] material shall take the following actions, as appropriate[:].

(1) Immediately implement the site's SPCC plan, modified SPCC plan or other applicable contingency plan if such a plan is required.

(Comment: Generators accumulating hazardous waste for less than 90 days are required to have a contingency plan prepared in accordance with 40 CFR 262.34.)

(2) If an SPCC plan, modified SPCC plan or contingency plan is not otherwise required [by Divisions 100 to 110], immediately take the following actions in the order listed:

(a) Activate alarms or otherwise warn persons in the immediate area; and

(b) Undertake every reasonable method to contain the oil or hazardous [substance or hazardous waste] material.

(3) If a medical emergency or public safety hazard (i.e., potential fire or explosion) is determined by the responsible person to exist that requires the services of local emergency responders (fire, police, emergency medical technicians), call 911, where available, or local fire and/or police where 911 does not exist.

[(c)(A)] (4) [Report the spill or other incident to the Oregon Emergency Management Division (telephone 800-452-0311) if] If the amount of oil or hazardous [waste or hazardous substance] material exceeds the [following] reportable quantity [(in the event a substance or waste falls into more than one category, the lower quantity shall be reported)] listed in OAR 340-108-010 in any 24-hour period, report the spill or release or threatened spill or release to the Oregon Emergency Management Division.

Comment: The Oregon Emergency Management Division can be reached anytime by calling in-state 800-452-0311 or if calling from out-of-state (503) 378-4124.

(5) If the amount of hazardous material exceeds the federal reportable quantity listed in Appendix I of this Division, report the spill or release to the National Response Center.

Comment: The National Response Center currently can be reached by calling 800-424-8802.

[Substance or Waste Type]	[Reportable Quantity (pounds)]
[Ignitable, 40 CFR 261.21]	[200]
[Corrosive, 40 CFR 261.22]	[200]
[Reactive, 40 CFR 261.23]	[200]
[EP Toxic, 40 CFR 261.24]	[10]
[Listed, 40 CFR 261.31 and .32]	[10]
[Listed, 40 CFR 261.33(e)]	[2]
[Listed, 40 CFR 261.33(f)]	[10]
[Listed, rule 340-101-033]	[10]
[PCB, rule 340-110-001(2)]	[10]

[(Comment: "Ignitable" includes the DOT classifications "Flammable," "Oxidizer," and some "Combustible.")]

[(B) Transporters must report spills of any quantity that occur during transportation. Transporters must also report spills or other incidents to the National Response Center (800-424-8802) as required by 49 CFR 171.15, and, if a water transporter, as required by 33 CFR 153.203;]

[(C)] (6) The spill or [other incident] release need not be reported if:

[(i)] (a) It occurs on public or private property and is known to the [owner of the property (or his representative)] person owning or having control over oil or hazardous material or their designated representative;

[(ii)] (b) It occurs on [an impervious] a surface impervious to the oil or hazardous material spilled or release and [where] it is fully contained; and

[(iii)] (c) It is completely cleaned up without further incident, including fixing or repairing the cause of the spill or release.

[(Comment: For reporting purposes, quantity calculation involving hazardous waste shall be made independent of the concentrations of the hazardous components. For example, the table in this rule requires reporting a 10 pound spill of acrolein (a rule 340-101-033 waste). This shall be interpreted as requiring reporting a 10 pound spill of a waste containing acrolein whether the concentration of acrolein is 3, 30 or 100%.)]

[(d)] (7) [Undertake, in the most practicable manner, the collection, removal or treatment of the hazardous substance or hazardous waste in accordance with the requirements of Divisions 100 to 110 and in a manner that will minimize damage to the environment.] Cleanup the spill or release

or threatened spill or release of oil or hazardous material pursuant to rule 340-108-030. The Department may, in any case, evaluate the action taken and may require additional action to complete the cleanup and disposal pursuant to rule 340-108-030.

Cleanup Standards

OAR 340-108-030 (1) Any person liable for a spill or release or threatened spill or release shall immediately cleanup the spill or release or threatened spill or release consistent with Sections (2) and (3) of this rule. Cleanup of a threatened spill or release shall be by taking immediate repair, corrective or containment action.

(2) Spills and releases or threatened spills and releases of oil or hazardous material shall be cleaned up by employing the best available methods of cleanup to achieve the lowest practicable level of contamination. The Department shall determine the lowest practicable level of contamination by applying one or more of the following factors, as appropriate:

(a) Population at risk;

(b) Routes of exposure;

(c) Amount, concentration, hazardous and toxic properties, environmental fate and transport (e.g., ability and opportunities to bioaccumulate, persistence, mobility, etc.), and form of the oil or hazardous material present;

(d) Hydrogeological factors (e.g., soil permeability, depth to saturated zone, hydrologic gradients, proximity to a drinking water aquifer, floodplains and wetlands proximity);

(e) Current and potential ground water use;

(f) Climate (rainfall, etc.);

(g) The extent to which the oil or hazardous material can be adequately identified and characterized;

(h) Whether oil or hazardous material at the site may be reused or recycled;

(i) The likelihood of future releases if the oil or hazardous material remain on-site;

(j) The extent to which natural or man-made barriers currently contain the oil or hazardous material and the adequacy of the barriers;

(k) The extent to which the oil or hazardous materials have migrated or are expected to migrate from the area of their original location, or new location if relocated; and whether future migration may pose a threat to public health, safety, welfare or the environment;

(l) The extent to which State or Federal environmental and public health requirements are applicable or relevant and appropriate to the specific site and the extent to which other State or Federal criteria, advisories, and guidance should be considered in developing the cleanup remedy;

(m) The extent to which contamination levels exceed applicable or relevant and appropriate State or Federal requirements or other State or Federal criteria, advisories, and guidance;

(n) Contribution of the oil or hazardous material to an air, land, water, and/or food chain contamination problem;

(o) The pre-existing background level of the oil or hazardous material present at the cleanup site;

(p) Other appropriate matters may be considered.

(3) In addition to considering the cleanup factors in Section 2 of this rule, cleanup of hazardous waste, or material which as waste is defined as hazardous, shall also be consistent with the following requirements:

(a) If it is a mixture of a solid waste and a hazardous waste that exhibits a characteristic identified in 40 CFR Part 261- Subpart C, or is a hazardous waste that is listed in 40 CFR Part 261- Subpart D solely because it exhibits one or more characteristics identified in Subpart C, the resultant mixture must be cleaned up to the extent that any remaining waste no longer exhibits any characteristics of hazardous waste identified in Subpart C. Any removed characteristic hazardous waste must be shipped to an authorized hazardous waste treatment or disposal facility.

(b) If it is a mixture of solid waste and one or more hazardous waste listed in 40 CFR Part 261- Subpart D, contamination at the site must be cleaned up to background levels and the removed hazardous waste mixture shipped to an authorized hazardous waste treatment or disposal facility. Any hazardous waste remaining at the site is subject to regulation under OAR 340- Division 100 to 109 unless it is delisted pursuant to OAR 340-100-020 and 022.

Cleanup Report

340-108-[021] 040 The Department may require the person responsible for a spill or other incident to submit a written report within 15 days of the spill or other incident describing all aspects of the spill and steps taken to prevent a recurrence.

(Comment: Transporters are also required by the Public Utility Commissioner to file a Hazardous Materials Incident Report (DOT Form F5800.0) within 15 days after a spill. A copy of this report may be sent to the Department in lieu of the report required by this rule.)

Sampling/Testing Procedures

340-108-050 The representative sampling procedures and analytical testing protocols referenced in 40 CFR 260.11 shall be used when conducting sampling or testing of hazardous materials to comply with this Division. For testing of oil spills, the analytical testing protocols for "Oil and Grease (spectro photometric, infra-red)" in Standard Methods (16 ed., #503) and EPA Methods for Chemical Analysis (600-4-79-020, #413.2 or #418.1) shall be used.

References

340-108-060 See 340-100-011 for incorporation by reference of Code of Federal Regulations cited in this Division.

Subdivision D: Liability and Inspections

Liability

340-108-070 (1) Any person owning or having control over any oil or hazardous material spilled or released or threatening to spill or release shall be strictly liable without regard to fault for the spill or release or threatened spill or release. However, in any action to recover damages, the person shall be relieved from strict liability without regard to fault if the person can prove that the spill or release of oil or hazardous material was caused by:

(a) An act of war or sabotage or an act of God.

(b) Negligence on the part of the United States Government or the State of Oregon.

(c) An act or omission of a third party without regard to whether any such act or omission was or was not negligent.

(2) Any person liable for a spill or release or threatened spill or release under ORS 466.640 shall immediately cleanup the spill or release pursuant to this Division. Cleanup of a threatened spill or release shall be by taking immediate repair, corrective or containment action so that an actual spill or release does not occur. In addition to cleanup, the department may require the responsible person to undertake such investigations, monitoring, surveys, testing and other information gathering as the department considers necessary or appropriate to:

(a) Identify the existence and extent of the spill or release or threatened spill or release;

(b) Identify the source and nature of oil or hazardous material involved; and

(c) Evaluate the extent of danger to the public health, safety, welfare or the environment.

(Comment: 40 CFR 264.1(g) states that a hazardous waste management facility permit is not required for treatment or containment activities taken during immediate response to a spill or release of a hazardous waste.)

(3) If any person liable under ORS 466.640 does not immediately commence and promptly and adequately complete the cleanup, the department may cleanup or contract for the cleanup of the spill or release or the threatened spill or release of oil or hazardous material. Whenever the Department undertakes a cleanup, the Department directly or by contract may undertake such investigations, monitoring, survey, testing and other

information gathering as it may deem appropriate to identify the existence and extent of the spill or release, the source and nature of oil or hazardous material involved and the extent of danger to the public health, safety, welfare or environment. In addition, the Department directly or by contract may undertake such planning, fiscal, economic, engineering and other studies and investigation it may deem appropriate to plan and direct cleanup actions, to recover costs thereof and legal costs.

(4) The Department shall keep a record of all expenses incurred in carrying out any cleanup projects or activities authorized under Section 3 of this rule, including charges for services performed and the state's equipment and materials utilized.

(5) Any person who fails to cleanup oil or hazardous material immediately, when under an obligation to do so, shall be responsible for the reasonable expenses incurred by the Department in carrying out a cleanup project or activity authorized in Section 3 of this rule.

(6) Any person who does not make a good faith effort to clean up oil or hazardous material when obligated to do so under ORS 466.645 shall be liable to the department for damages not to exceed three times the amount of all expenses incurred by the department.

(7) If the amount of state-incurred expenses and damages under this rule are not paid by the responsible person to the Department within 15 days after receipt of notice that such expenses and damages are due and owing, or if an appeal is filed within 15 days after the court renders its decision if the decision affirms the order, the Attorney General, at the request of the Director, shall bring an action in the name of the State of Oregon in a court of competent jurisdiction to recover the amount specified in the notice of the Director.

(8) If the spill or release involves a hazardous waste or substance covered by ORS 466.205, the expenditures covered by this rule shall constitute a general lien upon the real and personal property of the person under an obligation to collect, remove or treat the hazardous waste or substance.

(9) Within seven days after the department begins any cleanup activities under Section (3) of this rule, the department shall file a notice of potential lien on real property to be charged with a lien under Section (8) of this rule with the recording officer of each county in which the real property is located and shall file a notice of potential lien on personal property to be charged with a lien under Section (8) of this rule with the Secretary of State. The lien shall attach and become enforceable on the day on which the state begins the clean up projects or activities authorized by Section (3) of this rule if within 120 days after such date, the state files a notice of claim of lien on real property with the recording officer of each county in which the real property charged with the lien is located and files a notice of claim of lien on personal property with the Secretary of State. The notice of lien claim shall contain:

(a) A true statement of the demand;

(b) The name of the parties against whom the lien attaches;

(c) A description of the property charged with the lien sufficient for identification; and

(d) A statement of the failure of the person to perform the cleanup or disposal as required.

(10) The lien created by this rule may be foreclosed by a suit in the circuit court in the manner provided by law for the foreclosure of other liens on real or personal property.

Information Requests/Inspections

340-108-080 (1) In order to determine the need for response to a spill or release or threatened spill or release under ORS 401.025, 466.605 to 466.690, 466.880(3) and (4), 466.995 (3) and 468.070, and this Division, or enforcing the provisions of ORS 401.025, 466.605 to 466.690, 466.880 (3) and (4), 466.995 (3) and 468.070 and this Division, any person who prepares, manufactures, processes, packages, stores, transports, handles, uses, applies, treats or disposes of oil or hazardous material shall, upon the request of the department:

(a) Furnish information relating to the oil or hazardous material; and

(b) Permit the department at all reasonable times to have access to and copy, records relating to the type, quantity, storage locations and hazards of the oil or hazardous material.

(2) In order to carry out Section (1) of this rule, the department may enter to inspect at reasonable times any establishment or other place where oil or hazardous material is present.

(3) ORS 192.500 provides that certain public records (i.e., trade secrets) are exempt from disclosure under ORS 192.410 to 192.500 unless the public interest requires disclosure in a particular instance. Persons required to provide information under Section 1 of this rule who desire to have some of their information considered exempt from public disclosure shall:

(a) Make a determination that their information qualifies for exemption from public disclosure pursuant to the criteria in ORS 192.500.

(b) Make the claim in writing at the time of providing the requested information to the Department, and

(c) Provide in writing any documentation or analysis that supports the claim of exemption from public disclosure at the time of providing the information to the Department.

Oil and Hazardous Material Spill and Release Schedule of Civil Penalties

340-12-069 In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to oil or hazardous material spills or releases or threatened spills or releases by service of a written Notice of Assessment of Civil Penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(1) Not less than two thousand five hundred dollars ($2,500) nor more than ten thousand dollars ($10,000) for each day of the violation upon any person owning or having control over oil or hazardous material who fails to immediately cleanup spills or releases or threatened spills or releases as required by ORS 466.205, 466.645, 468.795 and OAR 340 - Divisions 47 and 108.

(2) Not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000) for each day of the violation upon any person owning or having control over oil or hazardous material who fails to immediately report all spills or releases or threatened spills or releases in amounts greater than the reportable quantity listed in rule 340-108-010 to the Oregon Emergency Management Division.

(3) Not less than one hundred dollars ($100) nor more than ten thousand dollars ($10,000) for each day of the violation upon any person who:

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

(b) Violates any other rule or statute.

Water Pollution Schedule of Civil Penalties

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

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

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

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

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

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

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

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

(4) [(5)](a) In addition to any penalty which may be assessed pursuant to sections (1) through [(4)] (3) of this rule, any person who intentionally causes or permits the discharge of oil into the waters of the state shall incur a civil penalty of not less than one thousand dollars ($1,000) nor more than twenty thousand dollars ($20,000) for each violation.

(b) In addition to any penalty which may be assessed pursuant to sections (1) through [(4)] (3) of this rule, any person who negligently causes or permits the discharge of oil into the waters of the state shall incur a civil penalty of not less than five hundred dollars ($500) nor more than twenty thousand ($20,000) for each violation.

Hazardous Waste Management Schedule of Civil Penalties

340-12-068 In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to hazardous waste management by service of a written Notice of Assessment of Civil Penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule: (1) Not less than two thousand five hundred dollars ($2,500) nor more than ten thousand dollars ($10,000) for each day of the violation upon any person who:

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

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

(c) Fails to immediately collect, remove or treat hazardous waste or substances as required by ORS 466.205, and OAR Chapter 340 Division 108.

(d) Is an owner or operator of a hazardous waste surface impoundment, landfill, land treatment or waste pile facility and fails to comply with any of the following:

(A) The groundwater monitoring and protection requirements of Subpart F of 40 CFR Part 264 or Part 265;

(B) The closure plan requirements of Subpart G of 40 CFR Part 264 or Part 265;

(C) The post-closure plan requirements of Subpart G of 40 CFR Part 264 or Part 265;

(D) The closure cost estimate requirements of Subpart H of 40 CFR Part 264 or Part 265;

(E) The post-closure cost estimate requirements of Subpart H of 40 CFR Part 264 or Part 265;

(F) The financial assurance for closure requirements of Subpart H of 40 CFR Part 264 or Part 265;

(G) The financial assurance for post-closure care requirements of Subpart H of 40 CFR Part 264 or Part 265; or,

(H) The financial liability requirements of Subpart H of 40 CFR Part 264 or Part 265.

(2) Not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000) for each day of the violation upon any person who:

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

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

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

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

(e) Ships hazardous waste without a manifest.

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

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

[(h)] (g) Is an owner or operator of a hazardous waste storage or treatment facility and fails to comply with any of the following:

(A) The closure plan requirements of Subpart G of 40 CFR Part 264 or Part 265;

(B) The closure cost estimate requirements of Subpart H of 40 CFR Part 264 or Part 265;

(C) The financial assurance for closure requirements of Subpart H of 40 CFR Part 264 or Part 265; or

(D) The financial liability requirements of Subpart H of 40 CFR Part 264 or Part 265.

(3) Not less than one hundred dollars ($100) nor more than ten thousand ($10,000) for each day of the violation upon any person who:

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

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

(4) Any person who has care, custody or control of a hazardous waste or a substance which would be a hazardous waste except for the fact that it is not discarded, useless or unwanted shall incur a civil penalty according to the schedule set forth in this section for the destruction, due to contamination of food or water supply by such waste or substance, of any of the wildlife referred to in this section that are the property of the state.

(a) Each game mammal other than mountain sheep, mountain goat, elk or silver gray squirrel, $400.

(b) Each mountain sheep or mountain goat, $3,500.

(c) Each elk, $750.

(d) Each silver gray squirrel, $10.

(e) Each game bird other than wild turkey, $10.

(f) Each wild turkey, $50.

(g) Each game fish other than salmon or steelhead trout, $5.

(h) Each salmon or steelhead trout, $125.

(i) Each fur-bearing mammal other than bobcat or fisher, $50.

(j) Each bobcat or fisher, $350.

(k) Each specimen of any wildlife species whose survival is specified by the wildlife laws or the laws of the United States as threatened or endangered, $500.

(1) Each specimen of any wildlife species otherwise protected by the wildlife laws or the laws of the United States, but not otherwise referred to in this section, $25.

Attachment II
Agenda Item F
9/12/86, DEQ Meeting

Before the Environmental Quality Commission of the State of Oregon

Proposed adoption of revisions to "Spills and Other Incidents" Rules OAR 340-108-001 through 340-108-021; Proposed Adoption of Additional Oil and Hazardous Material Spill and Release Rules OAR 340-108-030, -050, -060, -070 and -080; Proposed Revisions to Water Pollution and Hazardous Waste Management Schedule of Civil Penalties OAR 340-12-055 and -068; and Proposed Adoption of Oil and Hazardous Material Spill and Release Schedule of Civil Penalties OAR 340-12-069.	))))))))	Statement of Need for Proposed Rule and Fiscal and Economic Impact

Statutory Authority

ORS 466.205, .640 and .645 require cleanup of spills and releases of oil or hazardous materials, including hazardous substances, hazardous waste, radioactive material and waste and communicable disease agents, and impose strict liability without regard to fault.

ORS 466.020 and .625 direct the Environmental Quality Commission to adopt rules necessary to carry out the cleanup requirements.

Need for the Rule

Approximately 300 spills and releases of oil and hazardous material occur annually in Oregon that require some Department action to advise or direct the cleanup. Persons spilling or releasing oil or hazardous material need to understand their responsibilities including but not limited to:

1. Notification Requirements, including substances of concern and reportable quantities.

2. Liability provisions

3. Cleanup standards

4. Penalty provisions

5. Provisions to make information available on the use, storage or handling of oil and hazardous materials.

Principal Documents Relied Upon

ORS Chapter 466

ORS Chapter 468

OAR 340 - Division 12

OAR 340 - Division 108

40 Code of Federal Regulation - Part 302

40 Code of Federal Regulation - Part 260-265

April 4, 1985 Federal Register - Notification Requirements; Reportable Quantity Adjustments; Final Rule and Proposed Rule

May 25, 1983 Federal Register - Notification Requirements; Reportable Quantity Adjustments; . . .

August 29, 1979 Federal Register - Hazardous Substances; Determination of Reportable Quantities; Designation; . . .

March 13, 1978 Federal Register - Water Programs: Hazardous Substances

March, 1985 - Technical Background Document to Support Rulemaking Pursuant to CERCLA Section 102- Volumes 1 and 2

December, 1985 - Chemical Emergency Preparedness Program: Interim Guidance - Chemical Profiles

Fiscal and Economic Impact

Unless and until a spill or release occurs, or a threatened spill or release is likely, these rules impose no costs on responsible parties. When a spill or release occurs, or is likely, the responsible party is strictly liable without regard to fault for cleanup. If the responsible party fails to provide timely and adequate cleanup, the Department may cleanup and seek to recover up to three times its costs. The responsible party may also be subject for damages under general tort liability. Even small spills or releases could cost $10,000 or more to cleanup and properly dispose of the contaminated debris. Large spills have been known to cost several hundreds of thousands of dollars to cleanup depending on the quantity of product spilled and extent of soil and/or water contamination. Since the spill or release may involve highly toxic material, even small quantities may present serious hazards. Consequently, no provisions are made to relieve any person, including small businesses, from the responsibility to comply. Lastly, civil and criminal penalty provisions may impose monetary fines up to $10,000 per violation per day.

Attachment III
Agenda Item F
9/12/86 EQC Meeting

Before the Environmental Quality Commission of the State of Oregon

Proposed adoption of revisions to "Spills and Other Incidents" Rules OAR 340-108-001 through 340-108-021; Proposed Adoption of Additional Oil and Hazardous Material Spill and Release Rules OAR 340-108-030, -050, -060, -070 and -080; Proposed Revisions to Water Pollution and Hazardous Waste Management Schedule of Civil Penalties OAR 340-12-055 and -068; and Proposed Adoption of Oil and Hazardous Material Spill and Release Schedule of Civil Penalties OAR 340-12-069.	)	Land Use Consistency

The proposed rules do not affect land use as defined in the Department's coordination program approved by the Land Conservation and Development Commission.

ZF1051.A

Oregon Department of Environmental Quality

Attachment IV
Agenda Item F
9/12/86 EQC Meeting

A CHANCE TO COMMENT ON...

Proposed Rules Amending Spill Cleanup Requirements

Date Prepared: 5/13/86
Hearing Date: 6/23/86
Comments Due: 6/23/86
at 5:00 p.m.

WHO IS AFFECTED:

Person who manufacture, produce, distribute, store, handle, transport or otherwise use oil and hazardous materials; including hazardous substances, radioactive materials and wastes; hazardous waste and communicable disease agents.

BACKGROUND

ORS 466.605 to 466.690 revises the State's liability and cleanup standards for spills or releases, or threatened spills or release, of oil and hazardous material. Persons owning or having control over oil or hazardous materials that is spilled or released are strictly liable without regard to fault; must report the spill or release; must cleanup the spill or release and maybe subject to penalties.

WHAT IS PROPOSED:

Revisions to existing spill cleanup rules in OAR 340 - Division 108; revisions to hazardous waste management schedule of Civil Penalties in OAR 340 - Division 12; and additional rules covering cleanup standards, sampling and testing procedures, incorporations by reference and information requests/inspections.

WHAT ARE THE HIGHLIGHTS:

New definitions, including:
- o What is a hazardous material
- o What are the reportable quantity levels
- o What is a spill or release or threatened spill or release
- o What does having control over mean

- o New strict liability without fault requirements
- o Revised spill reporting requirements
- o Proposed cleanup standards
- o Proposed information request and inspection requirements
- o Triple damages for failure to provide immediate or appropriate cleanup
- o Provisions for the state to recover its cleanup costs.

HOW TO COMMENT:

A Public Hearing to receive oral comments is scheduled for:

Monday June 23, 1986
1:00 p.m.
DEQ Portland Headquarters
522 SW Fifth Avenue
Room 1400

P.O. Box 1760
Portland, OR 97207

8/16/84

FOR FURTHER INFORMATION:

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

Written comments may be submitted at the Public Hearing or mailed to DEQ, Hazardous and Solid Waste Division, Attention: Richard P. Reiter, P.O. Box 1760 Portland, OR 97207, and must be received by close of business (5:00 p.m.) on June 23, 1986.

WHAT IS THE NEXT STEP:

After the Public Hearing, DEQ will evaluate the comments, prepare a response to comments and make a recommendation to the Environmental Quality Commission at its regularly scheduled meeting on July 25, 1986. The Environmental Quality Commission may adopt as recommended, amend and adopt, or take no action.

For more information, contact the DEQ's Hazardous and Solid Waste Division at (503) 229-5759. Copies of the proposed rules can be obtained from the Department after June 4, 1986 by calling or writing and asking for "Oil and Hazardous Material Cleanup Rules."

ZF1051.B

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

Attachment V
Agenda Item F
9/12/86 EQC Meeting

MEMORANDUM

To: Environmental Quality Commission

From: Richard Reiter,
Hearing Officer

Subject: Hearing Officer's Report
and
Responsiveness Summary

Background

On June 13, 1986, the Environmental Quality Commission authorized a June 23, 1986 Public Hearing on revisions to the Department's existing spill cleanup rules contained in OAR 340- Division 108. The Hearing was held on June 23, 1986 in Room 1400, 522 S.W. Fifth, Portland, at 1:00 p.m., with forty-two (42) persons in attendance. Prior to the public hearing on June 16, 1986, the Department received a request from Pacific Power and Light to extend the public comment period for 60 days. At the public hearing, the Department announced its decision to extend the comment period until 5:00 p.m. on August 8, 1986 (46 days) and hold two work sessions on the draft rules in July. Thirteen (13) persons attended the first work session held on July 10, 1986 that concentrated on key issues such as defining "having control over," reportable quantities levels and reporting of mixtures and solutions. Seventeen (17) persons attended the second work session held on July 30, 1986 that concentrated on the three proposed approaches to cleanup standards. On July 30, 1986, a verbal request was received to hold the comment period open until 9:00 a.m., August 11, 1986. That extension was verbally approved.

The following persons either testified verbally on June 23rd or submitted written comments as shown below:

Name/Representing	Verbal	Written/Date
Thomas Donaca Associated Oregon Industries	*	June 23, 1986 August 8, 1986
Ted Phillips Pacific Power & Light	*	June 23, 1986
Don Wilson Decision Focus Incorporated	*	June 23, 1986

Rick Hess Portland General Electric	*	August 11, 1986
Tom McCue Oregon Steel Mills	*	
Sara Laumann OSPRIG	*	June 23, 1986 August 8, 1986
Sara Baker-Sifford Oregon Rural Electric Co-op Assn.	*	June 23, 1986
Chuck Knoll Teledyne Wah Chang Albany	*	June 23, 1986 August 7, 1986
James Brown Tektronix & American Electronics Association	*	June 23, 1986 August 8, 1986
Danielle Green Oregon Environmental Council	*	June 23, 1986
Sheldon Rich Northern Wasco Co. PUD	*	
Marvin Fjordbeck Southern Pacific Transportation Co.		June 23, 1986 August 8, 1986
Murray Tilson Wacker Siltronic Corp.		June 23, 1986
Glenn Rodenhurst The Boeing Company		June 16, 1986
Lori Wakeman Pacific NW Bell		June 23, 1986
Rick Gates Chemist - DEQ		June 23, 1986
Robert Gilbert Crown Zellerbach		June 23, 1986
Bob Robison Department of Energy		June 10, 1986
Herbert Hirst, Chief Office of Health Status Monitoring		June 19, 1986

Kris York Roseburg Forest Products Co.	June 20, 1986
Jeff Asay Union Pacific Railroad Company	June 20, 1986
Neal Hartselle Litton Guidance & Control Systems	June 16, 1986
Ronald S. Yockim D.R. Johnson Company	June 23, 1986
Betty Wiese EPA - Region X	July 9, 1986
Edward Black City of Springfield	August 5, 1986
Terry Bower Northwest Pulp and Paper	August 6, 1986
Mark Morford, Atty. representing Pacific Power & Light	August 11, 1986
David Dietz Oregonians for Food & Shelter	August 11, 1986
Dennis Adamczyk Hazardous Waste Specialist - DEQ	July 9, 1986
Janet Fekete Toxicologist - DEQ Laboratory	August 12, 1986
Dave Hanline EPA	August 14, 1986

NOTE: THE OREGON ADMINISTRATIVE RULE (OAR) CITATION IN THE HEADING TO EACH COMMENT SECTION REFERS TO THE DRAFT RULES THAT WERE THE SUBJECT OF THE JUNE 23, 1986 EQC MEETING. FOR EASE OF READING THIS REPORT, A COPY OF THOSE DRAFT RULES IS ATTACHMENT VI TO THIS STAFF REPORT. OAR CITATIONS IN THE DEPARTMENT'S RESPONSE REFERS TO PROPOSED RULES RECOMMENDED FOR ADOPTION IN ATTACHMENT I.

OAR 340-108-001(2) - Liability

COMMENT (Rodenhurst): Liability is unfairly placed on landowners rather than persons causing the spill or release.

DEPARTMENT RESPONSE: As we interpret the phrase "person owning or having control over oil or hazardous material," we believe the proper interpretation is consistent with the commentor's concern. Liability does not necessarily attach to landowner in all cases. Rather, landowner liability would depend upon the facts of each case and the relationship of the landowner to the oil or hazardous material spill or release in question. No change in the proposed rule 340-108-001(2) made.

OAR 340-108-001(3) and (4) - Who Needs to Comply with This Division

COMMENT (Brown, Green, Tilson, Donaca): Persons experiencing a spill or release of oil or hazardous material should only be held to complying with their SPCC plan, modified SPCC plan or Contingency Plan not also Division 108. Adding "this Division" to rule negates preparation and use of a contingency plan.

DEPARTMENT RESPONSE: SPCC plans, modified SPCC plan and Contingency Plans are generally procedural in nature and do not contain the substantive reporting and cleanup requirements in existing or proposed Division 108. Plans in general describe who is in charge, what notifications need to be made, where cleanup equipment is stored and what public safety and environmental protection measures might be employed. Existing and proposed Division 108 set out the detailed reporting, cleanup and liability requirements a responsible party is expected to comply with in case of a spill or release and, as such, are in addition to the normal procedural requirements contained in contingency plans. Use of contingency plan procedures during a spill or release is entirely compatible with complying with the reporting, cleanup and liability provisions of this Division. No change in the proposed rules 340-108-001(3) and (4) made.

OAR 340-108-001(4) - Permit Issuance

COMMENT (Morford): Permits are issued pursuant to 40 CFR Part 270 rather than Part 264.

DEPARTMENT RESPONSE: Agreed. Rule 340-108-001(4) changed to indicate permits issued pursuant to OAR 340- Divisions 105 and 106 which are the state equivalent of 40 CFR Part 270.

OAR 340-108-002(2) - Cleanup Means

COMMENT (Laumann, Donaca, Brown): Two opinions have been offered on the definition of cleanup. One opinion states that while the definition of cleanup appears all inclusive, to ensure that an unforeseen action is not foreclosed, it should read "cleanup includes but is not limited to containment. . . ." The other opinion is that the Legislature provided the Department with a very precise definition and it is not within the Commission's authority to expand its coverage.

DEPARTMENT RESPONSE: Pervasive throughout ORS 466.605 to 466.690 is a legislative interest in ensuring that spills or releases and threatened spills or releases shall be cleaned up. The Legislature provided for strict liability; authority for the Department to cleanup in the absence of a responsible party or timely and appropriate cleanup by a responsible party; created a fund to pay for cleanups; authorized the Department to seek cost recovery and treble damages where good faith is not shown; and gave broad authority to the Commission under ORS 466.625(3) to adopt any provisions the Commission considers necessary to carry out the purposes of this act. The Department has modified rule 340-108-002(2) to read, "includes but is not limited to."

OAR 340-108-002(3) - Cleanup Costs

COMMENT (Laumann): It was recommended that the requirement for "prior written approval" be deleted from the definition of cleanup cost.

DEPARTMENT RESPONSE: The Department purposely inserted the requirement for prior written approval when it proposed this definition to the 1985 Legislature to avoid the situation where persons would attempt to make claims against the Oil and Hazardous Material Emergency Response and Remedial Action Fund for reimbursement of eligible, but not authorized, expenditures. No change made to proposed rule 340-108-002(3).

OAR 340-108-002(7) - Definition of "Having Control Over"

COMMENT: (Donaca, Brown, Fjordbeck, Tilson, Baker-Sifford, Wakeman, Asay and Yockim): The use of the term "having control over" appears in the strict liability provisions of ORS 466.640 and specifically relates to having control over oil and hazardous material, not land. Defining "having control over" to mean landowners may, in some cases, extend the strict liability provision to a class of persons not considered by the Legislature. Furthermore, if the Department's principal purpose as stated in the June 13, 1986 EQC staff report is to ensure access for purposes of cleanup, there are more direct ways, albiet legislative, to do that.

DEPARTMENT RESPONSE: The Department concludes it is uncertain of all the consequences of extending strict liability to a new class of persons principally for the purpose of gaining access to private property. Rather than resolve this by rulemaking at this time, the Department intends to seek cleanup access authority from the next Legislature. The definition of having control over that was agreed to at the July 10, 1986 work session is "includes, but is not limited to, persons using, handling, processing, manufacturing, storing, treating, disposing or transporting oil or hazardous material" (see rule 340-108-002(8). In some cases the landowner, depending on the facts in each case, may be determined to be the person using, handling, processing, manufacturing, storing, treating, disposing or transporting oil or hazardous material.

OAR 340-108-002(8) - Hazardous Material Means

COMMENT (Donaca, Brown, Green): A strict interpretation of the statutory definition in ORS 466.605(7) limits the Department to select one of the choices offered (i.e., radioactive waste and material, communicable disease agents, hazardous substances, etc.) If hazardous substances is the choice selected, only substances designated under Section 311 of the Clean Water Act can be designated not those designated by Section 102 of Comprehensive Environmental Response, Compensation and Liability Act. One of the materials to be designated by the Commission should be PCBs.

DEPARTMENT RESPONSE: ORS 466.630(1) allows the Commission, by rule, to designate any element, compound, mixture, solution or substance of a hazardous material. It is a rather moot point to suggest that OAR 340-108-002 limits the Commission's choices to "one of the following," when one of the following is "a material designated by the Commission under ORS 466.630." The CERCLA list of hazardous substances includes PCBs, therefore, the Department will also pick it up. No change to the proposed rule 340-108-002(9) has been made.

OAR 340-108-002(8) - Definition of Radioactive Substance and Communicable Disease Agent

COMMENT (Donaca, Brown, Knoll, Morford, Tilson): The use of the terms radioactive substance as defined in ORS 453.005 and communicable disease agent as regulated by the Health Division under ORS Chapters 431 and 433 is too vague. For instance, human feces or a sick child fall within the general definition cited.

DEPARTMENT RESPONSE: Although the Department made an attempt to contact appropriate persons in the Health Division and Department of Energy, insufficient time was available to develop a meaningful response. As a result, the Department is proposing to delay incorporating these terms into proposed rule 340-108-002(9) while it works with the Health Division to draft appropriate rules.

OAR 340-108-002(10) - Definition of Oil

COMMENT (Fjordbeck): The word "oil" should not be included in its own definition. Rather than reading "oil" means oil, including gasoline, crude oil . . ., it should read "oil" includes gasoline, crude oil . . . .

DEPARTMENT RESPONSE: Change made in rule 340-108-002(11) as recommended.

OAR 340-108-002(11) - Definition of Person

COMMENT (Laumann): To ensure the definition of person is all inclusive, it should read "person" includes, but is not limited to, an individual . . . .

DEPARTMENT RESPONSE: Change made in rule 340-108-002(12) as recommended.

OAR 340-108-002(12) - Definition of "ppm"

Since in the revised proposed rules "ppm" or parts per million is not used, it has been deleted and the remaining definitions renumbered 12 through 18 rather than 13 through 19.

OAR 340-108-002 - Definition of Remedial Action

COMMENT (Green): Since ORS 466.605 includes a definition of remedial action, these rules should.

DEPARTMENT RESPONSE: The definition of remedial action was inserted into HB 2146 because a CERCLA matching fund was being created to provide state matching money or federal funded superfund remedial action. These rules are meant to cover cleanups of spills and releases that constitute immediate emergencies not longer term superfund remedial actions. Since the definition is not used in these rules, it is not included in proposed rule 340-108-002 at this time.

OAR 340-108-002(14) - Reportable Quantity Designation

COMMENT (Donaca, Laumann, Brown, Green, Tilson, Wakeman, Gilbert, Robison, Black, Bower): A multitude of comments were received on the reportable quantity definition: The most oft repeated comments were:

1. Too long of a definition. Definition should be short and actual designation a separate rule.

2. Don't create confusion! Foster consistency! Adopt federal reporting requirements which range from 1 pound to 5,000 pounds.

3. Reportable quantity designation should be based solely on public health and environmental considerations.

4. Federal Department of Transportation manifests and shipping papers only include line for federal reportable quantity - more stringent requirements will not be listed and hence overlooked.

5. Not every spill can be responded to. Proposed rule should not require over reporting.

6. All spills should be reported, regardless of amount.

7. Reportable quantity determines which spills need to be cleaned up. Don't require unnecessary cleanup.

8. The Commission must select only one of the approaches set out by the Legislature in ORS 466.605(11).

DEPARTMENT RESPONSE: Much difference of opinion exists over the purpose of a reportable quantity level and how to establish it. Furthermore, no consensus was reached as to the basis for the federal reportable quantity level and how valid those amounts are for other local and state government agencies. In preparing its response, the Department reviewed the following EPA documents:

1. April 4, 1985 Federal Register - Notification Requirements; Reportable Quantity Adjustments; Final Rule and Proposed Rule.

2. May 25, 1983 Federal Register - Notification Requirements; Reportable Quantity Adjustments; Proposed Rule and Designation of Additional Hazardous Substances; Advanced Notice of Proposed Rulemaking.

3. August 29, 1979 Federal Register - Hazardous Substances; Determination of Reportable Quantities; Designation; . . . .

4. March 13, 1978 Federal Register - Water Programs: Hazardous Substances.

5. March 1985 - Technical Background Document To Support Rulemaking Pursuant to CERCLA Section 102 - Volumes 1 and 2

The Department considers the following excerpts from these EPA documents significant:

1. "EPA emphasizes that notification based on reportable quantities is merely a trigger for informing the government of a release so that the appropriate federal personnel can evaluate the need for a federal response action and undertake any necessary response (removal or remedial action) in a timely fashion. Reportable quantities serve no other purpose; for example, a reportable quantity need not be released before a claim for damages or cleanup costs may be filed against the Hazardous Substance Response Trust Fund (FR 4-4-85 page 13457)."

2. "The reportable quantities do not themselves represent any determination that releases of a particular quantity are actually harmful to public health or welfare or the environment (FR 4-4-85 page 13459)."

3. "The government is not obligated to respond to every release to which it has authority to respond and therefore should not design a notification system on such a basis. Reportable quantities (RQ) have been established so that the Agency is alerted promptly to situations that may warrant a government response (FR 4-4-85 page 13459)."

4. "The adjusted RQs do not reflect a determination that a release of a substance will be hazardous at the RQ level and not hazardous below that level. EPA has not attempted to make such a determination because the actual hazard will vary with the unique circumstances of the release and extensive data and analysis would be necessary to determine the hazard presented by each substance in a number of possible circumstances. Instead, the RQs reflect the Agency's judgment of which releases should trigger mandatory notification to the federal government so that the government may assess to what extent, if any, a federal removal or remedial action may be necessary (FR 4-4-85 page 13465)."

5. "The purpose of assigning RQs to hazardous substances is to allow the on-scene coordinator (OSC), pursuant to the National Contingency Plan (NCP) (40 CFR Part 300), to decide whether an immediate government response is warranted and necessary to prevent escalation of and/or to mitigate the problem resulting from the release of hazardous substances. In principle, the RQ should be high enough to eliminate unnecessary telephone calls to the NRC, but low enough to trigger early response to a release that may otherwise pose a threat to the public health or welfare or to the environment (Technical Background Document - Volume I - page 1-1)."

6. NOTE: Agency and government personnel mean EPA in the following quotation. "Also, as noted earlier, the Agency interviewed a large cross-section of field response personnel, and all of those interviewed indicated that they want to be notified of most releases, even at the 1-pound level. In the interviews, the field response personnel recognized that the government may not actively respond to many 1-pound releases, but they noted that notification was a prerequisite for determining (1) the need for a response under the circumstances, (2) the adequacy of any cleanup efforts, and (3) the degree to which post-release monitoring may be required. Furthermore, many releases tend to be escalating events, and early notification helps ensure an effective response. However, as a result of interviews with federal government field response personnel, the Agency decided to remove the 1-pound RQ level from the ignitability and reactivity RQ scales. Government response personnel indicated that releases of less than ten pounds of ignitable and reactive substances normally would be adequately handled by appropriate local or state response personnel, and they concurred with the Agency's proposal to raise to ten pounds the minimum reporting level for the ignitability and reactivity RQ scales. Government response personnel, however, objected to raising the minimum reporting level any further. They maintained that reporting levels should be kept low in order to ensure timely reporting of potentially harmful releases and timely government response, if

necessary. The RQ thus serves as a trigger which allows response personnel to be informed of potentially dangerous situations, and allows them to initiate appropriate actions under the NCP (Technical Background Document - Volume I - pages 2-84 & 85)."

On July 29, 1986, your Hearings Officer contacted Dr. K. Jack Kooyoomjian, the principal author of EPA's reportable quantity rules. Dr. Kooyoomjian was asked what values he would use if he were designing a state emergency response program. Dr. Kooyoomjian responded that the 1 and 10-pound values were reasonably adequate for all levels of government, but that the 100-, 1,000- and 5,000-pound values were principally reflective of federal response capability. He offered that he would reduce those values by an order of magnitude to 10, 100 and 500 pounds.

In designing its final proposed rule, the Department considered the following:

1. The purpose for reportable quantity levels is so that local emergency response agencies and/or DEQ can be alerted to potentially harmful spills or releases or threatened spills or release for which a local or DEQ response may be required.

2. Current reportable quantity values for hazardous waste OAR 340-108-020(2)(c)(A) range from 2 pounds to 200 pounds.

3. The Legislature in ORS 466.605(11)(b) offered some alternatives to be considered: 1) federal clean water levels under Section 311, existing state hazardous waste levels or ten (10) pounds unless otherwise designated.

4. EPA has consciously set some of the federal reportable quantity levels high since they expect a local and/or state response to the lower quantities.

5. Ease of use by the regulated community.

The proposed final rules involve a simpler definition (see 340-108-002(13) which references a reportable quantity rule (see 340-108-010) that contains the actual reportable quantity levels. In addition, the rule references a table (Appendix I) that contains the same list of substances that EPA has adopted, except that, EPA's reportable quantity 5-tiered approach of 1, 10, 100, 1000 and 5000 pounds has been adjusted to a 4-tiered approach of 1, 10, 100 and 500 pounds. This was accomplished by reducing the tiers of 10, 100, 1000 and 5000 pounds by one order of magnitude to 1, 10, 100 and 500 pounds. No change was made to those substances already at 1 pound.

To assist the regulated community in implementing the federal/state reporting requirements, the rule contains both state and federal reportable quantity levels side by side in Appendix I.

OAR 340-108-002(14)(a)(E) - Spills or Releases of Oil into Water

The Department's historical statutes and rules dealt with spills or releases of oil into surface waters of the state. House Bill 2146 incorporated oil to ensure it was clear that all spills or releases of oil must be dealt with by a responsible party or that the Department could cleanup, if necessary. The present definition focuses too narrowly on surface waters of the state. Proposed rule 340-108-010(1)(b) is changed to read "waters of the state." Waters of the state is defined in rule 340-108-002(17). The effect of the change would be to require reporting of any oil spills or releases, including threatened spills or releases, into surface and ground waters of the state.

OAR 340-108-002(14)(a)(G) - Reporting of Spills or Releases from Underground Tanks

COMMENT (Donaca, Knoll, Tilson, Wakeman, Gilbert): There is no authority in 466.605 to 466.690 to require reporting of spills or releases from underground tanks. Rules for reporting spills or releases from underground tanks was contemplated as part of HB 2142 now codified as 468.901 to .917. Determining whether or not a spill or release is occurring from an underground tank, is significantly different than a surface spill.

DEPARTMENT RESPONSE: While the Department disagrees with the premise that there is no authority in ORS 466.605 to .690 to require reporting of underground leaks, the Department agrees it is significantly different than a transportation accident or plant site spill from an above ground tank or container. ORS 466.605 to .690 deals with all spills and releases, irrespective of source, and hence could be used to cover underground tank spills or releases. The main thrust of emergency response reporting, however, is to deal with instantaneous or catastrophic spills and releases. As such, the design of reporting requirements for slow releases of small quantities over long periods of time is a significantly different matter. In fact, it is contemplated that most future underground leaks will be reported as a result of tank management programs involving regular inventory control measurement and/or periodic tank and pipe testing. Since neither the Department nor commenters could come up with a good interim solution, the Department has decided to defer adopting a special rule at this time. The Department has just appointed an underground storage tank advisory committee, and will use this committee to develop a practical reporting requirement. The first meeting of the committee is scheduled for August 28, 1986. In the meantime, the proposed reporting requirements in rules 340-108-010 do require the reporting of any sudden or catastrophic spills or releases from underground tanks at the same reporting levels as for any other type of accident.

OAR 340-108-002(14)(d) - Reporting of Mixtures

COMMENT (Donaca, Phillips, Fjordbeck, Baker-Sifford, Knoll, Brown, Tilson, York, Asay, Dietz): Proposed rule much to stringent in that it would require testing of most hazardous materials to determine trace quantities

at the 1.0 part per million (ppm) level. Readily available information such as labels, shipping papers, material safety data sheets and manifests generally do not contain concentration information to this degree of accuracy. Read literally, rule may require reporting of wasted drinking water that contains chlorine at 1.0 ppm. Federal DOT standard on mixtures for purposes of compliance with their mixture rule is 100,000 ppm level. For consistency with federal EPA, use their mixture rule which reads: "Releases of mixtures and solutions are subject to these notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its reportable quantity."

DEPARTMENT RESPONSE: The Department concedes the 1.0 ppm standard is inappropriate for the result intended by capturing many mixtures and solutions posing no hazard or risk. On the other hand, the Department believes the EPA rule is not stringent enough to capture many common mixtures and solutions of solvents and pesticides that contain several constituents with similar hazardous characteristics. As a result of extensive discussion, proposed rule 340-108-010(2) reads as follows: "Spills or releases of mixtures or solutions containing any of the hazardous materials listed in Appendix I of this Division are subject to the reporting requirements of this rule if the total quantity of all the hazardous materials in the mixture or solution (in pounds) exceeds the lowest reportable quantity listed in Appendix I for any one of the hazardous materials in the mixture or solution. A person may rely upon actual knowledge and readily available information such as material safety data sheets, shipping papers, hazardous waste manifests and container labels, to determine the presence and concentration of hazardous materials in a mixture or solution." The following example will demonstrate application of the EPA and DEQ mixture rule:

EXAMPLE ONE

Solvent Mixture Containing Equal Amounts of	Federal R.Q.	State R.Q.	150 gallon Transportation Spill Occurs: Reportable to EPA?	150 gallon Transportation Spill Occurs: Reportable to DEQ?
Trichloroethylene	1,000 pounds (≃ 120 gallons)	100 pounds (≃ 12 gallons)	No - 50 gallons of any solvent is less than the 120 gallon reportable quantity level for any solvent.	Yes - since all all three solvents are reportable materials, the total quantity spilled (150 gallons) exceeds the lowest reportable quantity for each of the solvents (12 gallons).
1,1,1 Trichloroethane	1,000 pounds (≃ 120 gallons)	100 pounds (≃ 12 gallons)		
Methylene Chloride	1,000 pounds (≃ 120 gallons)	100 pounds (≃ 12 gallons)		

EXAMPLE TWO

	Federal R.Q.	State R.Q.
Transformer containing 200 pounds of mineral oil containing 1% PCB by weight (2 pounds)	10 lbs.	1 lb.

Transformer Fails
Spilling all 200 lbs. of
Mineral Oil/PCB Mixture

Reportable to EPA?	Reportable to DEQ?
No - 2 pounds of PCB is less than 10 pounds reportable quantity	Yes - 2 pounds of PCB is greater than 1 pound reportable quantity

In neither case does the 198 pounds of mineral oil enter into the decision since it's not a hazardous material. However, if more than 42 gallons (about 325 pounds) is spilled, than it's also reportable as an oil spill.

OAR 340-108-002(15) Definition of Respond

The definition of "respond" or "response" was originally included in HB 2146 when the possibility existed that DEQ might give financial grants to local government for emergency response equipment. In the final version of HB 2146, that use of the cleanup fund was not authorized. Since these rules do not use the term "respond" or "response" the statutory definition has been deleted from proposed rule 340-108-002.

OAR 340-108-010(2) - Cleanup under the Direction of the Department

COMMENT (Fjordbeck, Knoll, Asay): Does the language "under the direction of the Department" preclude any actions before the Department is consulted on scene? Does this provision conflict with OAR 340-108-020(5) that requires "immediate" cleanup.

DEPARTMENT RESPONSE: Since the reportable quantity concept implies that the Department will not be contacted on all spills and releases, the Department is proposing to change the words "under the direction of the Department" to "pursuant to this Division" which will direct people to the cleanup standard in OAR 340-108-030. The proposed rule is now 340-108-070(2).

OAR 340-108-010(3) - Written Notice of DEQ Cleanup

COMMENT (Fjordbeck, Asay, Green): DEQ should provide written notice of cleanups it intends to contract for. Rule should include DEQ authority to investigate, monitor, survey, etc.

DEPARTMENT RESPONSE: Because the Department will not always know who the responsible party is immediately, and because of the remote location of some spills and releases, it will not always be possible to provide written notice under emergency conditions. The Department will work toward this as a goal even though no change to rule 340-108-070(3) is proposed at this time. The Department has added language dealing with undertaking investigations, monitoring, surveys as listed in ORS 466.645(3) in the same proposed rule, however.

OAR 340-108-010(4) - Record all Expenses

COMMENT (Fjordbeck, Brown, Tilson): The Department should record all expenses incurred in a spill or release cleanup, not just "necessary" expenses.

DEPARTMENT RESPONSE: Change made in proposed rule 340-108-070(4) consistent with ORS 466.680(2).

OAR 340-108-010(4) - Unreasonable Expenses

COMMENT (Laumann): If the Department incurs unreasonable expenses, shouldn't the responsible party also pay these?

DEPARTMENT RESPONSE: The intent of the language "reasonable" expense was to ensure the Department doesn't arbitrarily incur 2, 3 or 4 times the expense necessary to get the cleanup job done just because reimbursement is possible. The Department accepts it should only be reimbursed for reasonable cost incurred in a cleanup action. No change made to rule 340-108-070(5).

OAR 340-108-010(7) - Appeals Procedure

COMMENT (Brown, Tilson): Before the Department requests the Attorney General to bring an action in court to recover costs, an administrative appeals process should be identified and available.

DEPARTMENT RESPONSE: Proposed rule 340-108-070(7) has been modified to be consistent with ORS 466.680(5).

OAR 340-108-010(8), (9) and (10) - Filing of Liens

COMMENT (Donaca, Tilson, Yockim): The Department has no authority to extend the ability to file liens beyond the authority in ORS 466.205 dealing with hazardous waste spills. The hazardous waste liability provisions of ORS 466.205 are significantly different than the oil and hazardous material strict liability provisions of ORS 466.640. If the Legislature had all oil and hazardous materials in mind, it would have been easy for them to insert this provision into ORS 466.640 rather than ORS 466.205 during consideration of HB 2146.

DEPARTMENT RESPONSE: The Department agrees and has modified proposed rules 340-108-070(8), (9) and (10) so that the ability to file a lien only applies to spills and releases of hazardous waste or substances which become wastes when spilled or released.

OAR 340-108-010 - Add Provisions on CERCLA Matching Fund

COMMENT (Green): The provisions of ORS 466.685 and .690 setting up a CERCLA matching fund should be added to rules.

DEPARTMENT RESPONSE: The Department previously adopted such rules which are now codified as OAR 340-105-120.

OAR 340-108-020 - Reports to Local Emergency Management Agencies

On July 2, 1986, a release of a potentially toxic vapor cloud in Northwest Portland identified a need to give more consideration to require reporting of some spills and releases to local emergency responders such as fire, police or emergency medical technicians. In any emergency, medical assistance and public safety problems (such as potential fire or explosion) are the first issues that need to be dealt with. These are issues that local government is more skilled in resolving then are state agencies such as DEQ.

Historically, however, the only spill and release reporting requirements were to environmental agencies such as DEQ or EPA. With the adoption of the hazardous waste rules, however, EPA required that contingency plans should contain procedures for calling local emergency responders whenever a medical emergency or public safety problem exists (see 40 CFR 264.37 and 265.37). In light of the local notification problems experienced on July 2, 1986, the Department believed it reasonable to expand the requirement for local notifications to all spills and releases of oil and hazardous material where a medical emergency or public safety hazard is determined to exist by the responsible party. This concept was discussed at the July 30, 1986 work session. The Department proposed that all spills or releases be reported to 911 dispatch centers, where they exist, or local fire and police where 911 service does not exist. Significant objections were raised. The general feeling was that there first should be a need for such local emergency services. Secondly, there was concern that most dispatch centers don't have the training or information at hand to distinguish between those materials that may cause a public safety problem (gasoline in storm sewer system) versus an environmental problem (diesel oil in storm sewer system). The only compromise the attendees would consider was a discretionary approach wherein the spiller or releaser would use their knowledge of the incident and hazardous material to determine if a medical emergency or public safety hazard existed. Following the July 30, 1986 meeting, I also talked with officials at the Portland, Gresham and Salem fire departments. Surprisingly, the concept also met with mixed reaction. While the general idea was lauded, in practice there was concern that many unnecessary dispatches of equipment would occur. Emergency

dispatchers are trained to dispatch equipment first and asked detailed questions second. They would prefer to error on the side of dispatching when not needed versus delaying a dispatch that turns out to be truly needed.

In light of all the information received, the Department still believes reporting to local agencies appropriate in certain circumstances. The Department is proposing to add rule 340-108-020(3) to accomplish this more limited purpose. It does not require reporting of all spills and releases, rather, those that require the services of local emergency responders who provide emergency medical or public safety services (fire, police and emergency medical technicians).

OAR 340-108-020(1) - What Time Frame Should be Used to Calculate Spill or Release?

COMMENT (Donaca, Fjordbeck, Brown, Tilson, Wakeman, Yockim, Morford): Does the Department intend the reportable quantity only to apply to instantaneous release in quantities greater than designated or releases that occur over one day, one week, one month, etc. Recommend that the EPA time frame of 24 hours be used for consistency.

DEPARTMENT RESPONSE: Since the Department is building most of its reportable quantity program around the list of substances designated under CERCLA, we are proposing to incorporate the 24-hour time period into rule 340-108-020(4).

OAR 340-108-020(1) - Threatened Spill or Release

COMMENT (Donaca, Fjordbeck, Brown, Tilson, Wakeman, Yockim, Morford): ORS 466.635 contains no authority for the Department to require reporting of threatened spills or releases. Furthermore, the definition of threatened spill or release is too vague for the regulated community to be able to comply. Interpreted literally, would it require the reporting of any transfer of oil or hazardous material between containers or tanks because a pump may fail or a transfer hose may break?

DEPARTMENT RESPONSE: Pervasive throughout ORS 466.605 to .690 is the Legislature's intent to not only deal with actual spills or releases but "threatened" spill or releases. The definition of cleanup contains the term containment which is a clear prevention action. ORS 466.640 imparts strict liability for threatened spills or releases. ORS 466.645(1) requires cleanup of threatened spills or releases while subsection (2) allows the Department to cleanup threatened spills or releases. ORS 466.625(3) allows the Commission to adopt any other provision it considers necessary to carry out the statute. The Department still considers it reasonable to require reporting of threatened spills or releases, however, based on comments, it is proposed to revise the definition of threatened spill or release to read "means circumstances or events exist that indicate a spill or release of oil or hazardous material is likely and iminent." See rule 340-108-002(16).

OAR 340-108-020(2) - Reports from Transporter

COMMENT (Green): Retain the existing rule that requires transporters to report any spill.

DEPARTMENT RESPONSE: The federal reportable quantity program does not distinguish by person (i.e., manufacturer, processor, generator, transporter, etc.) spilling, rather its on the hazards presented by the materials spilled and EPA's ability to respond. We also believe that's an appropriate approach and have made no change in proposed rule 340-108-020 to require transporters to report any spill.

OAR 340-108-020(3) - Spills that are Exempt from Reporting

COMMENT: (Donaca, Fjordbeck, Tilson, Wakeman, Gilbert, Brown): Retain existing rule that was not restricted solely to manufacturing operations. By their very nature de minimus losses are likely to be below reportable quantities; so what purpose does the rule serve? Rule should be expanded beyond owners to include persons owning or having control over oil or hazardous materials.

DEPARTMENT RESPONSE: Upon reflection, the Department concurs that the built in protection (containment on a surface impervious to the spilled oil or hazardous material and completely cleaned up) do not warrant limiting the exemption to de minimus losses in manufacturing operations. The Department also agrees that often persons other than the owner are strictly liable for the cleanup. Rule 340-108-020(6) modified to delete references to de minimus losses from manufacturing operations and expanded to include persons having control over oil and hazardous materials.

OAR 340-108-020(4) - Define Contingency Plan

COMMENT (Morford): More emphasis should be placed on compliance with contingency plan rather than SPCC plan. Contingency plan should be defined.

DEPARTMENT RESPONSE: The rule is intended to place equal emphasis on SPCC plan, modified SPCC plan or contingency plan. Only hazardous waste generators are required to have contingency plans while certain users of oil are required to have SPCC plans. The definition for contingency plan in 40 CFR Part 260 has been added as rule 340-108-002(5).

OAR 340-108-020(5) - Additional Cleanup Required by Department

COMMENT (Hess):" Delete reference to the effect that the Department may require additional cleanup. If the responsible party cleans up pursuant to the cleanup standard, no further cleanup should be required.

DEPARTMENT RESPONSE: If responsible parties always carried out adequate cleanups, the Department would not have to require additional action. History suggests, however, that many responsible parties will only carry out adequate cleanups when directed by the Department. The Department must preserve its authority to determine if compliance with the cleanup criteria has been achieved. Rule 340-108-020(7) still allows the Department to require additional cleanup action.

OAR 340-108-030 - Cleanup Standards

COMMENT (Donaca, Phillips, Fjordbeck, Laumann, Knoll, Brown, Tilson, Wakeman, Gilbert, Asay, Wiese, Black, Bower, Morford, Fekete, Dietz): Most testimony continued to support the case-by-case cleanup determination outlined by Approach three. The proposed PCB and hazardous material standards contained in Approaches 1 and 2 were labeled arbitrary and capricious; not based solely on human health and environmental considerations, would require exorbitant costs to comply with; and would fill chemical waste landfills with essentially non-hazardous materials. The speed of cleanup is more important than a final cleanup standard since it reduces exposure significantly. Cleanup to background for hazardous waste spills is too stringent of a standard. On the other hand, EPA wrote to say that alternative two, if adopted, would potentially jeopardize authorization since it allowed for a standard less stringent than background for hazardous waste spills.

DEPARTMENT RESPONSE: After more than 2 hours of discussion on PCB cleanup standards, (on July 30, 1986) the only consensus reached was that no agreement could be reached on the toxicity of PCB at low parts per million concentrations. For this single material, the scientific facts remain elusive at best. Considering that the list of hazardous material approaches 700 substances, it would be nearly impossible to predetermine a concentration value for each chemically hazardous material based solely on human health and environmental data available today. On the other hand, the Department does not agree that cleanup standards should be based solely on public health and environmental considerations. ORS 466.605 to .690 generally speaks to public health, safety, welfare and the environment. The definition of cleanup also contemplates site restoration which at least implies returning a site to nearly its original condition free of contaminants. As did most of the participants, the Department agrees that the case-by-case approach (Approach Three) using qualitative criteria is the most appropriate approach for determining a specific site's cleanup standard. It was suggested, and the Department agrees, that the pre-existing background level of contaminants should be a criteria to be considered. To ensure conformance with the Department's hazardous waste rules, a more stringent standard is required for listed hazardous waste. Lastly, the preamble language is proposed to contain the phrase "to the lowest practicable level of contamination" to reflect as close to background as practical after considering the factor listed including a

consideration of the cost to comply (practicable). Approach three is recommended with the following changes:

1) The preamble will state up front the Department's desire to reach the lowest practicable level of contaminants,

2) Cleanup shall employ the best available cleanup methods, and

3) The factors to be considered shall also include the pre-existing background levels of oil or hazardous material.

Assuming the Commission adopts proposed rule 340-108-030, the Department committed on July 30, 1986 to meet with interested parties to develop guidance on best available cleanup methods for classes of oil or hazardous material and the likely results to be achieved when those methods are employed.

OAR 340-108-050 - Sampling Procedures

COMMENT (Gates): The referenced procedures do not include testing procedures for petroleum products. Recommend adding reference to the oil and grease procedures in Standard Methods or EPA Methods for Chemical analysis.

DEPARTMENT RESPONSE: Department agrees and language has been added to rule OAR 340-108-050.

OAR 340-12-068 - Schedule of Civil Penalties

COMMENT (Donaca, Fjordbeck, Tilson, Brown): Minimum penalties for oil spills should be less than for other hazardous materials.

DEPARTMENT RESPONSE: Admittedly, the hazards represented by petroleum products are different (primarily handling hazards such as freon explosion or chemical skin burns) than for hazardous materials (acute or chronic toxicity). However, accident statistics show over time more deaths, injuries and property damage due to petroleum products than hazardous materials. This is partly due to the higher annual use of such products which results in substantially greater opportunities for exposure hence greater risks. No change has been made to rule 340-12-069 as Department feels it reasonable to apply the same standards to oil and hazardous materials albiet for different reasons.

RReiter:b
ZB5949
229-5774
August 18, 1986

Attachment VI
Agenda Item F
9/12/86 EQC Meeting

DIVISION 108
HAZARDOUS WASTE MANAGEMENT

Oil and Hazardous Material Cleanup
[Spills and Other Incidents]

Subdivision A: General

340-108-001 Purpose and applicability.
340-108-002 Definitions.

Subdivision B: Liability

340-108-010 Liability.

Subdivision C: Required Action

340-108-020 Emergency action, reporting.
340-108-030 Cleanup standards
340-108-[021] 040 Cleanup report.
340-108-050 Sampling/Testing Procedures
340-108-060 References
340-108-070 Information requests/inspections

Authority: ORS Chapter 468, including 468.020; [459, including 459.440;] 466, including 466.020, 466.205, 466.625 and 466.630; and 183.

Subdivision A: General

Purpose and applicability.

340-108-001 (1) The purpose of this Division is to specify the emergency procedures required to respond to a spill or [other incident] release or threatened spill or release involving oil or [a] hazardous [waste or hazardous substance] material.

(2) The [regulations] rules of this Division apply to [all] any person[s whose actions cause or allow to be caused] owning or having control over any oil or [a] hazardous [waste or hazardous substance] material spilled or [other incident; except that] released or threatening to spill or release.

(3) Spills or releases or threatened spills or releases of hazardous waste [and other incidents] occurring on the site of a generator [who accumulates hazardous waste or in a hazardous waste treatment, storage or disposal facility] shall be managed in accordance with the contingency plan and emergency procedures required[ments of] by Subparts C and D of 40 CFR 265 and this Division.

(4) Spills or releases or threatened spills or releases of hazardous waste on the site of a hazardous waste treatment, storage or disposal facility shall be managed in accordance with the contingency plan and emergency procedures required by Subparts C and D of 40 CFR Part 265, or a permit issued pursuant to 40 CFR Part 264 and OAR 340- Division 105, and this Division.

(5) [(4)] Oil spilled in an area that may allow it to reach any waters of the state shall [also] be managed in accordance with ORS Chapter 468; [and] OAR Chapter 340-[,] Division 47; and this Division.

Definitions.

340-108-002 As used in this Division unless otherwise specified:

(1) "Barrel" means 42 U.S. gallons at 60 degrees Fahrenheit.

(2) "Cleanup" means the containment, collection, removal, treatment or disposal of oil or hazardous material; site restoration; and any investigations, monitoring, surveys, testing and other information gathering required or conducted by the department.

(3) "Cleanup costs" means all costs associated with the cleanup of a spill or release incurred by the state, its political subdivision or any person with written approval from the department when implementing ORS 466.205, 466.605 to 466.690, 466.880 (3) and (4) and 466.995 (3) or 468.800.

(4) "Commission" means the Environmental Quality Commission.

(5) "Department" means the Department of Environmental Quality.

(6) "Director" means the Director of the Department of Environmental Quality.

["Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste or hazardous substance into or on any land or water so that the hazardous waste or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters of the State.]

(7) "Having control over any oil or hazardous material" includes, but is not limited to, using, handling, processing, manufacturing, storing or transporting oil or hazardous material, or owning land upon which oil or hazardous material has been spilled or released. Landowners who are not the spiller or releaser of the oil or hazardous material and who are not allowing use of their property for industrial, commercial, agricultural or

similar purposes where oil or hazardous materials is likely to be used, shall not be held strictly liable without regard to fault as long as access for cleanup is allowed in a timely manner.

(8) "Hazardous material" means one of the following:

(a) Hazardous waste as defined in rule 340-100-010, 340-101-032 or 340-101-033.

(b) Radioactive waste and material as defined in ORS 469.300 and 469.530 and radioactive substances as defined in ORS 453.005.

(c) Communicable disease agents as regulated by the Health Division under ORS chapters 431 and 433.

(d) Hazardous substances designated by the United States Environmental Protection Agency in Title 40 Code of Federal Regulations (CFR)-Part 302, and amendments thereto promulgated prior to July 1, 1986.

["Hazardous substance" means any substance intended for use which may also be identified as hazardous pursuant to Division 101.]

[Hazardous waste" means a hazardous waste as defined in rule 340-100-010.]

(9) "Modified Spill Prevention Control and Countermeasure (SPCC) Plan" means the plan to prevent the spill of oil from a non-transportation-related facility that has been modified to include those hazardous substances and hazardous wastes handled at the facility.

(10) "Oil" means oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse and any other petroleum related product.

["Other incident" includes but is not limited to the actual or imminent possibility of a dangerous uncontrolled reaction, the release of leachate, noxious gases or odors, fires, explosion or other disposal which may endanger public health or the environment.]

(11) "Person" means an individual, trust, firm, joint stock company, corporation, partnership, association, municipal corporation, political subdivision, interstate body, the state and any agency or commission thereof and the Federal Government and any agency thereof.

(12) "ppm" means parts per million.

(13) "Remedial Action" means a permanent action taken to prevent or minimize the future spill or release of oil or hazardous material to prevent the oil or hazardous material from migrating and causing substantial danger to present or future public health, safety, welfare or the environment. "Remedial action" includes but is not limited to:

(a) Actions taken at the location of the spill or release such as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of spilled or released oil or hazardous materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavation, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternate water supplies, and any monitoring reasonably required to assure protection of the public health, safety, welfare or the environment.

(b) Offsite transport of oil or hazardous materials.

(c) The storage, treatment, destruction or secure disposal offsite of oil or hazardous material under ORS 466.655.

(14) "Reportable quantity" means one of the following:

(a) The lesser of:

(A) The quantity designated for hazardous substances by the United States Environmental Protection Agency in Title 40 Code of Federal Regulations - Part 302, and amendments thereto promulgated prior to July 1, 1986:

(B) The quantity of hazardous waste, if the amount exceeds the following:

Waste Type	Reportable Quantity (pounds)
Ignitable, 40 CFR 261.21	200
Corrosive, 40 CFR 261.22	200
Reactive, 40 CFR 261.23	200
EP Toxic, 40 CFR 261.24	10
Listed, 40 CFR 261.31 and .32, except those listed as acutely hazardous	10
Listed, 40 CFR 261.33(e) and those listed as acutely hazardous in 40 CFR 261.31 and .32	2
Listed, 40 CFR 261.33(f)	10
Listed, rule 340-101-033	10;

(Comment: For purposes of this rule, "Ignitable" includes the DOT classifications "Flammable," "Oxidizer," and some "Combustible." Also for purposes of this rule, if a hazardous substance listed in 40 CFR Part 302 is spilled or released, or threatens to spill or release, and that substance also meets the definition of hazardous waste in rule OAR 340-100-010, 340-101-032 or 340-101-033, it shall be reported at the quantity specified for a hazardous waste.)

(C) Any quantity of radioactive material, radioactive substance or radioactive waste;

(D) Any quantity of communicable disease agent;

(E) If spilled into surface waters of the state, or escape into surface waters of the state is likely, any quantity of oil that would produce a visible oily slick, oily solids, or coat aquatic life, habitat or property with oil, but excluding normal discharges from properly operating marine engines;

(F) If spilled on the surface of the land, any quantity of oil over one barrel; or

(G) If spilled or released from an underground storage tank and associated piping, any quantity of oil or hazardous material that results in soil contamination exceeding 100 milligrams per kilogram at a distance not to exceed 1.0 foot from any outside surface of the tank or associated piping. At a minimum, samples shall be collected in any area where there are obvious clues of contamination (i.e., discolored or stained soils, odors, organic vapors detectable by portable monitoring equipment, etc.) and any other location, so that representative soil samples are collected.

(b) Ten pounds unless otherwise designated by the commission under ORS 466.625.

(c) Except for Section 14(a)(F) of this rule, the reportable quantity shall be the quantity of oil or hazardous material spilled or released prior to contact or mixing with any other material or substance (i.e., soil, water, sawdust, etc.)

(d) Reportable quantities shall include mixtures or solutions where the hazardous substance from 40 CFR Part 302 or listed hazardous waste from 340-100-010, 340-101-032 or 340-101-033 is present in the mixture or solution of any concentration exceeding 1.0 ppm.

(15) "Respond" or "response" means:

(a) Actions taken to monitor, assess and evaluate a spill or release or threatened spill or release of oil or hazardous material;

(b) First aid, rescue or medical services, and fire suppression; or

(c) Containment or other actions appropriate to prevent, minimize or mitigate damage to the public health, safety, welfare or the environment which may result from a spill or release or threatened spill or release if action is not taken.

["Spill" means unauthorized disposal.]

(16) "SPCC" means Spill Prevention, Control and Countermeasures Plan prepared in accordance with Title 40 Code of Federal Regulations - Part 112 or Part 1510.

(17) "Spill or release" means the discharge, deposit, injection, dumping, spilling, emitting, releasing, leaking or placing of any oil or hazardous material into the air or into or on any land or waters of the state, as defined in ORS 468.700, except as authorized by a permit issued under ORS chapter 454, 459, 468 or 469, ORS 466.005 to 466.385, 466.880 (1) and (2), 466.890 and 466.995 (1) and (2) or federal law or while being stored or used for its intended purpose.

(18) "Threatened spill or release" means oil or hazardous material is likely to escape or be carried into the air or into or on any land or waters of the state.

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

Subdivision B: Liability

Liability.

340-108-010 (1) [Any person having the care, custody or control of a hazardous waste or a hazardous substance, who causes or permits the

disposal of that waste or substance in violation of law or otherwise than as reasonably intended for normal use or handling of such waste or substance, including but not limited to spills or other incidents, shall be liable for the damages to person or property, public or private, caused by the disposal.] Any person owning or having control over any oil or hazardous material spilled or released or threatening to spill or release shall be strictly liable without regard to fault for the spill or release or threatened spill or release. However, in any action to recover damages, the person shall be relieved from strict liability without regard to fault if the person can prove that the spill or release of oil or hazardous material was caused by:

(a) An act of war or sabotage or an act of God.

(b) Negligence on the part of the United States Government or the State of Oregon.

(c) An act or omission of a third party without regard to whether any such act or omission was or was not negligent.

(2) [It shall be the obligation of such person to collect, remove or treat the waste or substance immediately, subject to the requirements of Divisions 100 to 108 and such direction as the Department may give.] Any person liable for a spill or release or threatened spill or release under ORS 466.640 shall immediately cleanup the spill or release under the direction of the department. Cleanup shall include taking such containment actions as are necessary to prevent a threatened spill or release from becoming an actual spill or release. The department may require the responsible person to undertake such investigations, monitoring, surveys, testing and other information gathering as the department considers necessary or appropriate to:

(a) Identify the existence and extent of the spill or release or threatened spill or release;

(b) Identify the source and nature of oil or hazardous material involved; and

(c) Evaluate the extent of danger to the public health, safety, welfare or the environment.

(Comment: 40 CFR 264.1(g) states that a hazardous waste management facility permit is not required for treatment or containment activities taken during immediate response to a spill or [other incident] release of a hazardous waste.)

(3) [If such person fails to collect, remove or treat the waste or substance when under an obligation to do so, the Department will take action as is necessary to collect, remove or treat the waste or substance.] If any person liable under ORS 466.640 does not immediately commence and promptly and adequately complete the cleanup, the department may cleanup, or contract for the cleanup of the spill or release or the threatened spill or release of oil or hazardous material.

(4) The Department will keep a record of all necessary expenses incurred in carrying out any cleanup projects or activities, including reasonable charges for services performed and equipment and materials utilized.

(5) Any person who fails to cleanup [collect, remove or treat the waste or substance] oil or hazardous material immediately, when under an obligation to do so, shall be responsible for the [necessary] reasonable expenses incurred by the [State] Department in carrying out a cleanup project or activity authorized by the Department.

(a) A true statement of the demand;

(b) The name of the parties against whom the lien attaches;

(c) A description of the property charged with the lien sufficient for identification; and

(d) A statement of the failure of the person to perform the cleanup or disposal as required.

(10) The lien created by this rule may be foreclosed by a suit in the circuit court in the manner provided by law for the foreclosure of other liens on real or personal property.

Subdivision C: Required Action

Emergency action, reporting.

340-108-020 In the event of a spill or [other incident] release or threatened spill or release, the person owning or having control [having the care, custody, or control] of the oil or hazardous [waste or hazardous substance] material shall take the following actions, as appropriate:

(1) Report the spill or release or threatened spill or release to the Oregon Emergency Management Division (telephone 800-452-0311) if the amount of oil or hazardous material exceeds, or will exceed, the reportable quantity identified in rule 340-108-002(14).

(2) [(B) Transporters must report spills of any quantity that occur during transportation.] In addition to complying with this Division, transporters of oil or hazardous materials must also report spills or releases [other incidents] to the National Response Center (800-424-8802) as required by 49 CFR 171.15, and, if a water transporter, as required by 33 CFR 153.203;

(3) [(C)] The spill or other incident need not be reported if:

(a) A true statement of the demand;

(b) The name of the parties against whom the lien attaches;

(c) A description of the property charged with the lien sufficient for identification; and

(d) A statement of the failure of the person to perform the cleanup or disposal as required.

(10) The lien created by this rule may be foreclosed by a suit in the circuit court in the manner provided by law for the foreclosure of other liens on real or personal property.

Subdivision C: Required Action

Emergency action, reporting.

340-108-020 In the event of a spill or [other incident] release or threatened spill or release, the person owning or having control [having the care, custody, or control] of the oil or hazardous [waste or hazardous substance] material shall take the following actions, as appropriate:

(1) Report the spill or release or threatened spill or release to the Oregon Emergency Management Division (telephone 800-452-0311) if the amount of oil or hazardous material exceeds, or will exceed, the reportable quantity identified in rule 340-108-002(14).

(2) [(B) Transporters must report spills of any quantity that occur during transportation.] In addition to complying with this Division, transporters of oil or hazardous materials must also report spills or releases [other incidents] to the National Response Center (800-424-8802) as required by 49 CFR 171.15, and, if a water transporter, as required by 33 CFR 153.203;

(3) [(C)] The spill or other incident need not be reported if:

(a) [(i)] It occurs on public or private property and is known to the owner of the property (or his representative);

(b) [(ii)] It occurs on an impervious surface; such as concrete, metal or synthetic plastic that is free of cracks, faulty seams or other flaws or holes and that is compatible with the spilled material; where it is fully contained; [and]

(c) [(iii)] It is completely cleaned up without further incident *including fixing or repairing the cause of the spill or release*[.]; and

(d) It arises from de minimis losses of oil or hazardous materials from manufacturing operations in which oil or hazardous materials are used as raw materials or are produced in the manufacturing process. De minimis losses include such things as spills from the unloading or transfer of materials from bins or other containers; leaks from pipes, valves or other devices used to transfer materials; minor leaks of process equipment; leaks from well-maintained pump packings and seals; and relief device discharges.

(4) [(1)] Immediately implement the site's SPCC plan, modified SPCC plan or other applicable contingency plan if such a plan is required.

(Comment: Generators accumulating hazardous waste for less than 90 days are required to have a contingency plan prepared in accordance with 40 CFR 262.34.)

(5) [(2)] If an SPCC plan, modified SPCC plan or contingency plan is not otherwise required [by Divisions 100 to 110], immediately take the following actions in the order listed:

(a) Activate alarms or otherwise warn persons in the immediate area;

(b) Undertake every reasonable method to contain the oil or hazardous material [substance or hazardous waste];

(c) [(d)] Undertake, in the most practicable manner, the cleanup [collection, removal or treatment] of the oil or hazardous material [substance or hazardous waste] in accordance with the requirements of Divisions 100 to 110 and in a manner that will minimize damage to the environment. The Department may, in any case, evaluate the action taken and may require additional action to complete the cleanup and disposal.

[(c)(A) Report the spill or other incident to the Oregon Emergency Management Division (telephone 800-452-0311) if the amount of hazardous waste or hazardous substance exceeds the following reportable quantity (in the event a substance or waste falls into more than one category, the lower quantity shall be reported):]

[Substance or Waste Type]	[Reportable Quantity (pounds)]
[Ignitable, 40 CFR 261.21]	[200]
[Corrosive, 40 CFR 261.22]	[200]
[Reactive, 40 CFR 261.23]	[200]
[EP Toxic, 40 CFR 261.24]	[10]
[Listed, 40 CFR 261.31 and .32]	[10]
[Listed, 40 CFR 261.33(e)]	[2]
[Listed, 40 CRR 261.33(f)]	[10]
[Listed, rule 340-101-033]	[10]
[PCB, rule 340-110-001(2)]	[10]

[(Comment: "Ignitable" includes the DOT classifications "Flammable," "Oxidizer," and some "Combustible.")]

OAR 340-108-030 - Approach One

340-108-030(1) If PCBs are spilled or released, the following cleanup standards shall apply unless otherwise approval by the Department:

DEGREE OF PUBLIC ACCESS TO SPILL OR RELEASE SITE	CLEANUP STANDARD
Restricted Area (i.e., inside fenced enclosure such as a utility substation)	equal to or less than 50 ppm
Limited public access (i.e., industrial area, forested area, limited access rights-of-way)	equal to or less than 10 ppm
Unrestricted public access (i.e., residential area, school, park, other public use areas and buildings)	equal to or less than 1 ppm

(2) If a hazardous material is also a hazardous waste as defined by rule 340-100-010, 340-101-032 or 340-101-033, and is spilled or released, the cleanup standard of rule 40 CFR 261.3(d) shall apply.

(3) For all other hazardous materials except those identified by sections 1 and 2 of this rule; and radioactive materials and wastes; and communicable disease agents; the cleanup standard shall be 1.0 ppm if spilled into water, 1.0 milligram per kilogram if spill onto soil or the level of detection whichever is greater unless otherwise approved by the Department.

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OAR 340-108-030 - Approach Two

340-108-030 (1) Except as otherwise required or allowed in section (2) or (3) of this rule, the following cleanup standards shall apply:

(a) If PCBs are spilled or released, the following cleanup standards shall apply unless otherwise approval by the Department:

DEGREE OF PUBLIC ACCESS TO SPILL OR RELEASE SITE	CLEANUP STANDARD
Restricted Area (i.e., inside fenced enclosure such as a utility substation)	equal to or less than 50 ppm
Limited public access (i.e., industrial area, forested area, limited access rights-of-way)	equal to or less than 10 ppm

Unrestricted public access (i.e., residential area, school, park, other public use areas and buildings)	equal to or less than 1 ppm

(b) If a hazardous material is also a hazardous waste as defined by rule 340-100-010, 340-101-032 or 340-101-033, and is spilled or released, the cleanup standard of rule 40 CFR 261.3(d) shall apply.

(c) For all other hazardous materials except those identified by subsections a and b of this rule; radioactive materials and wastes; and communicable disease agents; the cleanup standard shall be 1.0 ppm if spilled into water, 1.0 milligram per kilogram if spill onto soil or the level of detection whichever is greater unless otherwise approved by the Department.

(2) If necessary to protect public health, safety, welfare or the environment, the Department may require a more stringent standard than identified in Section (1) of this rule.

(3) The Department may authorize a cleanup standard less stringent than required in section 1 of this rule upon a written demonstration by the person liable for cleanup if the public health, safety, welfare and the environment can be protected. Applicable criteria listed in 40 CFR 261.11 shall be considered in the written demonstration.

OAR 340-108-030 - Approach Three

OAR 340-108-030 The following shall, as appropriate, be assessed in determining whether and what type of cleanup actions will be required:

(1) Population, environmental and welfare concerns at risk;

(2) Routes of exposure;

(3) Amount, concentration, hazardous properties, environmental fate and transport (e.g., ability and opportunities to bioaccumulate, persistence, mobility, etx.), and form of the substance(s) present;

(4) Hydrogeological factors (e.g., soil permeability, depth to saturated zone, hydrologic gradients, proximity to a drinking water aquifer, floodplains and wetlands proximity);

(5) Current and potential ground water use (e.g., the appropriate ground water classes under the system established in the EPA Ground-Water Protection Strategy);

(6) Climate (rainfall, etc.);

(7) The extent to which the source can be adequately identified and characterized;

(8) Whether substances at the site may be reused or recycled;

(9) The likelihood of future releases if the substances remain on-site;

(10) The extent to which natural or man-made barriers currently contain the substances and the adequacy of the barriers;

(11) The extent to which the substances have migrated or are expected to migrate from the area of their original location, or new location if relocated; and whether future migration may pose a threat to public health welfare or the environment;

(12) The extent to which State or Federal environmental and public health requirements are applicable or relevant and appropriate to the specific site and the extent to which other State or Federal criteria, advisories, and guidance should be considered in developing the cleanup remedy;

(13) The extent to which contamination levels exceed applicable or relevant and appropriate State or Federal requirements or other State or Federal criteria, advisories, and guidance;

(14) Contribution of the contamination to an air, land, water, and/or food chain contamination problem;

(15) Other appropriate matters may be considered.

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Cleanup Report

340-108-[021] 040 The Department may require the person responsible for a spill or other incident to submit a written report within 15 days of the spill or other incident describing all aspects of the spill and steps taken to prevent a recurrence.

(Comment: Transporters are also required by the Public Utility Commissioner to file a Hazardous Materials Incident Report (DOT Form F5800.0) within 15 days after a spill. A copy of this report may be sent to the Department in lieu of the report required by this rule.)

Sampling/Testing Procedures

340-108-050 The representative sampling procedures and analytical testing protocals referenced in 40 CFR 260.11 shall be used when conducting sampling or testing to comply with this Division.

References

340-108-060 As referenced in this Division, 40 CFR - Part 302 is available for inspection at the Department of Environmental Quality, 522 S.W. Fifth Avenue, Portland, OR 97204. See also OAR 340-100-011 for previous incorporation by reference of other Code of Federal Regulations cited in this Division.

Information Requests/Inspections

340-108-070 (1) In order to determine the need for response to a spill or release or threatened spill or release under ORS 401.025, 466.605 to 466.690, 466.880(3) and (4), 466.995 (3) and 468.070, and this Division, or enforcing the provisions of ORS 401.025, 466.605 to 466.690, 466.880 (3) and (4), 466.995 (3) and 468.070 and this Division, any person who prepares, manufactures, processes, packages, stores, transports, handles, uses, applies, treats or disposes of oil or hazardous material shall, upon the request of the department:

(a) Furnish information relating to the oil or hazardous material; and

(b) Permit the department at all reasonable times to have access to and copy, records relating to the type, quantity, storage locations and hazards of the oil or hazardous material.

(2) In order to carry out section (1) of this rule, the department may enter to inspect at reasonable times any establishment or other place where oil or hazardous material is present.

(3) ORS 192.500 provides that certain public records (i.e., trade secrets) are exempt from disclosure under ORS 192.410 to 192.500 unless the public interest requires disclosure in a particular instance. Persons required to provide information under section 1 of this rule who desire to have some of their information considered exempt from public disclosure shall:

(a) Make a determination that their information qualifies for exemption from public disclosure pursuant to the criteria in ORS 192.500.

(b) Make the claim in writing at the time of providing the requested information to the Department, and

(c) Provide in writing any documentation or analysis that supports the claim of exemption from public disclosure at the time of providing the information to the Department.

Hazardous Waste or Hazardous Material Management Schedule of Civil Penalties

340-12-068 In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to hazardous waste or hazardous material management by service of a written Notice of Assessment of Civil Penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule: (1) Not less than two thousand five hundred dollars ($2,500) nor more than ten thousand dollars ($10,000) for each day of the violation upon any person who:

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

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

(c) Fails to immediately [collect, remove or treat] cleanup oil or [a] hazardous material [waste or substance] as required by ORS 466.205, 466.645 and OAR Chapter 340 Division 108.

(d) Is an owner or operator of a hazardous waste surface impoundment, landfill, land treatment or waste pile facility and fails to comply with any of the following:

(A) The groundwater monitoring and protection requirements of Subpart F of 40 CFR Part 264 or Part 265;

(B) The closure plan requirements of Subpart G of 40 CFR Part 264 or Part 265;

(C) The post-closure plan requirements of Subpart G of 40 CFR Part 264 or Part 265;

(D) The closure cost estimate requirements of Subpart H of 40 CFR Part 264 or Part 265;

(E) The post-closure cost estimate requirements of Subpart H of 40 CFR Part 264 or Part 265;

(F) The financial assurance for closure requirements of Subpart H of 40 CFR Part 264 or Part 265;

(G) The financial assurance for post-closure care requirements of Subpart H of 40 CFR Part 264 or Part 265; or,

(H) The financial liability requirements of Subpart H of 40 CFR Part 264 or Part 265.

(2) Not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000) for each day of the violation upon any person who:

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

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

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

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

(e) Ships hazardous waste without a manifest.

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

(g) Fails to immediately report to the [Oregon Accident Response System] [(]Oregon Emergency Management Division[)] all accidents or other emergencies which result in the [discharge or disposal of hazardous waste] <u>spill or release or threatened spill or release of oil or hazardous material.</u>

(h) Is an owner or operator of a hazardous waste storage or treatment facility and fails to comply with any of the following:

(A) The closure plan requirements of Subpart G of 40 CFR Part 264 or Part 265;

(B) The closure cost estimate requirements of Subpart H of 40 CFR Part 264 or Part 265;

(C) The financial assurance for closure requirements of Subpart H of 40 CFR Part 264 or Part 265; or

(D) The financial liability requirements of Subpart H of 40 CFR Part 264 or Part 265.

(3) Not less than one hundred dollars ($100) nor more than ten thousand dollars ($10,000) for each day of the violation upon any person who:

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

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

(4) Any person who has care, custody or control of a hazardous waste or a substance which would be a hazardous waste except for the fact that it is not discarded, useless or unwanted shall incur a civil penalty according to the schedule set forth in this section for the destruction, due to contamination of food or water supply by such waste or substance, of any of the wildlife referred to in this section that are the property of the state.

(a) Each game mammal other than mountain sheep, mountain goat, elk or silver gray squirrel, $400.

(b) Each mountain sheep or mountain goat, $3,500.

(c) Each elk, $750.

(d) Each silver gray squirrel, $10.

(e) Each game bird other than wild turkey, $10.

(f) Each wild turkey, $50.

(g) Each game fish other than salmon or steelhead trout, $5.

(h) Each salmon or steelhead trout, $125.

(i) Each fur-bearing mammal other than bobcat or fisher, $50.

(j) Each bobcat or fisher, $350.

(k) Each specimen of any wildlife species whose survival is specified by the wildlife laws or the laws of the United States as threatened or endangered, $500.

(l) Each specimen of any wildlife species otherwise protected by the wildlife laws or the laws of the United States, but not otherwise referred to in this section, $25.

Stat. Auth: ORS Ch. 459

Hist.: DEQ 1-1982. f. & ef. 1-28-82; DEQ 22-1984. f. & ef. 11-8-84

department shall order the operation of the site halted by service of the order on the site superintendent.

(2) Within 24 hours after the order is served, the department must appear in the appropriate circuit court to petition for the equitable relief required to protect the public health, welfare or safety or the environment and may begin proceedings to revoke the license if grounds for revocation exist. [Formerly 459.680]

466.205 Liability for improper disposal of waste; costs; lien for department expenditures. (1) Any person having the care, custody or control of a hazardous waste or a substance which would be a hazardous waste except for the fact that it is not discarded, useless or unwanted, who causes or permits any disposal of such waste or substance in violation of law or otherwise than as reasonably intended for normal use or handling of such waste or substance, including but not limited to accidental spills thereof, shall be liable for the damages to person or property, public or private, caused by such disposition.

(2) It shall be the obligation of such person to collect, remove or treat such waste or substance immediately, subject to such direction as the department may give.

(3) If such person fails to collect, remove or treat such waste or substance when under an obligation to do so as provided by subsection (2) of this section, the department is authorized to take such actions as are necessary to collect, remove or treat such waste or substance.

(4) The director shall keep a record of all necessary expenses incurred in carrying out any cleanup projects or activities authorized under subsection (3) of this section, including reasonable charges for services performed and equipment and materials utilized.

(5) Any person who fails to collect, remove or treat such waste or substance immediately, when under an obligation to do so as provided in subsection (2) of this section, shall be responsible for the necessary expenses incurred by the state in carrying out a cleanup project or activity authorized under subsections (3) and (4) of this section.

(6) If the amount of state-incurred expenses under subsections (3) and (4) of this section are not paid to the department within 15 days after receipt of notice that such expenses are due and owing, the Attorney General, at the request of the director, shall bring an action in the name of the State of Oregon in any court of competent jurisdiction to recover the amount specified in the final order of the director.

(7) The expenditures covered by this section shall constitute a general lien upon the real and personal property of the person under an obligation to collect, remove or treat the hazardous waste or substance described in subsection (1) of this section.

(8) Within seven days after the department begins any cleanup activities under subsections (3) and (4) of this section, the department shall file a notice of potential lien on real property to be charged with a lien under subsection (7) of this section with the recording officer of each county in which the real property is located and shall file a notice of potential lien on personal property to be charged with a lien under subsection (7) of this section with the Secretary of State. The lien shall attach and become enforceable on the day on which the state begins the clean-up projects or activities authorized by subsection (3) of this section if within 120 days after such date, the state files a notice of claim of lien on real property with the recording officer of each county in which the real property charged with the lien is located and files a notice of claim of lien on personal property with the Secretary of State. The notice of lien claim shall contain:

(a) A true statement of the demand;

(b) The name of the parties against whom the lien attaches;

(c) A description of the property charged with the lien sufficient for identification; and

(d) A statement of the failure of the person to perform the cleanup or disposal as required.

(9) The lien created by this section may be foreclosed by a suit in the circuit court in the manner provided by law for the foreclosure of other liens on real or personal property. [Formerly 459.685]

466.210 Actions or proceedings to enforce compliance. Whenever it appears to the department that any person is engaged or about to engage in any acts or practices which constitute a violation of ORS 466.005 to 466.385 and 466.390 or the rules and orders adopted thereunder or of the terms of the license, without prior administrative hearing, the department may institute actions or proceedings for legal or equitable remedies to enforce compliance therewith or to restrain further violations thereof. [Formerly 459.690]

459.215 Post-closure license for disposal site; fee. (1) At the time a hazardous waste disposal site is closed, the person licensed

under ORS 466.110 to 466.170 to operate the site, must obtain a post-closure license from the department.

(2) A post-closure license issued under this section must be maintained until the end of the post-closure period established by the commission by rule.

(3) In order to obtain a post-closure license the licensee must provide post-closure care which shall include at least the following:

(a) Monitoring and security of the hazardous waste disposal site; and

(b) Any remedial action necessary to protect the environment and the public health, welfare and safety.

(4) The commission may by rule establish a post-closure license application fee. [Formerly 459.695]

(PCB Disposal Facilities)

466.250 Definition of "PCB disposal facility". As used in ORS 466.250, 466.255 (2) and (3) and 466.260 to 466.350, "PCB disposal facility" includes a facility for the treatment or disposal of PCB. [1985 c.670 §13]

466.255 Disposal of PCB restricted; license required for PCB disposal facility. (1) No new PCB disposal facility shall be constructed on or after January 1, 1985, without first complying with ORS 466.025 to 466.065, 466.250, 466.255 (2) and (3) and 466.260 to 466.350.

(2) No person shall treat or dispose of any PCB anywhere in this state except at a PCB disposal facility licensed pursuant to ORS 466.025 to 466.065, 466.250, 466.255 (2) and (3) and 466.260 to 466.350.

(3) No person shall establish, construct or operate a PCB disposal facility without a license therefor issued under ORS 466.025 to 466.065, 466.250, 466.255 (2) and (3) and 466.260 to 466.350. [1985 c.670 §§14, 43]

466.260 Duties of department. The department shall:

(1) Provide for the administration, enforcement and implementation of ORS 466.025 to 466.065, 466.250, 466.255 (2) and (3) and 466.260 to 466.350 and may perform all functions necessary:

(a) To regulate the operation and construction of a PCB disposal facility; and

(b) For the licensing of a PCB disposal facility in consultation with the appropriate county governing body or city council.

(2) Coordinate and supervise all functions of state and local governmental agencies engaged in activities subject to the provisions of ORS 466.025 to 466.065, 466.250, 466.255 (2) and (3) and 466.260 to 466.350. [1985 c.670 §15]

466.265 Rules for regulation of PCB disposal. In accordance with applicable provisions of ORS 183.310 to 183.550, the commission shall:

(1) Adopt rules and issue orders, including but not limited to establishing minimum requirements for the disposal of PCB, minimum requirements for operation, maintenance, monitoring, reporting and supervision of disposal facilities, and requirements and procedures for selection of such facilities.

(2) Adopt rules and issue orders relating to the procedures of the department with respect to hearings, filing of reports, submission of plans and the issuance, revocation and modification of licenses issued under ORS 466.505 to 466.530. [1985 c.670 §16]

466.270 Criteria for rules; study of disposal methods. (1) In adopting rules under ORS 466.265 regulating the disposal of PCB including, but not limited to, rules for the operation and maintenance of a PCB disposal facility, the commission shall provide for the best practicable disposal of the PCB in a manner that will minimize the possibility of adverse effects on the public health and safety or environment.

(2) The department shall investigate and analyze in detail the disposal methods and procedures required to be adopted by rule under subsection (1) of this section and ORS 466.265 and shall report its findings and recommendations to the commission. [1985 c.670 §17]

466.275 License application for PCB disposal facility. License applications submitted to the department for managing, operating, constructing, developing or establishing a PCB disposal facility must contain the following:

(1) The management program for the operation of the facility including the person to be responsible for the operation of the facility and a resume of the person's qualifications, the proposed method of disposal, the proposed method of pretreatment or decontamination of the facility, if any, and the proposed emergency measures to be provided at the facility.

(2) A description of the size and type of facility to be constructed, including the height and type of fencing to be used, the size and construction of structures or buildings, warning signs, notices and alarms to be used, the type of

PCB except in conformity with rules of the commission adopted pursuant to ORS 466.005 to 466.385 and 466.390. [Formerly 468.921]

SPILL RESPONSE AND CLEANUP OF HAZARDOUS MATERIALS

466.605 Definitions for ORS 466.605 to 466.690. As used in ORS 466.605 to 466.690, 466.880 (3) and (4) and 466.995 (3):

(1) "Barrel" means 42 U.S. gallons at 60 degrees Fahrenheit.

(2) "Cleanup" means the containment, collection, removal, treatment or disposal of oil or hazardous material; site restoration; and any investigations, monitoring, surveys, testing and other information gathering required or conducted by the department.

(3) "Cleanup costs" means all costs associated with the cleanup of a spill or release incurred by the state, its political subdivision or any person with written approval from the department when implementing ORS 466.205, 466.605 to 466.690, 466.880 (3) and (4) and 466.995 (3) or 468.800.

(4) "Commission" means the Environmental Quality Commission.

(5) "Department" means the Department of Environmental Quality.

(6) "Director" means the Director of the Department of Environmental Quality.

(7) "Hazardous material" means one of the following:

(a) A material designated by the commission under ORS 466.630.

(b) Hazardous waste as defined in ORS 466.005.

(c) Radioactive waste and material as defined in ORS 469.300 and 469.530 and radioactive substances as defined in ORS 453.005.

(d) Communicable disease agents as regulated by the Health Division under ORS chapters 431 and 433.

(e) Hazardous substances designated by the United States Environmental Protection Agency under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended.

(8) "Oils" or "oil" includes gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse and any other petroleum related product.

(9) "Person" means an individual, trust, firm, joint stock company, corporation, partnership, association, municipal corporation, political subdivision, interstate body, the state and any agency or commission thereof and the Federal Government and any agency thereof.

(10) "Remedial action" means a permanent action taken to prevent or minimize the future spill or release of oil or hazardous material to prevent the oil or hazardous material from migrating and causing substantial danger to present or future public health, safety, welfare or the environment. "Remedial action" includes but is not limited to:

(a) Actions taken at the location of the spill or release such as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of spilled or released oil or hazardous materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavation, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternate water supplies, and any monitoring reasonably required to assure protection of the public health, safety, welfare or the environment.

(b) Offsite transport of oil or hazardous material.

(c) The storage, treatment, destruction or secure disposal offsite of oil or hazardous material under ORS 466.655.

(11) "Reportable quantity" means one of the following:

(a) A quantity designated by the commission under ORS 466.625.

(b) The lesser of:

(A) The quantity designated for hazardous substances by the United States Environmental Protection Agency pursuant to section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;

(B) The quantity designated for hazardous waste under ORS 466.005 to 466.385, 466.880 (1) and (2), 466.890 and 466.995 (1) and (2);

(C) Any quantity of radioactive material, radioactive substance or radioactive waste;

(D) If spilled into waters of the state, or escape into waters of the state is likely, any quantity of oil that would produce a visible oily slick, oily solids, or coat aquatic life, habitat or property with oil, but excluding normal discharges from properly operating marine engines; or

(E) If spilled on land, any quantity of oil over one barrel.

(c) Ten pounds unless otherwise designated by the commission under ORS 466.625.

(12) "Respond" or "response" means:

(a) Actions taken to monitor, assess and evaluate a spill or release or threatened spill or release of oil or hazardous material;

(b) First aid, rescue or medical services, and fire suppression; or

(c) Containment or other actions appropriate to prevent, minimize or mitigate damage to the public health, safety, welfare or the environment which may result from a spill or release or threatened spill or release if action is not taken.

(13) "Spill or release" means the discharge, deposit, injection, dumping, spilling, emitting, releasing, leaking or placing of any oil or hazardous material into the air or into or on any land or waters of the state, as defined in ORS 468.700, except as authorized by a permit issued under ORS chapter 454, 459, 468 or 469, ORS 466.005 to 466.385, 466.880 (1) and (2), 466.890 and 466.995 (1) and (2) or federal law or while being stored or used for its intended purpose.

(14) "Threatened spill or release" means oil or hazardous material is likely to escape or be carried into the air or into or on any land or waters of the state. [1985 c.733 §1]

466.610 Department authority relating to cleanup of oil or hazardous material. Subject to policy direction by the commission, the department may:

(1) Conduct and prepare independently or in cooperation with others, studies, investigations, research and programs pertaining to the containment, collection, removal or cleanup of oil and hazardous material.

(2) Advise, consult, participate and cooperate with other agencies of the state, political subdivisions, other states or the Federal Government, in respect to any proceedings and all matters pertaining to responses, remedial actions or cleanup of oil and hazardous material and financing of cleanup costs, including radioactive waste, materials and substances otherwise subject to ORS chapters 453 and 469.

(3) Employ personnel, including specialists, consultants and hearing officers, purchase materials and supplies and enter into contracts with public and private parties necessary to carry out the provisions of ORS 466.605 to 466.690, 466.880 (3) and (4) and 466.995 (3).

(4) Conduct and supervise educational programs about oil and hazardous material, including the preparation and distribution of information regarding the containment, collection, removal or cleanup of oil and hazardous material.

(5) Provide advisory technical consultation and services to units of local government and to state agencies.

(6) Develop and conduct demonstration programs in cooperation with units of local government.

(7) Perform all other acts necessary to carry out the duties, powers and responsibilities of the department under ORS 466.605 to 466.690, 466.880 (3) and (4) and 466.995 (3). [1985 c.733 §2]

466.615 Limit on commission and department authority over radioactive substances. Nothing in ORS 466.605 to 466.690, 466.880 (3) and (4) and 466.995 (3) is intended to grant the Environmental Quality Commission or the Department of Environmental Quality authority over any radioactive substance regulated by the Health Division under ORS chapter 453, or any radioactive material or waste regulated by the Department of Energy or Energy Facility Siting Council under ORS chapter 469. [1985 c.733 §3]

466.620 Emergency response plan; training programs. (1) In accordance with the applicable provisions of ORS 183.310 to 183.550, the Environmental Quality Commission shall adopt an oil and hazardous material emergency response master plan consistent with the plan adopted by the Interagency Hazard Communications Council pursuant to the provisions of ORS 453.317 (1) to (6), 453.510, 453.825 and 453.835, and after consultation with the Interagency Hazard Communications Council, the Oregon State Police, the Oregon Fire Chiefs Association and any other appropriate agency or organization.

(2) The master plan adopted under subsection (1) of this section shall include but need not be limited to provisions for ongoing training programs for local government and state agency employes involved in response to spills or releases of oil and hazardous material. The department may coordinate its training programs with emergency response training programs offered by local, state and federal agencies, community colleges and institutes of higher education and private industry in order to reach the maximum number of employes, avoid unnecessary duplication and conserve limited training funds. [1985 c.733 §4]

466.625 Rulemaking. In accordance with applicable provisions of ORS 183.310 to 183.550, the commission may adopt rules including but not limited to:

(1) Provisions to establish that quantity of oil or hazardous material spilled or released which

shall be reported under ORS 466.635. The commission may determine that one single quantity shall be the reportable quantity for any oil or hazardous material, regardless of the medium into which the oil or hazardous material is spilled or released.

(2) Establishing procedures for the issuance, modification and termination of permits, orders, collection of recoverable costs and filing of notifications.

(3) Any other provision consistent with the provisions of ORS 401.025, 466.605 to 466.690, 466.880 (3) and (4), 466.995 (3) and 468.070 that the commission considers necessary to carry out ORS 401.025, 466.605 to 466.690, 466.880 (3) and (4), 466.995 (3) and 468.070. [1985 c.733 §5]

466.630 Commission designation of substance as hazardous material. (1) By rule, the commission may designate as a hazardous material any element, compound, mixture, solution or substance which when spilled or released into the air or into or on any land or waters of the state may present a substantial danger to the public health, safety, welfare or the environment.

(2) Before designating a substance as hazardous material, the commission must find that the hazardous material, because of its quantity, concentration or physical or chemical characteristics may pose a present or future hazard to human health, safety, welfare or the environment when spilled or released. [1985 c.733 §6]

466.635 Report of spill or release of reportable quantity of hazardous material. Any person owning or having control over any oil or hazardous material who has knowledge of a spill or release shall immediately notify the Emergency Management Division as soon as that person knows the spill or release is a reportable quantity. [1985 c.733 §7]

466.640 Strict liability for spill or release; exceptions. Any person owning or having control over any oil or hazardous material spilled or released or threatening to spill or release shall be strictly liable without regard to fault for the spill or release or threatened spill or release. However, in any action to recover damages, the person shall be relieved from strict liability without regard to fault if the person can prove that the spill or release of oil or hazardous material was caused by:

(1) An act of war or sabotage or an act of God.

(2) Negligence on the part of the United States Government or the State of Oregon.

(3) An act or omission of a third party without regard to whether any such act or omission was or was not negligent. [1985 c.733 §8]

466.645 Cleanup; failure to complete cleanup. (1) Any person liable for a spill or release or threatened spill or release under ORS 466.640 shall immediately clean up the spill or release under the direction of the department. The department may require the responsible person to undertake such investigations, monitoring, surveys, testing and other information gathering as the department considers necessary or appropriate to:

(a) Identify the existence and extent of the spill or release;

(b) Identify the source and nature of oil or hazardous material involved; and

(c) Evaluate the extent of danger to the public health, safety, welfare or the environment.

(2) If any person liable under ORS 466.640 does not immediately commence and promptly and adequately complete the cleanup, the department may clean up, or contract for the cleanup of the spill or release or the threatened spill or release.

(3) Whenever the department is authorized to act under subsection (2) of this section, the department directly or by contract may undertake such investigations, monitoring, surveys, testing and other information gathering as it may deem appropriate to identify the existence and extent of the spill or release, the source and nature of oil or hazardous material involved and the extent of danger to the public health, safety, welfare or the environment. In addition, the department directly or by contract may undertake such planning, fiscal, economic, engineering and other studies and investigations it may deem appropriate to plan and direct clean up actions, to recover the costs thereof and legal costs and to enforce the provisions of ORS 401.025, 466.605 to 466.690, 466.880 (3) and (4), 466.995 (3) and 468.070. [1985 c.733 §9]

466.650 Variance for remedial actions. (1) If the commission finds that a proposed remedial action cannot meet any of the requirements of ORS chapter 459 or 468, ORS 466.005 to 466.385, 466.880 (1) and (2), 466.890 and 466.995 (1) and (2) or any rule adopted under ORS chapter 459 or 468 or ORS 466.005 to 466.385, 466.880 (1) and (2), 466.890 and 466.995 (1) and (2) or the commission may issue a variance.

(2) The commission may issue a variance under subsection (1) of this section if:

(a) Special conditions exist that render strict compliance unreasonable, burdensome or impractical;

(b) Strict compliance would result in substantial delay or preventing a remedial action from being undertaken; or

(c) The public health, safety, welfare and the environment would be protected. [1985 c.733 §10]

466.655 Alternative, treatment of offsite oil or hazardous material in lieu of other remedial action. The director may allow a person to store, treat, destroy or dispose of offsite oil or hazardous material in lieu of other remedial action if the director determines that:

(1) Such actions are more cost effective than other remedial actions; or

(2) Are necessary to protect the public health, safety, welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of oil or hazardous material. [1985 c.733 §11]

466.660 Required information relating to oil or hazardous material; departmental access to records; inspection. (1) In order to determine the need for response to a spill or release or threatened spill or release under ORS 401.025, 466.605 to 466.690, 466.880 (3) and (4), 466.995 (3) and 468.070, or enforcing the provisions of ORS 401.025, 466.605 to 466.690, 466.880 (3) and (4), 466.995 (3) and 468.070, any person who prepares, manufactures, processes, packages, stores, transports, handles, uses, applies, treats or disposes of oil or hazardous material shall, upon the request of the department:

(a) Furnish information relating to the oil or hazardous material; and

(b) Permit the department at all reasonable times to have access to and copy, records relating to the type, quantity, storage locations and hazards of the oil or hazardous material.

(2) In order to carry out subsection (1) of this section, the department may enter to inspect at reasonable times any establishment or other place where oil or hazardous material is present. [1985 c.733 §12]

466.665 Local access to records and information; inspection. (1) In order to determine the need for response to a spill or release or threatened spill or release under ORS 401.025, 466.605 to 466.690, 466.880 (3) and (4), 466.995 (3) and 468.070, any person who prepares, manufactures, processes, packages, stores, transports, handles, uses, applies, treats or disposes of oil or hazardous material shall, upon the request of any authorized local government official, permit the official at all reasonable times to have access to and copy, records relating to the type, quantity, storage locations and hazards of the oil or hazardous material.

(2) In order to carry out subsection (1) of this section a local government official may enter to inspect at reasonable times any establishment or other place where oil or hazardous material is present.

(3) As used in this section, "local government official" includes but is not limited to an officer, employe or representative of a county, city, fire department, fire district or police agency. [1985 c.733 §13]

466.670 Oil and Hazardous Material Emergency Response and Remedial Action Fund. (1) The Oil and Hazardous Material Emergency Response and Remedial Action Fund is established separate and distinct from the General Fund in the State Treasury. As permitted by federal court decisions, federal statutory requirements and administrative decisions, after payment of associated legal expenses, moneys not to exceed $2.5 million received by the State of Oregon from the Petroleum Violation Escrow Fund of the United States Department of Energy that is not obligated by federal requirements to existing energy programs shall be paid into the State Treasury and credited to the fund.

(2) The State Treasurer shall invest and reinvest moneys in the Oil and Hazardous Material Emergency Response and Remedial Action Fund in the manner provided by law.

(3) The moneys in the Oil and Hazardous Material Emergency Response and Remedial Action Fund are appropriated continuously to the Department of Environmental Quality to be used in the manner described in ORS 466.675. [1985 c.733 §14]

466.675 Use of moneys in Oil and Hazardous Material Emergency Response and Remedial Action Fund. Moneys in the Oil and Hazardous Material Emergency Response and Remedial Action Fund may be used by the Department of Environmental Quality for the following purposes:

(1) Training local government employes involved in response to spills or releases of oil and hazardous material.

(2) Training of state agency employes involved in response to spills or releases of oil and hazardous material.

(3) Funding actions and activities authorized by ORS 466.645, 466.205, 468.800 and 468.805.

(4) Providing for the general administration of ORS 466.605 to 466.690, 466.880 (3) and (4), 466.995 (3) including the purchase of equipment and payment of personnel costs of the department or any other state agency related to the enforcement of ORS 401.025, 466.605 to 466.690, 466.880 (3) and (4), 466.995 (3) and 468.070. [1985 c.733 §15]

466.680 Responsibility for expenses of cleanup; record; damages; order; appeal. (1) If a person required to clean up oil or hazardous material under ORS 466.645 fails or refuses to do so, the person shall be responsible for the reasonable expenses incurred by the department in carrying out ORS 466.645.

(2) The department shall keep a record of all expenses incurred in carrying out any cleanup projects or activities authorized under ORS 466.645, including charges for services performed and the state's equipment and materials utilized.

(3) Any person who does not make a good faith effort to clean up oil or hazardous material when obligated to do so under ORS 466.645 shall be liable to the department for damages not to exceed three times the amount of all expenses incurred by the department.

(4) Based on the record compiled by the department under subsection (2) of this section, the commission shall make a finding and enter an order against the person described in subsection (1) or (3) of this section for the amount of damages, not to exceed treble damages, and the expenses incurred by the state in carrying out the action authorized by this section. The order may be appealed in the manner provided for appeal of a contested case order under ORS 183.310 to 183.550.

(5) If the amount of state incurred expenses and damages under this section are not paid by the responsible person to the department within 15 days after receipt of notice that such expenses are due and owing, or, if an appeal is filed within 15 days after the court renders its decision if the decision affirms the order, the Attorney General, at the request of the director, shall bring an action in the name of the State of Oregon in a court of competent jurisdiction to recover the amount specified in the notice of the director. [1985 c.733 §16]

466.685 Monthly fee; suspension of fees; notice of suspension or resumption of fees. (1) Except as provided by subsection (2) of this section, beginning on January 1, 1986, every person who operates a facility for the purpose of disposing of hazardous waste or PCB that is subject to interim status or a license issued under ORS 466.005 to 466.385 and 466.890 shall pay a monthly hazardous waste management fee by the 45th day after the last day of each month in the amount of $10 per dry-weight ton of hazardous waste or PCB brought into the facility for treatment by incinerator or for disposal by landfill at the facility. Fees under this section shall be calculated in the same manner as provided in section 231 of the federal Comprehensive Environmental Response, Compensation and Liability Act, P.L. 96-510, as amended.

(2) When the balance in the Comprehensive Environmental Response, Compensation and Liability Act Matching Fund established in ORS 466.690 reaches $500,000 minus any moneys approved for obligation under ORS 466.690 (3), payment of fees under subsection (1) of this section shall be suspended. Payment of fees shall resume upon approval of funds by the Legislative Assembly or the Emergency Board to the department sufficient to decrease the balance in the fund to $150,000 or lower.

(3) If payment of fees is to be suspended or resumed under subsection (2) of this section, the department shall give reasonable notice of the suspension or resumption to every person obligated to pay a fee under subsection (1) of this section. [1985 c.733 §19]

466.690 Comprehensive Environmental Response, Compensation and Liability Act Matching Fund. (1) The Comprehensive Environmental Response, Compensation and Liability Act Matching Fund is established separate and distinct from the General Fund in the State Treasury. All fees received by the Department of Environmental Quality under ORS 466.685 shall be paid into the State Treasury and credited to the fund.

(2) The State Treasurer may invest and reinvest moneys in the Comprehensive Environmental Response, Compensation and Liability Act Matching Fund in the manner provided by law.

(3) The moneys in the Comprehensive Environmental Response, Compensation and Liability Act Matching Fund are appropriated continuously to the department to be used as provided in subsection (4) of this section and for providing the required state match for planned remedial actions financed by the federal Comprehensive Environmental Response, Compensation and Liability Act, P.L. 96-510, as amended, subject to site by site approval by the Legislative Assembly or the Emergency Board.

(4) Up to 15 percent of the moneys appropriated under subsection (3) of this section may be used for investigating and monitoring potential

and existing sites which are or could be subject to remedial action under the federal Comprehensive Environmental Response, Compensation and Liability Act, P.L. 96-510, as amended. [1985 c.733 §20]

CIVIL PENALTIES

466.880 Civil penalties. (1) In addition to any other penalty provided by law, any person who violates ORS 466.005 to 466.385 and 466.890, a license condition or any commission rule or order pertaining to the generation, treatment, storage, disposal or transportation by air or water of hazardous waste, as defined by ORS 466.005, shall incur a civil penalty not to exceed $10,000 for each day of the violation.

(2) The civil penalty authorized by subsection (1) of this section shall be established, imposed, collected and appealed in the same manner as civil penalties are established, imposed and collected under ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and ORS chapter 468.

(3) In addition to any other penalty provided by law, any person who violates a provision of ORS 466.605 to 466.690, or any rule or order entered or adopted under ORS 466.605 to 466.690, may incur a civil penalty not to exceed $10,000. Each day of violation shall be considered a separate offense.

(4) The civil penalty authorized by subsection (3) of this section shall be established, imposed, collected and appealed in the same manner as civil penalties are established, imposed, collected and appealed under ORS 468.090 to 468.125, except that a penalty collected under this section shall be deposited to the fund established in ORS 466.670. [Formerly 459.995; (3) and (4) enacted by 1985 c.733 §17]

466.890 Penalties for damage to wildlife resulting from contamination of food or water supply. (1) Any person who has care, custody or control of a hazardous waste or a substance which would be a hazardous waste except for the fact that it is not discarded, useless or unwanted shall incur a civil penalty according to the schedule set forth in subsection (2) of this section for the destruction, due to contamination of food or water supply by such waste or substance, of any of the wildlife referred to in subsection (2) of this section that are the property of the state.

(2) The penalties referred to in subsection (1) of this section shall be as follows:

(a) Each game mammal other than mountain sheep, mountain goat, elk or silver gray squirrel, $400.

(b) Each mountain sheep or mountain goat, $3,500.

(c) Each elk, $750.

(d) Each silver gray squirrel, $10.

(e) Each game bird other than wild turkey, $10.

(f) Each wild turkey, $50.

(g) Each game fish other than salmon or steelhead trout, $5.

(h) Each salmon or steelhead trout, $125.

(i) Each fur-bearing mammal other than bobcat or fisher, $50.

(j) Each bobcat or fisher, $350.

(k) Each specimen of any wildlife species whose survival is specified by the wildlife laws or the laws of the United States as threatened or endangered, $500.

(L) Each specimen of any wildlife species otherwise protected by the wildlife laws or the laws of the United States, but not otherwise referred to in this subsection, $25.

(3) The civil penalty imposed under this section shall be in addition to other penalties prescribed by law. [1985 c.685 §2]

CRIMINAL PENALTIES

466.995 Criminal penalties. (1) Penalties provided in this section are in addition to and not in lieu of any other remedy specified in ORS 459.005 to 459.105, 459.205 to 459.245, 459.255 to 459.285, 466.005 to 466.385 or 466.890.

(2) Violation of ORS 466.005 to 466.385 or 466.890 or of any rule or order entered or adopted under those sections is punishable, upon conviction, by a fine of not more than $10,000 or by imprisonment in the county jail for not more than one year, or by both. Each day of violation shall be deemed a separate offense.

(3) Violation of a provision of ORS 401.025, 466.605 to 466.690 and 468.070 or of any rule or order entered or adopted under ORS 401.025, 466.605 to 466.690 and 468.070 is punishable, upon conviction, by a fine of not more than $10,000 or by imprisonment in the county jail for not more than one year or both. Each day of violation shall be considered a separate offense. [Formerly 459.992; (3) enacted by 1985 c.733 §18]

APPENDIX I
LIST OF HAZARDOUS MATERIALS AND REPORTABLE QUANTITIES

Hazardous Substances	CAS No.	Regulatory Synonyms	Code	RCRA Waste Number	Federal RQ Pounds(Kg)	State RQ Pounds(Kg
Characteristics Hazardous Waste (i.e. ignitability, corrosivity, etc)		See "Unlisted Hazardous Waste"				
Oil		See "Oil"				
Radioactive Waste and Material		See "Radioactive Waste and Material				
Acenaphthene	83329		2		1 (0.454)	1(0.454)
Acenaphthylene	208968		2		1 (0.454)	1(0.454)
Acetaldehyde	75070	Ethanal	1,4	U001	1000 (454)	100(45.4)
Acetaldehyde, chloro-	107200	Chloroacetaldehyde	4	P023	1000 (454)	100(45.4)
Acetaldehyde, trichloro-	75876	Chloral	4	U034	1 (0.454)	1(0.454)
Acetamide, N-(aminothioxomethyl)-	591082	1-Acetyl-2-thiourea	4	P002	1000 (454)	100(45.4)
Acetamide, N-(4-ethoxyphenyl)-	62442	Phenacetin	4	U187	1 (0.454)	1(0.454)
Acetamide, N-9H-fluoren-2-yl-	53963	2-Acetylaminofluorene	4	U005	1 (0.454)	1(0.454)
Acetamide, 2-fluoro-	640197	Fluoroacetamide	4	P057	100 (45.4)	10(4.54)
Acetic acid	64197		1		5000 (2270)	500(227)
Acetic acid, ethyl ester	141786	Ethyl acetate	4	U112	5000 (2270)	500(227)
Acetic acid, fluoro-, sodium salt	62748	Fluoroacetic acid, sodium salt	4	P058	10 (4.54)	1(0.454)
Acetic acid, lead salt	301042	Lead acetate	1,4	U144	5000 (2270)	500(227)
Acetic acid thallium(1) salt	563688	Thallium(1) acetate	4	U214	1 (0.454)	1(0.454)
Acetic anhydride	108247		1		5000 (2270)	500(227)
Acetimidic acid, N-[(methylcarbamoyl)oxy] thio-, methyl ester	16752775	Methomyl	4	P066	100 (45.4)	10(4.54)

Acetone	67641	2-Propanone	4	U002	5000 (2270)	500(227)
Acetone cyanohydrin	75865	2-Methyllactonitrile Propanenitrile, 2-hydroxy-2methyl	1,4	P069	10 (4.54)	1(0.454)
Acetonitrile	75058	Ethanenitrile	4	U003	5000 (2270)	500(227)
3-(alpha-Acetonylbenzyl)-4-hydroxycoumarin and salts	81812	Warfarin	4	P001	100 (45.4)	10(4.54)
Acetophenone	98862	Ethanone, 1-phenyl-	4	U004	5000 (2270)	500(227)
2-Acetylaminofluorene	53963	Acetamide, N-9H-fluoren-2-yl	4	U005	1 (0.454)	1(0.454)
Acetyl bromide	506967		1		5000 (2270)	500(227)
Acetyl chloride	75365	Ethanoyl chloride	1,4	U006	5000 (2270)	500(227)
1-Acetyl-2-thiourea	591082	Acetamide, N-(aminothioxomethyl)-	4	P002	1000 (454)	100(45.4)
Acrolein	107028	2-Propenal	1,2,4	P003	1 (0.454)	1(0.454)
Acrylamide	79061	2-Propenamide	4	U007	5000 (2270)	500(227)
Acrylic acid	79107	2-Propenoic acid	4	U008	5000 (2270)	500(227)
Acrylonitrile	107131	2-Propenenitrile	1,2,4	U009	100 (45.4)	10(4.54)
Adipic acid	124049		1		5000 (2270)	500(227)
Alanine, 3-[p-bis(2-chloroethyl)amino] phenyl-,L-	148823	Melphalan	4	U150	1 (0.454)	1(0.454)
Aldicarb	116063	Propanal, 2-methyl-2-(methylthio) O-[(methylamino)carbonyl]oxime	4	P070	1 (0.454)	1(0.454)
Aldrin	309002	1,2,3,4,10-10-Hexachloro-1,4, 4a,5,8,8a-hexahydro-1, 4:5,8-endo,exo-dimethanonaphthalene	1,2,4	P004	1 (0.454)	1(0.454)
Allyl alcohol	107186	2-Propen-1-ol	1,4	P005	100 (45.4)	10(4.54)

Allyl chloride	107051		1		1000 (454)	100(45.4)
Aluminum phosphide	20859738		4	P006	100 (45.4)	10(4.54)
Aluminum sulfate	10043013		1		5000 (2270)	500(227)
5-(Aminomethyl)-3-isoxazolol	2763964	3(2H)-Isoxazolone, 5-(aminomethyl)-	4	P007	1000 (454)	100(45.4)
4-Aminopyridine	504245	4-Pyridinamine	4	P008	1000 (454)	100(45.4)
Amitrole	61825	1H-1,2,4-Triazol-3-amine	4	U011	1 (0.454)	1(0.454)
Ammonia	7664417		1		100 (45.4)	10(4.54)
Ammonium acetate	631618		1		5000 (2270)	500(227)
Ammonium benzoate	1863634		1		5000 (2270)	500(227)
Ammonium bicarbonate	1066337		1		5000 (2270)	500(227)
Ammonium bichromate	7789095		1		1000 (454)	100(45.4)
Ammonium bifluoride	1341497		1		5000 (2270)	500(227)
Ammonium bisulfite	10192300		1		5000 (2270)	500(227)
Ammonium carbamate	1111780		1		5000 (2270)	500(227)
Ammonium carbonate	506876		1		5000 (2270)	500(227)
Ammonium chloride	12125029		1		5000 (2270)	500(227)
Ammonium chromate	7788989		1		1000 (454)	100(45.4)
Ammonium citrate, dibasic	3012655		1		5000 (2270)	500(227)
Ammonium fluoborate	13826830		1		5000 (2270)	500(227)
Ammonium fluoride	12125018		1		100 (45.4)	10(4.54)
Ammonium hydroxide	1336216		1		1000 (454)	100(45.4)
Ammonium oxalate	6009707 5972736 14258492		1		5000 (2270)	500(227)
Ammonium picrate	131748	Phenol, 2,4,6-trinitro-, ammonium salt	4	P009	10 (4.54)	1 (0.454)

Ammonium silicofluoride	16919190		1		1000 (454)	100(45.4)
Ammonium sulfamate	7773060		1		5000 (2270)	500(227)
Ammonium sulfide	12135761		1		100 (45.4)	10(4.54)
Ammonium sulfite	10196040		1		5000 (2270)	500(227)
Ammonium tartrate	14307438 3164292		1		5000 (2270)	500(227)
Ammonium thiocyanate	1762954		1		5000 (2270)	500(227)
Ammonium thiosulfate	7783188		1		5000 (2270)	500(227)
Ammonium vanadate	7803556	Vanadic acid, ammonium salt	4	P119	1000 (454)	100(45.4)
Amyl acetate iso- sec- tert-	628637 123922 626380 625161		1		5000 (2270)	500(227)
Aniline	62533	Benzenamine	1,4	U012	5000 (2270)	500(227)
Anthracene	120127		2		1 (0.454)	1(0.454)
Antimony ++	7440360		2		1 (0.454)	1(0.454)
Antimony pentachloride	7647189		1		1000 (454)	100(45.4)
Antimony potassium tartrate	28300745		1		100 (45.4)	10 (4.54)
Antimony tribromide	7789619		1		1000 (454)	100(45.4)
Antimony trichloride	10025919		1		1000 (454)	100(45.4)
Antimony trifluoride	7783564		1		1000 (454)	100(45.4)
Antimony trioxide	1309644		1		1000 (454)	100(45.4)
Aroclor 1016	12674112	Polychlorinated Biphenyls (PCBs)	1,2		10 (4.54)	1(0.454)
Aroclor 1221	11104282	Polychlorinated Biphenyls (PCBs)	1,2		10 (4.54)	1(0.454)

Aroclor 1232	11141165	Polychlorinated Biphenyls (PCBs)	1,2		10 (4.54)	1(0.454)
Aroclor 1242	53469219	Polychlorinated Biphenyls (PCBs)	1,2		10 (4.54)	1(0.454)
Aroclor 1248	12672296	Polychlorinated Biphenyls (PCBs)	1,2		10 (4.54)	1(0.454)
Aroclor 1254	11097691	Polychlorinated Biphenyls (PCBs)	1,2		10 (4.54)	1(0.454)
Aroclor 1260	11096825	Polychlorinated Biphenyls (PCBs)	1,2		10 (4.54)	1(0.454)
Arsenic ++	7440382		2,3		1 (0.454)	1(0.454)
Arsenic acid	1327522 7778394		4	P010	1 (0.454)	1(0.454)
Arsenic disulfide	1303328		1		5000 (2270)	500(227)
Arsenic (III) oxide	1327533	Arsenic trioxide	1,4	P012	5000 (2270)	500(227)
Arsenic(V) oxide	1303282	Arsenic pentoxide	1,4	P011	5000 (2270)	500(227)
Arsenic pentoxide	1303282	Arsenic (V) oxide	1,4	P011	5000 (2270)	500(227)
Arsenic trichloride	7784341		1		5000 (2270)	500(227)
Arsenic trioxide	1327533	Arsenic(III) oxide	1,4	P012	5000 (2270)	500(227)
Arsenic trisulfide	1303339		1		5000 (2270)	500(227)
Arsine, diethyl-	692422	Diethylarsine	4	P038	1 (0.454)	1(0.454)
Asbestos +++	1332214		2,3		1 (0.454)	1(0.454)
Auramine	492808	Benzenamine, 4,4'-carbonimidoylbis (N,N-dimethyl-	4	U014	1 (0.454)	1(0.454)
Azaserine	115026	L-Serine, diazoacetate (ester)	4	U015	1 (0.454)	1(0.454)
Aziridine	151564	Ethylenimine	4	P054	1 (0.454)	1(0.454)
Azirino(2',3':,3,4)pyrrolo(1,2a)indole-4, 7-dione,6-amino-8-[((aminocarbonyl)oxy)methyl] -1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-	50077	Mitomycin C	4	U010	1 (0.454)	1(0.454)
Barium cyanide	542621		1,4	P013	10 (4.54)	1(0.454)

Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	56495	3-Methylcholanthrene	4	U157	1 (0.454)	1(0.454)
Benz[c]acridine	225514	3,4-Benzacridine	4	U016	1 (0.454)	1(0.454)
3,4-Benzacridine	225514	Benz[c]acridine	4	U016	1 (0.454)	1(0.454)
Benzal chloride	98873	Benzene, dichloromethyl-	4	U017	5000 (2270)	500(227)
Benz[a]anthracene	56553	1,2-Benzanthracene Benzo[a]anthracene	2,4	U018	1 (0.454)	1(0.454)
1,2-Benzathracene	56553	Benz[a]anthracene Benzo[a]anthracene	2,4	U018	1 (0.454)	1(0.454)
1,2-Benzanthracene, 7,12-dimethyl-	57976	7,12-Dimethylbenz[a]anthracene	4	U094	1 (0.454)	1(0.454)
Benzenamine	62533	Aniline	1,4	U012	5000 (2270)	500(227)
Benzenamine, 4,4'-carbonimidoylbis (N,N-dimethyl-	492808	Auramine	4	U014	1 (0.454)	1(0.454)
Benzenamine, 4-chloro-	106478	p-Chloroaniline	4	P024	1000 (454)	100(45.4)
Benzenamine, 4-chloro-2-methyl-,hydrochloride	3165933	4-Chloro-o-toluidine, hydrochloride	4	U049	1 (0.454)	1(0.454)
Benzenamine, N,N-dimethyl-4-phenylazo	60117	Dimethylaminoazobenzene	4	U093	1 (0.454)	1(0.454)
Benzenamine, 4,4'-methylenebis(2-chloro-	101144	4,4'-Methylenebis(2-chloroaniline	4	U158	1 (0.454)	1(0.454)
Benzenamine, 2-methyl-,hydrochloride	636215	o-Toluidine hydrochloride	4	U222	1 (0.454)	1(0.454)
Benzenamine, 2-methyl-5-nitro-	99558	5-Nitro-o-toluidine	4	U181	1 (0.454)	1(0.454)
Benzenamine,4-nitro-	100016	p-Nitroaniline	4	P077	5000 (2270)	500(227)
Benzene	71432		1,2,3,4	U019	1000 (454)	100(45.4)
Benzene, 1-bromo-4-phenoxy-	101553	4-Bromophenyl phenyl ether	2,4	U030	100 (45.4)	10(4.54)
Benzene, chloro	108907	Chlorobenzene	1,2,4	U037	100 (45.4)	10(4.54)
Benzene, chloromethyl-	100447	Benzyl Chloride	1,4	P028	100 (45.4)	10(4.54)
Benzene, 1,2-dichloro-	95501	1,2-Dichlorobenzene o-Dichlorobenzene	1,2,4	U070	100 (45.4)	10(4.54)

Benzene, 1,3-dichloro-	541731	1,3-Dichlorobenzene m-Dichlorobenzene	2,4	U071	100 (45.4)	10(4.54)
Benzene, 1,4-dichloro-	106467	1,4-Dichlorobenzene p-Dichlorobenzene	1,2,4	U072	100 (45.4)	10(4.54)
Benzene, dichloromethyl-	98873	Benzal chloride	4	U017	5000 (2270)	500(227)
Benzene, 2,4-diisocyanatomethyl-	584849 91087 26471625	Toulene diisocyanate	4	U223	100 (45.4)	10(4.54)
Benzene, dimethyl m- o- p-	1330207 108383 95476 106423	Xylene m- o- p-	1,4	U239	1000 (454)	100(45.4)
Benzene, hexachloro-	118741	Hexachlorobenzene	2,4	U127	1 (0.454)	1(0.454)
Benzene, hexahydro-	110827	Cyclohexane	1,4	U056	1000 (454)	100(45.4)
Benzene, hydroxy-	108952	Phenol	1,2,4	U188	1000 (454)	100(45.4)
Benzene,methyl-	108883	Toluene	1,2,4	U220	1000 (454)	100(45.4)
Benzene, 1-methyl-2,4-dinitro-	121142	2,4-Dinitrotoluene	1,2,4	U105	1000 (454)	100(45.4)
Benzene, 1-methyl-2,6-dinitro-	606202	2,6-Dinitrotoluene	1,2,4	U106	1000 (454)	100(45.4)
Benzene, 1,2-methylenedioxy-4-allyl	94597	Safrole	4	U203	1 (0.454)	1(0.454)
Benzene, 1,2-methylenedioxy-4-propenyl-	120581	Isosafrole	4	U141	1 (0.454)	1(0.454)
Benzene, 1,2-methylenedioxy-4-propyl-	94586	Dihydrosafrole	4	U090	1 (0.454)	1(0.454)
Benzene, 1-methylethyl-	98828	Cumene	4	U055	5000 (2270)	500(227)
Benzene, nitro-	98953	Nitrobenzene	1,2,4	U169	1000 (454)	100(45.4)
Benzene, pentachloro	608935	Pentachlorobenzene	4	U183	1 (0.454)	1(0.454)
Benzene, pentachloronitro-	82688	Pentachloronitrobenzene	4	U185	1 (0.454)	1(0.454)

Benzene, 1,2,4,5-tetrachloro-	95943	1,2,4,5-Tetrachlorobenzene	4	U207	5000 (2270)	500(227)
Benzene, trichloromethyl-	98077	Benzotrichloride	4	U023	1 (0.454)	1(0.454)
Benzene, 1,3,5-trinitro-	99354	sym-Trinitrobenzene	4	U234	1 (0.454)	1(0.454)
Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester	510156	Ethyl 4,4'-dichlorobenzilate	4	U038	1 (0.454)	1(0.454)
1,2-Benzenedicarboxylic acid anydride	85449	Phthalic anhydride	4	U190	5000 (2270)	500(227)
1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)] ester	117817	Bis(2-ethylhexyl)phthalate	2,4	U028	1 (0.454)	1(0.454)
1,2-Benzenedicarboxylic acid, dibutyl ester	84742	n-Butyl phthalate Dibutyl phthalate Di-n-butyl phthalate	1,2,4	U069	10 (4.54)	1(0.454)
1,2-Benzenedicarboxylic acid, diethyl ester	84662	Diethyl phthalate	2,4	U088	1000 (454)	100(45.4)
1,2-Benzenedicarboxylic acid, dimethyl ester	131113	Dimethyl phthalate	2,4	U102	5000 (2270)	500(227)
1,2-Benzenedicarboxylic acid, di-n-octyl ester	117840	Di-n-octyl phthalate	2,4	U107	5000 (2270)	500(227)
1,3-Benzenediol	108463	Resorcinol	1,4	U201	5000(2270)	500(227)
1,2-Benzenediol,4-[1-hydroxy-2-(methylamino)ethyl]-	51434	Epinephrine	4	P042	1000 (454)	100(45.4)
Benzenesulfonic acid chloride	98099	Benzenesulfonyl chloride	4	U020	100 (45.4)	10(4.54)
Benzenesulfonyl chloride	98099	Benzenesulfonic acid chloride	4	U020	100 (45.4)	10(4.54)
Benzenethiol	108985	Thiophenol	4	P014	100 (45.4)	10(4.54)
Benzidine	92875	(1,1'-Biphenyl)-4,4'diamine	2,4	U021	1 (0.454)	1(0.454)

1,2-Benzisothiazolin-3-one, 1,1'-dioxide, and salts	81072	Saccharin and salts	4	U202	1 (0.454)	1(0.454)
Benzo[a]anthracene	56553	Benz[a]anthracene 1,2-Benzanthracene	2,4	U018	1 (0.454)	1(0.454)
Benzo[b]fluoranthene	205992		2		1 (0.454)	1(0.454)
Benzo(k)fluoranthene	207089		2		1 (0.454)	1(0.454)
Benzo[j,k]fluorene	206440	Fluoranthene	2,4	U120	1 (0.454)	1(0.454)
Benzoic acid	65850		1		5000 (2270)	500(227)
Benzonitrile	100470		1		5000 (2270)	500(227)
Benzo[ghi]perylene	191242		2		1 (0.454)	1(0.454)
Benzo[a]pyrene	50328	3,4-Benzopyrene	2,4	U022	1 (0.454)	1(0.454)
3,4-Benzoprene	50328	Benzo[a]pyrene	2,4	U022	1 (0.454)	1(0.454)
p-Benzoquinone	106514	1,4-Cyclohexadienedione	4	U197	1 (0.454)	1(0.454)
Benzotrichloride	98077	Benzene, trichloromethyl-	4	U023	1 (0.454)	1(0.454)
Benzoyl chloride	98884		1		1000 (454)	100(45.4)
1,2-Benzphenanthrene	218019	Chrysene	2,4	U050	1 (0.454)	1(0.454)
Benzyl chloride	100447	Benzene, chloromethyl-	1,4	P028	100 (45.4)	10(4.54)
Beryllium ++	7440417	Beryllium dust	2,3,4	P015	1 (0.454)	1(0.454)
Beryllium chloride	7787475		1		5000 (2270)	500(227)
Beryllium dust	7440417	Beryllium	2,3,4	P015	1 (0.454)	1(0.454)
Beryllium fluoride	7787497		1		5000 (2270)	500(227)
Beryllium nitrate	13597994 7787555		1		5000 (2270)	500(227)
alpha - BHC	319846		2		1 (0.4554)	1(0.454)
beta - BHC	319857		2		1 (0.454)	1(0.454)

gamma - BHC	58899	Hexachlorocyclohexane (gamma isomer) Lindane	1,2,4	U129	1 (0.454)	1(0.454)
delta - BHC	319868		2		1 (0.454)	1(0.454)
2,2'-Bioxirane	1464535	1,2:3,4-Diepoxybutane	4	U085	1 (0.454)	1(0.454)
(1,1'-Biphenyl)-4,4'diamine	92875	Benzidine	2,4	U021	1 (0.454)	1(0.454)
(1,1'-Biphenyl)-4,4'diamine, 3,3'dichloro-	91941	3,3'-Dichlorobenzidine	2,4	U073	1 (0.454)	1(0.454)
(1,1'Biphenyl)-4,4'diamine, 3,3'dimethoxy-	119904	3,3'-Dimethoxybenzidine	4	U091	1 (0.454)	1(0.454)
(1,1'Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	119937	3,3'-Dimethylbenzidine	4	U095	1 (0.454)	1(0.454)
Bis(2-chloroethoxy) methane	111911	Ethane, 1,1'-[methylenebis(oxy)] bis(2-chloro-	2,4	U024	1000 (454)	100(45.4)
Bis (2-chloroethyl) ether	111444	Dichloroethyl ether Ethane, 1,1'-oxybis[2-chloro-	2,4	U025	1 (0.454)	1(0.454)
Bis(2-chloroisopropyl) ether	108601	Propane, 2,2'-oxybis(2-chloro-	2,4	U027	1000 (454)	100(45.4)
Bis(chloromethyl) ether	542881	Methane, oxybis(chloro-	4	P016	1 (0.454)	1(0.454)
Bis(dimethylthiocarbamoyl) disulfide	137268	Thiram	4	U244	10 (4.54)	1(0.454)
Bis(2-ethylhexyl)phthalate	117817	1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)] ester	2,4	U028	1 (0.454)	1(0.454)
Bromine cyanide	506683	Cyanogen bromide	4	U246	1000 (454)	100(45.4)
Bromoacetone	598312	2-Propanone, 1-bromo-	4	P017	1000 (454)	100(45.4)
Bromoform	75252	Methane, tribromo	2,4	U225	100 (45.4)	10(4.54)
4-Bromophenyl phenyl ether	101553	Benzene, 1-bromo-4-phenoxy-	2,4	U030	100 (45.4)	10(4.54)

Brucine	357573	Strychnidin-10-one, 2,3-dimethoxy-	4	P018	100 (45.4)	10(4.54)
1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87683	Hexachlorobutadiene	2,4	U128	1 (0.454)	1(0.454)
1-Butanamine, N-butyl-N-nitroso-	924163	N-Nitrosodi-n-butylamine	4	U172	1 (0.454)	1(0.454)
Butanoic acid, 4-[bis(2-chloroethyl) amino]benzene-	305033	Chlorambucil	4	U035	1 (0.454)	1(0.454)
1-Butanol	71363	n-Butyl alcohol	4	U031	5000 (2270)	500(227)
2-Butanone	78933	Methyl ethyl ketone	4	U159	5000 (2270)	500(227)
2-Butanone peroxide	1338234	Methyl ethyl ketone peroxide	4	U160	10 (4.54)	1(0.454)
2-Butenal	123739 4170303	Crotonaldehyde	1,4	U053	100 (45.4)	10(4.54)
2-Butene, 1,4-dichloro-	764410	1,4-Dichloro-2-butene	4	U074	1 (0.454)	1(0.454)
Butyl acetate iso- sec- tert-	123864 110190 105464 540885		1		5000(2270)	500(227)
n-Butyl alcohol	71363	1-Butanol	4	U031	5000 (2270)	500(227)
Butylamine iso- sec- sec- tert-	109739 78819 513495 13952846 75649		1		1000 (454)	100(45.4)
Butyl benzyl phthalate	85687		2		100 (45.4)	10(4.54)
n-Butyl phthalate	84742	1,2-Benzenedicarboxylic acid, dibutyl ester Dibutyl phthalate Di-n-butyl phthalate	1,2,4	U069	10 (4.54)	1(0.454)
Butyric acid iso-	107926 79312		1		5000 (2270)	500(227)

Cacodylic acid	75605	Hydroxydimethylarsine oxide	4	U136	1 (0.454)	1(0.454)
Cadmium ++	7440439		2		1 (0.454)	1(0.454)
Cadmium acetate	543908		1		100 (45.4)	10(4.54)
Cadmium bromide	7789426		1		100 (45.4)	10(4.54)
Cadmium chloride	10108642		1		100 (45.4)	10(4.54)
Calcium arsenate	7778441		1		1000 (454)	100(45.4)
Calcium arsenite	52740166		1		1000 (454)	100(45.4)
Calcium carbide	75207		1		10 (4.54)	1(0.454)
Calcium chromate	13765190	Chromic acid, calcium salt	1,4	U032	1000 (454)	100(45.4)
Calcium cyanide	592018		1,4	P021	10 (4.54)	1(0.454)
Calcium dodecylbenzene sulfonate	26264062		1		1000 (454)	100(45.4)
Calcium hypochlorite	7778543		1		10 (4.54)	1(0.454)
Camphene octachloro-	8001352	Toxaphene	1,2,4	P123	1 (0.454)	1(0.454)
Captan	133062		1		10 (4.54)	1(0.454)
Carbamic acid, ethyl ester	51796	Ethyl carbamate (Urethan)	4	U238	1 (0.454)	1(0.454)
Carbamic acid, methylnitroso-, ethyl ester	615532	N-Nitroso-N-methylurethane	4	U178	1 (0.454)	1(0.454)
Carbamide, N-ethyl-N-nitroso-	759739	N-Nitroso-N-ethylurea	4	U176	1 (0.454)	1(0.454)
Carbamide, N-methyl-N-nitroso-	684935	N-Nitroso-N-methylurea	4	U177	1 (0.454)	1(0.454)
Carbamide, thio-	62566	Thiourea	4	U219	1 (0.454)	1(0.454)
Carbamimidoselenoic acid	630104	Selenourea	4	P103	1 (0.454)	1(0.454)
Carbamoyl chloride, dimethyl-	79447	Dimethylcarbamoyl chloride	4	U097	1 (0.454)	1(0.454)
Carbaryl	63252		1		100 (45.4)	10(4.54)
Carbofuran	1563662		1		10 (4.54)	1(0.454)
Carbon bisulfide	75150	Carbon disulfide	1,4	P022	5000 (2270)	500(227)

Carbon disulfide	75150	Carbon bisulfide	1,4	P022	5000 (2270)	500(227)
Carbonic acid, dithallium (1) salt	6533739	Thallium(1) carbonate	4	U215	1 (0.454)	1(0.454)
Carbonochloridic acid, methyl ester	79221	Methyl chlorocarbonate	4	U156	1000 (454)	100(45.4)
Carbon oxyfluoride	353504	Carbonyl fluoride	4	U033	1000 (454)	100(45.4)
Carbon tetrachloride	56235	Methane, tetrachloro-	1,2,4	U211	5000 (2270)	500(227)
Carbonyl chloride	75445	Phosgene	1,4	P095	10 (4.54)	1(0.454)
Carbonyl fluoride	353504	Carbon oxyfluoride	4	U033	1000 (454)	100(45.4)
Chloral	75876	Acetaldehyde, trichloro-	4	U034	1 (0.454)	1(0.454)
Chlorambucil	305033	Butanoic acid, 4-[bis(2-chloroethyl) amino]benzene-	4	U035	1 (0.454)	1(0.454)
Chlordane	57749	Chlordane, technical 4,7-Methanoindan, 1,2,4,5,6,7,8, 8-octachloro-3a,4,7,7a-tetrahydro-	1,2,4	U036	1 (0.454)	1(0.454)
Chlordane, technical	57749	Chlordane 4,7-Methanoindan, 1,2,4,5,6,7,8, 8-octachloro--3a,4,7,7a tetrahydro-	1,2,4	U036	1 (0.454)	1(0.454)
Chlorine	7782505		1		10 (4.54)	1(0.454)
Chlorine cyanide	506774	Cyanogen chloride	1,4	P033	10 (4.54)	1(0.454)
Chlorraphazine	494031	2-Naphthylamine, N,N-bis (2-chloroethyl)-	4	U026	1 (0.454)	1(0.454)
Chloroacetaldehyde	107200	Acetaldehyde, chloro-	4	P023	1000 (454)	100(45.4)
p-Chloroaniline	106478	Benzenamine, 4-chloro-	4	P024	1000 (454)	100(45.4)

Chlorobenzene	108907	Benzene, chloro-	1,2,4	U037	100 (45.4)	10(4.54)
4-Chloro-m-cresol	59507	p-Chloro-m-cresol Phenol, 4-chloro-3-methyl-	2,4	U039	5000 (2270)	500(227)
p-Chloro-m-cresol	59507	4-Chloro-m-cresol Phenol, 4-chloro-3-methyl-	2,4	U039	5000 (2270)	500(227)
Chlorodibromomethane	124481		2		100 (45.4)	10(4.54)
1-Chloro-2,3-epoxypropane	106898	Epichlorohydrin Oxirane, 2-(chloromethyl)-	1,4	U041	1000 (454)	100(45.4)
Chloroethane	75003		2		1 (0.454)	1 (0.454)
2-Chloroethyl vinyl ether	110758	Ethene, 2-chloroethoxy-	2,4	U042	1000 (454)	100(45.4)
Chloroform	67663	Methane, trichloro-	1,2,4	U044	5000 (2270)	500(227)
Chloromethyl methyl ether	107302	Methane, chloromethoxy-	4	U046	1 (0.454)	1(0.454)
beta-Chloronaphthalene	91587	2-Chloronaphthalene Naphthalene, 2-chloro-	2,4	U047	5000 (2270)	500(227)
2-Chloronaphthalene	91587	beta-Chloronaphthalene Naphthalene, 2-chloro-	2,4	U047	5000 (2270)	500(227)
2-Chlorophenol	95578	o-Chlorophenol Phenol, 2-chloro-	2,4	U048	100 (45.4)	10(4.54)
o-Chlorophenol	95578	2-Chlorophenol Phenol, 2-chloro-	2,4	U048	100 (45.4)	10(4.54)
4-Chlorophenyl phenyl ether	7005723		2		5000 (2270)	500(227)
1-(o-Chlorophenyl)thiourea	5344821	Thiourea, (2-chlorophenyl)-	4	P026	100 (45.4)	10(4.54)
3-Chloropropionitrile	542767	Propanenitrile, 3-chloro-	4	P027	1000 (454)	100(45.4)
Chlorosulfonic	7790945		1		1000 (454)	100(45.4)

4-Chloro-o-toluidine, hydrochloride	3165933	Benzenamine, 4-chloro-2methyl-, hydrochloride	4	U049	1 (0.454)	1(0.454)
Chlorpyrifos	2921882		1		1 (0.454)	1 (0.454)
Chromic acetate	1066304		1		1000 (454)	100(45.4)
Chromic acid	11115745 7738945		1		1000 (454)	100(45.4)
Chromic acid, calcium salt	13765190	Calcium chromate	1,4	U032	1000 (454)	100(45.4)
Chromic sulfate	10101538		1		1000 (454)	100(45.4)
Chromium ++	7440473		2		1 (0.454)	1 (0.454)
Chromous chloride	10049055		1		1000 (454)	100(45.4)
Chrysene	218019	1,2-Benzphenanthrene	2,4	U050	1 (0.454)	1 (0.454)
Cobaltous bromide	7789437		1		1000 (454)	100(45.4)
Cobaltous formate	544183		1		1000 (454)	100(45.4)
Cobaltous sulfamate	14017415		1		1000 (454)	100(45.4)
Coke Oven Emissions	N.A.		3		1 (0.454)	1 (0.454)
Copper ++	7440508		2		1 (0.454)	1 (0.454)
Copper cyanide	544923		4	P029	10 (4.54)	1 (0.454)
Coumaphos	56724		1		10 (4.54)	1 (0.454)
Creosote	8001589		4	U051	1 (0.454)	1 (0.454)
Cresol(s) m- o- p-	1319773 108394 95487 106445	Cresylic acid	1,4	U052	1000 (454)	100(45.4)
Cresylic acid m- o- p-	1319773 108394 95487 106445	Cresol(s)	1,4	U052	1000 (454)	100(45.4)

Crotonaldehyde	123739 4170303	2-Butenal	1,4	U053	100 (45.4)	10(4.54)
Cumene	98828	Benzene, 1-methylethyl-	4	U055	5000 (2270)	500(227)
Cupric acetate	142712		1		100 (45.4)	10(45.4)
Cupric acetoarsenite	12002038		1		100 (45.4)	10(45.4)
Cupric chloride	7447394		1		10 (4.54)	1 (0.454)
Cupric nitrate	3251238		1		100 (45.4)	10(4.54)
Cupric oxalate	5893663		1		100 (45.4)	10(4.54)
Cupric sulfate	7758987		1		10 (4.54)	1 (0.454)
Cupric sulfate ammoniated	10380297		1		100 (45.4)	10(4.54)
Cupric tartrate	815827		1		100 (45.4)	10(4.54)
Cyanides (soluble cyanide salts), not elsewhere specified	57125		4	P030	10 (4.54)	1 (0.454)
Cyanogen	460195		4	P031	100 (45.4)	10(4.54)
Cyanogen bromide	506683	Bromine cyanide	4	U246	1000 (454)	100(45.4)
Cyanogen chloride	506774	Chlorine cyanide	1,4	P033	10 (4.54)	1 (0.454)
1,4-Cyclohexadienedione	106514	p-Benzoquinone	4	U197	1(0.454)	1 (0.454)
Cyclohexane	110827	Benzene, hexahydro-	1,4	U056	1000 (454)	100(45.4)
Cyclohexanone	108941		4	U057	5000 (2270)	500(227)
1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77474	Hexachlorocyclopentadine	1,2,4	U130	1 (0.454)	1 (0.454)
Cyclophosphamide	50180	2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chloroethyl)amino] tetrahydro-2-oxide	4	U058	1 (0.454)	1 (0.454)

2,4-D Acid	94757	2,4-D, salts and esters 2,4-Dichlorophenoxyacetic acid, salts and esters	1,4	U240	100 (45.4)	10(4.54)
2,4-D esters	94111 94791 94804 1320189 1928387 1928616 1929733 2971382 25168267 53467111		1		100 (45.4)	10(4.54)
2,4-D, salts and esters	94757	2,4-D Acid 2,4-Dichlorophenoxyacetic acid, salts and esters	1,4	U240	100 (45.4)	10(4.54)
Daunomycin	20830813	5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-	4	U059	1 (0.454)	1 (0.454)
DDD	72548	4,4' DDD Dichlorodiphenyl dichloroethane TDE	1,2,4	U060	1 (0.454)	1 (0.454)
4,4' DDD	72548	DDD Dichlorodiphenyl dichlorethane TDE	1,2,4	U060	1 (0.454)	1 (0.454)
DDE	72559	4,4' DDE	2		1 (0.454)	1 (0.454)
4,4' DDE	72559	DDE	2		1(0.454)	1 (0.454)
DDT	50293	4,4' DDT Dichlorodiphenyl trichloroethane	1,2,4	U061	1 (0.454)	1 (0.454)

4,4' DDT	50293	DDT Dichlorodiphenyl trichloroethane	1,2,4	U061	1 (0.454)	1 (0.454)
Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta [c,d]-pentalen-2-one	143500	Kepone	1,4	U142	1 (0.454)	1 (0.454)
Diallate	2303164	S-(2,3-Dichloroallyl) diisopropylthiocarbamate	4	U062	1 (0.454)	1 (0.454)
Diamine	302012	Hydrazine	4	U133	1 (0.454)	1 (0.454)
Daiminotoluene	95807 25376458 496720 83405	Toluenediamine	4	U221	1 (0.454)	1 (0.454)
Diazinon	5333415		1		1 (0.454)	1 (0.454)
Dibenz[a,h]anthracene	53703	1,2:5,6-Dibenzathracene Dibenzo[a,h]anthracene	2,4	U063	1 (0.454)	1 (0.454)
1,2:5,6-Dibenzathracene	53703	Dibenz[a,h]anthracene Dibenzo[a,h]anthracene	2,4	U063	1 (0.454)	1 (0.454)
Dibenzo[a,h]anthracene	53703	Dibenz[a,h]anthracene 1,2:5,6-Dibenzanthracene	2,4	U063	1 (0.454)	1 (0.454)
1,2:7,8-Dibenzopyrene	189559	Dibenz[a,i]pyrene	4	U064	1 (0.454)	1 (0.454)
Dibenz[a,i]pyrene	189559	1,2:7,8-Dibenzopyrene	4	U064	1 (0.454)	1 (0.454)
1,2-Dibromo-3-chloropropane	96128	Propane, 1,2-dibromo-3-chloro-	4	U066	1 (0.454)	1 (0.454)
Dibutyl phthalate	84742	1,2-Benzenedicarboxylic acid, dibutyl ester Di-n-butyl phthalate n-Butyl phthalate	1,2,4	U069	10 (4.54)	1 (0.454)

Di-n-butyl phthalate	84742	1,2-Benzenedicarboxylic acid, dibutyl ester n-Butyl phthalate Dibutyl phthalate	1,2,4	U069	10 (4.54)	1 (0.454)
Dicamba	1918009		1		1000 (454)	100(45.4)
Dichlobenil	1194656		1		100 (45.4)	10(4.54)
Dichlone	117806		1		1 (0.454)	1 (0.454)
S-(2,3-Dichloroallyl) diisopropylthiocarbamate	2303164	Diallate	4	U062	1 (0.454)	1 (0.454)
3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide	23950585	Pronamide	4	U192	5000 (2270)	500(227)
Dichlorobenzene (mixed)	25321226		1		100 (45.4)	10(4.54)
1,2-Dichlorobenzene	95501	Benzene, 1,2-dichloro- o-Dichlorobenzene	1,2,4	U070	100 (45.4)	10(4.54)
1,3-Dichlorobenzene	541731	Benzene, 1,3-dichloro- m-Dichlorobenzene	2,4	U071	100 (45.4)	10(4.54)
1,4-Dichlorobenzene	106467	Benzene, 1,4-dichloro- p-Dichlorobenzene	1,2,4	U072	100 (45.4)	10(4.54)
m-Dichlorobenzene	541731	Benzene, 1,3-dichloro- 1,3-Dichlorobenzene	2,4	U071	100 (45.4)	10(4.54)
o-Dichlorobenzene	95501	Benzene, 1,2-dichloro- 1,2-Dichlorobenzene	1,2,4	U070	100 (45.4)	10(4.54)
p-Dichlorobenzene	106467	Benzene, 1,4-dichloro- 1,4 Dichlorobenzene	1,2,4	U072	100 (45.4)	10(4.54)

3,3-Dichlorobenzidine	91941	(1,1'-Biphenyl)-4,4'diamine, 3,3'dichloro-	2,4	U073	1 (0.454)	1 (0.454)
Dichlorobromomethane	75274		2		5000 (2270)	500(227)
1,4-Dichloro-2-butene	764410	2-Butene, 1,4-dichloro-	4	U074	1 (0.454)	1 (0.454)
Dichlorodifluoromethane	75718	Methane, dichlorodifluoro-	4	U075	5000 (2270)	500(227)
Dichlorodiphenyl dichloroethane	72548	DDD 4,4' DDD TDE	1,2,4	U060	1 (0.454)	1 (0.454)
Dichlorodiphenyl trichloroethane	50293	DDT 4,4'DDT	1,2,4	U061	1 (0.454)	1 (0.454)
1,1-Dichloroethane	75343	Ethane, 1,1-dichloro- Ethylidene dichloride	2,4	U076	1000 (454)	100(45.4)
1,2-Dichloroethane	107062	Ethane, 1,2-dichloro- Ethylene dichloride	1,2,4	U077	5000 (2270)	500(227)
1,1-Dichloroethylene	75354	Ethene, 1,1-dichloro- Vinylidene chloride	1,2,4	U078	5000 (2270)	500(227)
1,2-trans-Dichloroethylene	156605	Ethene, trans-1,2-dichloro-	2,4	U079	1000 (454)	100(45.4)
Dichloroethyl ether	111444	Bis (2-chloroethyl) ether Ethane, 1,1'-oxybis(2-chloro	2,4	U025	1 (0.454)	1 (0.454)
2,4-Dichlorophenol	120832	Phenol, 2,4-dichloro-	2,4	U081	100 (45.4)	10(4.54)
2,6-Dichlorophenol	87650	Phenol, 2,6-dichloro-	4	U082	100 (45.4)	10(4.54)
2,4-Dichlorophenoxyacetic acid, salts and esters	94757	2,4-D Acid 2,4-D, salts and esters	1,4	U240	100 (45.4)	10(4.54)
Dichlorophenylarsine	696286	Phenyl dichloroarsine	4	P036	1 (0.454)	1 (0.454)

Dichloropropane 1,1-Dichloropropane 1,3-Dichloropropane	26638197 78999 142289		1		1000 (454)	100(45.4)
1,2-Dichloropropane	78875	Propylene dichloride	1,2,4	U083	1000 (454)	100(45.4)
Dichloropropane - Dichloropropene (mixture)	8003198		1		5000 (2270)	500(227)
Dichloropropene 2,3-Dichloropropene	26952238 78886		1		5000 (2270)	500(227)
1,3-Dichloropropene	542756	Propene, 1,3-dichloro-	1,2,4	U084	5000 (2270)	500(227)
2,2-Dichloropropionic acid	75990		1		5000 (2270)	500(227)
Dichlorvos	62737		1		10 (4.54)	1 (0.454)
Dieldrin	60571	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,exo-1,4:5,8-dimethanonaphthalene	1,2,4	P037	1 (0.454)	1 (0.454)
1,2:3,4-Diepoxybutane	1464535	2,2'Bioxirane	4	U085	1 (0.454)	1 (0.454)
Diethylamine	109897		1		1000 (454)	100(45.4)
Diethylarsine	692422	Arsine, diethyl-	4	P038	1 (0.454)	1 (0.454)
1,4-Diethylene dioxide	123911	1,4-Dioxane	4	U108	1 (0.454)	1 (0.454)
N,N'-Diethylhydrazine	1615801	Hydrazine, 1,2-diethyl-	4	U086	1 (0.454)	1 (0.454)
O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate	298044	Disulfoton	1,4	P039	1 (0.454)	1 (0.454)
O,O-Diethyl S-methyl dithiophoshate	3288582	Phosphorodithioic acid, O,O-diethyl S-methyl ester	4	U087	5000 (2270)	500(227)
Diethyl-p-nitrophenyl phosphate	311455	Phosphoric acid, diethyl p-nitrophenyl ester	4	P041	100 (45.4)	10(4.54)
Diethyl phthalate	84662	1,2-Benzenedicarboxylic acid, diethyl ester	2,4	U088	1000 (454)	100(45.4)

O,O-Diethyl O-pyrazinyl phosphorothioate	297972	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	4	P040	100 (45.4)	10(4.54)
Diethylstilbestrol	56531	4,4'-Stilbenediol, alpha, alpha'-diethyl-	4	U089	1 (0.454)	1 (0.454)
1,2-Dihydro-3,6-pyridazinedione	123331	Maleic hydrazide	4	U148	5000 (2270)	500(227)
Dihydrosafrole	94586	Benzene, 1,2-methylenedioxy-4-propyl-	4	U090	1 (0.454)	1 (0.454)
Diisopropyl fluorophosphate	55914	Phosphorofluoridic acid, bis(1-methylethyl) ester	4	P043	100 (45.4)	10(4.54)
Dimethoate	60515	Phosphorodithioic acid, O,O-dimethyl S-[2(methylamino) -2-oxoethyl] ester	4	P044	10 (4.54)	1 (0.454)
3,3'-Dimethoxybenzidine	119904	(1,1'-Biphenyl)-4,4'diamine, 3,3' dimethoxy-	4	U091	1 (0.454)	1 (0.454)
Dimethylamine	124403	Methanamine, N-methyl	1,4	U092	1000 (454)	100(45.4)
Dimethylaminoazobenzene	60117	Benzenamine, N,N-dimethyl -4-phenylazo-	4	U093	1 (0.454)	1 (0.454)
7,12-Dimethylbenz[a]anthracene	57976	1,2-Benzanthracene, 7,12-dimethyl	4	U094	1 (0.454)	1 (0.454)
3,3'-Dimethylbenzidine	119937	(1,1' Biphenyl)-4,4'diamine 3,3'-dimethyl-	4	U095	1 (0.454)	1 (0.454)
alpha,alpha-Dimethylbenzylhydroperoxide	80159	Hydroperoxide, 1-methyl -1-phenylethyl-	4	U096	10 (4.54)	1 (0.454)
3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino)-carbonyl] oxime	39196184	Thiofanox	4	P045	100 (45.4)	10(4.54)
Dimethylcarbamoyl chloride	79447	Carbamoyl chloride, dimethyl-	4	U097	1 (0.454)	1 (0.454)
1,1-Dimethylhydrazine	57147	Hydrazine, 1,1-dimethyl-	4	U098	1 (0.454)	1 (0.454)
1,2-Dimethylhydrazine	540738	Hydrazine, 1,2-dimethyl-	4	U099	1 (0.454)	1 (0.454)
O,O-Dimethyl O-p-nitrophenyl phosphorothioate	298000	Methyl parathion	1,4	P071	100 (45.4)	10(45.4)

Dimethylnitrosamine	62759	N-Nitrosodimethylamine	2,4	P082	1 (0.454)	1 (0.454)
alpha,alpha-Dimethylphenethylamine	122098	Ethanamine, 1,1-dimethyl-2-phenyl	4	P046	5000 (2270)	500(227)
2,4-Dimethylphenol	105679	Phenol, 2,4-dimethyl-	2,4	U101	100 (45.4)	10(4.54)
Dimethyl phthalate	131113	1,2-Benzenedicarboxylic acid, dimethyl ester	2,4	U102	5000 (2270)	500(227)
Dimethyl sulfate	77781	Sulfuric acid, dimethyl ester	4	U103	1 (0.454)	1 (0.454)
Dinitrobenzene (mixed) m- o- p-	25154545 99650 528290 100254		1		100 (45.4)	10(4.54)
4,6-Dinitro-o-cresol and salts	534521	Phenol, 2,4-dinitro-6-methyl-, and salts	2,4	P047	10 (4.54)	1 (0.454)
4,6-Dinitro-o-cyclohexylphenol	131895	Phenol, 2-cyclohexyl-4,6-dinitro-	4	P034	100 (45.4)	10(4.54)
Dinitrophenol 2,5- 2,6-	25550587 329715 573568		1		10 (4.54)	1 (0.454)
2,4-Dinitrophenol	51285	Phenol, 2,4-dinitro-	1,2,4	P048	10 (4.54)	1 (0.454)
Dinitrotoluene 3,4-Dinitrotoluene	25321146 610399		1,2		1000 (454)	100(45.4)
2,4-Dinitrotoluene	121142	Benzene, 1-methyl-2,4-dinitro-	1,2,4	U105	1000 (454)	100(45.4)
Dinoseb	88857	Phenol, 2,4-dinitro-6-(-methylpropyl)-	4	P020	1000 (454)	100(45.4)
Di-n-octyl phthalate	117840	1,2-Benzenedicarboxylic acid, di-n-octyl ester	2,4	U107	5000 (2270)	500(227)
1,4-Dioxane	123911	1,4-Diethylene dioxide	4	U108	1 (0.454)	1 (0.454)
1,2-Diphenylhydrazine	122667	Hydrazine, 1,2-diphenyl-	2,4	U109	1 (0.454)	1 (0.454)
Diphosphoramide, octamethyl-	152169	Octamethylpyrophosphoramide	4	P085	100 (45.4)	10(4.54)

Dipropylamine	142847	1-Propanamine, N-propyl-	4	U110	5000 (2270)	500(227)
Di-n-propylnitrosamine	621647	N-Nitrosodi-n-propylamine	2,4	U111	1 (0.454)	1 (0.454)
Diquat	85007 2764729		1		1000 (454)	100(45.4)
Disulfoton	298044	O,O-Diethyl S-[2-(ethylthio) ethyl] phosphorodithioate	1,4	P039	1 (0.454)	1(0.454)
2,4-Dithiobiuret	541537	Thioimidodicarbonic diamide	4	P049	100 (45.4)	10(4.54)
Dithiopyrophosphoric acid, tetraethyl ester	3689245	Tetraethyldithiopyrophoshate	4	P109	100 (45.4)	10(4.54)
Diuron	330541		1		100 (45.4)	10(4.54)
Dodecylbenzenesulfonic acid	27176870		1		1000 (454)	100(45.4)
Endosulfan	115297	5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite	1,2,4	P050	1 (0.454)	1 (0.454)
alpha - Endosulfan	959988		2		1 (0.454)	1 (0.454)
beta - Endosulfan	33213659		2		1 (0.454)	1 (0.454)
Endosulfan sulfate	1031078		2		1 (0.454)	1 (0.454)
Endothall	145733	7-Oxabicyclo[2,2,1]heptane-2,3-dicarboxylic acid	4	P088	1000 (454)	100(45.4)
Endrin	72208	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene	1,2,4	P051	1 (0.454)	1 (0.454)
Enotin	7421934		2		1 (0.454)	1 (0.454)
Endrin aldehyde	7421934		2		1 (0.454)	1 (0.454)
Epichlorohydrin	106898	1-Chloro-2,3-epoxypropane, Oxirane, 2-(chloromethyl)-	1,4	U041	1000 (454)	100(45.4)
Epinephrine	51434	1,2-Benzenediol,4-[1-hydroxy-2-(methylamino)ethyl]-	4	P042	1000 (454)	100(45.4)

Ethanal	75070	Acetaldehyde	1,4	U001	1000 (454)	100(45.4)
Ethanamine, 1,1-dimethyl-2-phenyl-	122098	alpha,alpha-Dimethylphenethylamine	4	P046	5000 (2270)	500(227)
Ethanamine, N-ethyl-N-nitroso-	55185	N-Nitrosodiethylamine	4	U174	1 (0.454)	1 (0.454)
Ethane, 1,2-dibromo-	106934	Ethylene dibromide	1,4	U067	1000 (454)	100(45.4)
Ethane, 1,1-dichloro	75343	1,1-Dichloroethane Ethylidene dichloride	2,4	U076	1000 (454)	100(45.4)
Ethane, 1,2-dichloro-	107062	1,2-Dichloroethane Ethylene dichloride	1,2,4	U077	5000 (2270)	500(227)
Ethane, 1,1,1,2,2,2-hexachloro-	67721	Hexachloroethane	2,4	U131	1 (0.454)	1 (0.454)
Ethane, 1,1'-[methylenebis(oxy)]bis(2-chloro-	111911	Bis(2-chloroethoxy) methane	2,4	U024	1000 (454)	100(45.4)
Ethane, 1,1'-oxybis-	60297	Ethyl ether	4	U117	100 (45.4)	10(4.54)
Ethane, 1,1'-oxybis(2-chloro-	111444	Bis (2-chloroethyl) ether Dichloroethyl ether	2,4	U025	1 (0.454)	1 (0.454)
Ethane, pentachloro-	76017	Pentachloroethane	4	U184	1 (0.454)	1 (0.454)
Ethane, 1,1,1,2-tetrachloro-	630206	1,1,1,2-Tetrachloroethane	4	U208	1 (0.454)	1 (0.454)
Ethane, 1,1,2,2-tetrachloro-	79345	1,1,2,2-Tetrachloroethane	2,4	U209	1 (0.454)	1 (0.454)
Ethane, 1,1,2-trichloro-	79005	1,1,2-Trichloroethane	2,4	U227	1 (0.454)	1 (0.454)
Ethane, 1,1,1-trichloro-2,2-bis (p-methoxyphenyl)-	72435	Methoxychlor	1,4	U247	1 (0.454)	1 (0.454)
1,2-Ethanediylbiscarbamodithioic acid	111546	Ethylenebis(dithiocarbamic acid)	4	U114	5000 (2270)	500(227)
Ethanenitrile	75058	Acetonitrile	4	U003	5000 (2270)	500(227)
Ethanethioamide	62555	Thioacetamide	4	U218	1 (0.454)	1 (0.454)

Ethanol, 2,2'-(nitrosoimino)bis-	1116547	N-Nitrosodiethanolamine	4	U173	1 (0.454)	1 (0.454)
Ethanone, 1-phenyl-	98862	Acetophenone	4	U004	5000 (2270)	500(227)
Ethanoyl chloride	75365	Acetyl chloride	1,4	U006	5000 (2270)	500(227)
Ethenamine, N-methyl-N-nitroso-	4549400	N-Nitrosomethylvinylamine	4	P084	1 (0.454)	1 (0.454)
Ethene, chloro-	75014	Vinyl chloride	2,3,4	U043	1 (0.454)	1 (0.454)
Ethene, 2-chloroethoxy-	110758	2-Chloroethyl vinyl ether	2,4	U042	1000 (454)	100(45.4)
Ethene, 1,1-dichloro-	75354	1,1-Dichloroethylene Vinylidene chloride	1,2,4	U078	5000 (2270)	500(227)
Ethene, 1,1,2,2-tetrachloro-	127184	Tetrachloroethylene	2,4	U210	1 (0.454)	1 (0.454)
Ethene, trans-1,2-dichloro-	156605	1,2-trans-Dichloroethylene	2,4	U079	1000 (454)	100(45.4)
Ethion	563122		1		10 (4.54)	1 (0.454)
Ethyl acetate	141786	Acetic acid, ethyl ester	4	U112	5000 (2270)	500(227)
Ethyl acrylate	140885	2-Propenoic acid, ethyl ester	4	U113	1000 (454)	100(45.4)
Ethylbenzene	100414		1,2		1000 (454)	100(45.4)
Ethyl carbamate (Urethan)	51796	Carbamic acid, ethyl ester	4	U238	1 (0.454)	1 (0.454)
Ethyl cyanide	107120	Propanenitrile	4	P101	10 (4.54)	1 (0.454)
Ethyl 4,4'-dichlorobenzilate	510156	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester	4	U038	1 (0.454)	1 (0.454)
Ethylene dibromide	106934	Ethane, 1,2-dibromo-	1,4	U067	1000 (454)	100(45.4)
Ethylene dichloride	107062	1,2-Dichloroethane Ethane, lm2-dichloro-	1,2,4	U077	5000 (2270)	500(227)
Ethylene oxide	75218	Oxirane	4	U115	1 (0.454)	1 (0.454)
Ethylenebis(dithiocarbamic acid)	111546	1,2-Ethanediylbiscarbamodithioic acid	4	U114	5000 (2270)	500(227)

Ethylenediamine	107153		1		5000 (2270)	500(227)
Ethylenediamine tetraacetic acid (EDTA)	60004		1		5000 (2270)	500(227)
Ethylenethiourea	96457	2-Imidazolidinethione	4	U116	1 (0.454)	1 (0.454)
Ethylenimine	151564	Aziridine	4	P054	1 (0.454)	1 (0.454)
Ethyl ether	60297	Ethane, 1,1'-oxybis-	4	U117	100 (45.4)	10(4.54)
Ethylidene dichloride	75343	1,1-Dichloroethane Ethane, 1,1-dichloro-	2,4	U076	1000 (454)	100(45.4)
Ethyl methacrylate	97632	2-Propenoic acid, 2-methyl-, ethyl ester	4	U118	1000 (454)	100(45.4)
Ethyl methanesulfonate	62500	Methanesulfonic acid, ethyl ester	4	U119	1 (0.454)	1 (0.454)
Famphur	52857	Phosphorothioic acid, O,O-dimethyl-O-[p-(dimethylamino)-sulfonyl]phenyl] ester	4	P097	1000 (454)	100(45.4)
Ferric ammonium citrate	1185575		1		1000 (454)	100(45.4)
Ferric ammonium oxalate	2944674 55488874		1		1000 (454)	100(45.4)
Ferric chloride	7705080		1		1000 (454)	100(45.4)
Ferric dextran	9004664	Iron dextran	4	U139	1 (0.454)	1 (0.454)
Ferric fluoride	7783508		1		100 (45.4)	10(4.54)
Ferric nitrate	10421484		1		1000 (454)	100(45.4)
Ferric sulfate	10028225		1		1000 (454)	100(45.4)
Ferrous ammonium sulfate	10045893		1		1000 (454)	100(45.4)
Ferrous chloride	7758943		1		100 (45.4)	10(4.54)
Ferrous sulfate	7720787 7782630		1		1000 (454)	100(45.4)

Fluoroacetic acid, sodium salt	62748	Acetic acid, fluoro-, sodium salt	4	P058	10 (4.54)	1 (0.454)
Fluoranthene	206440	Benzo[j,k]fluorene	2,4	U120	1 (0.454)	1 (0.454)
Fluorene	86737		2		1 (0.454)	1 (0.454)
Fluorine	7782414		4	P056	10 (4.54)	1 (0.454)
Fluoroacetamide	640197		4	P057	100 (45.4)	10(4.54)
Formaldehyde	50000	Methylene oxide	1,4	U122	1000 (454)	100(45.4)
Formic acid	64188	Methanoic acid	1,4	U123	5000 (2270)	500(227)
Fulminic acid, mercury(11) salt	628864	Mercury fulminate	4	P065	1 (0.454)	1 (0.454)
Fumaric acid	110178		1		5000 (2270)	500(227)
Furan	110009	Furfuran	4	U124	100 (45.4)	10(4.54)
Furan, tetrahydro-	109999	Tetrahydrofuran	4	U213	1000 (454)	100(45.4)
2-Furancarboxaldehyde	98011	Furfural	1,4	U125	5000 (2270)	500(227)
2,5-Furandione	108316	Maleic anhydride	1,4	U147	5000 (2270)	500(227)
Furfural	98011	2-Furancarboxaldehyde	1,4	U125	5000 (2270)	500(227)
Furfuran	110009	Furan	4	U124	100 (45.4)	10(4.54)
D-Glucopyranose, 2-deoxy-2-3-methyl-3-nitrosoureido)-	18883664	Streptozotocin	4	U206	1 (0.454)	1 (0.454)
Glycidylaldehyde	765344	1-Propanal, 2,3-epoxy-	4	U126	1 (0.454)	1 (0.454)
Guanidine, N-nitroso-N-methyl-N'nitro-	70257	N-Methyl-N'-nitro-N-nitrosoguanidine	4	U163	1 (0.454)	1 (0.454)
Guthion	86500		1		1 (0.454)	1 (0.454)
Heptachlor	76448	4,7-Methano-1H-indene,1,4,5,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	1,2,4	P059	1 (0.454)	1 (0.454)
Heptachlor epoxide	1024573		2		1 (0.454)	1 (0.454)
Hexachlorobenzene	118741	Benzene, hexachloro-	2,4	U127	1 (0.454)	1 (0.454)

Hexachlorobutadiene	87683	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	2,4	U128	1 (0.454)	1 (0.454)
Hexachlorocyclohexane (gamma isomer)	58899	gamma - BHC Lindane	1,2,4	U129	1 (0.454)	1 (0.454)
Hexachlorocyclopentadiene	77474	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	1,2,4	U130	1 (0.454)	1 (0.454)
1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene	72208	Endrin	1,2,4	P051	1 (0.454)	1 (0.454)
1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6 7,8,8a-octahydro-endo,exo-1,4:5,8-dimethanonaphthalene	60571	Dieldrin	1,2,4	P037	1 (0.454)	1 (0.454)
Hexachloroethane	67721	Ethane, 1,1,1,2,2,2-hexachloro-	2,4	U131	1 (0.454)	1 (0.454)
Hexachlorohexahydro-endo,endo-dimethanonaphthalene	465736	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo,endo-dimethanonaphthalene	4	P060	1 (0.454)	1 (0.454)
1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo,endo-dimethanonaphthalene	465736	Hexachlorohexahydro-endo,endo-dimethanonaphthalene	4	P060	1 (0.454)	1 (0.454)
1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,exo-dimethanonaphthalene	309002	Aldrin	1,2,4	P004	1 (0.454)	1 (0.454)
Hexachlorophene	70304	2,2'-Methylenebis(3,4,6-trichlorophenol)	4	U132	1 (0.454)	1 (0.454)
Hexachloropropene	1888717	1-Propene,1,1,2,3,3,3-hexachloro-	4	U243	1000 (454)	100(45.4)
Hexaethyl tetraphosphate	757584	Tetraphosphoric acid, hexaethyl ester	4	P062	100 (45.4)	10(4.54)
Hydrazine	302012	Diamine	4	U133	1 (0.454)	1 (0.454)
Hydrazine, 1,2-diethyl-	1615801	N,N'-Diethylhydrazine	4	U086	1 (0.454)	1 (0.454)

Hydrazine, 1,1-dimethyl-	57147	1,1-Dimethylhydrazine	4	U098	1 (0.454)	1 (0.454)
Hydrazine, 1,2-dimethyl-	540738	1,2-Dimethylhydrazine	4	U099	1 (0.454)	1 (0.454)
Hydrazine, 1,2-diphenyl-	122667	1,2-Diphenylhydrazine	2,4	U109	1 (0.454)	1 (0.454)
Hydrazine, methyl-	60344	Methyl hydrazine	4	P068	10 (4.54)	1 (0.454)
Hydrazinecarbothioamide	79196	Thiosemicarbazide	4	P116	100 (45.4)	10(4.54)
Hydrochloric acid	7647010		1		5000 (2270)	500(227)
Hydrocyanic acid	74908	Hydrogen cyanide	1,4	P063	10 (4.54)	1 (0.454)
Hydrofluoric acid	7664393	Hydrogen fluoride	1,4	U134	100 (45.4)	10(4.54)
Hydrogen cyanide	74908	Hydrocyanic acid	1,4	P063	10 (4.54)	1 (0.454)
Hydrogen fluoride	7664393	Hydrofluoric acid	1,4	U134	100 (45.4)	10(4.54)
Hydrogen phosphide	7803512	Phosphine	4	P096	100 (45.4)	10(4.54)
Hydrogen sulfide	7783064	Hydrosulfuric acid Sulfur hydride	1,4	U135	100 (45.4)	10(4.54)
Hydroperoxide, 1-methyl-1-phenylethyl-	80159	alpha,alpha- Dimethylbenzylhydroperoxide	4	U096	10 (4.54)	1 (0.454)
Hydrosulfuric acid	7783064	Hydrogen sulfide Sulfur hydride	1,4	U135	100 (45.4)	10(4.54)
Hydroxydimethylarsine oxide	75605	Cacodylic acid	4	U136	1 (0.454)	1 (0.454)
2-Imidazolidinethione	96457	Ethylenethiourea	4	U116	1 (0.454)	1 (0.454)
Ideno(1,2,3-cd)pyrene	193395	1,10-(1,2-Phenylene)pyrene	2,4	U137	1 (0.454)	1 (0.454)
Iron dextran	9004664	Ferric dextran	4	U139	1 (0.454)	1 (0.454)
Isobutyl alcohol	78831	1-Propanol, 2-methyl-	4	U140	5000 (2270)	500(227)
Isocyanic acid, methyl ester	624839	Methyl Isocyanate	4	P064	1 (0.454)	1 (0.454)
Isophorone	78591		2		5000 (2270)	500(227)

Isoprene	78795		1		1000 (454)	100(45.4)
Isopropanolamine dodecylbenzenesulfonate	42504461		1		1000 (454)	100(45.4)
Isosafrole	120581	Benzene, 1,2-methylenedioxy-4-propenyl-	4	U141	1 (0.454)	1 (0.454)
3(2H) Isoxazolone, 5-(aminomethyl)-	2763964	5-(Aminomethyl)-3-Isoxazolol	4	P007	1000 (454)	100(45.4)
Kelthane	115322		1		10 (4.54)	1 (0.454)
Kepone	143500	Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one	1,4	U142	1 (0.454)	1 (0.454)
Lasiocarpine	303344		4	U143	1 (0.454)	1 (0.454)
Lead ++	7439921		2		1 (0.454)	1 (0.454)
Lead acetate	301042	Acetic acid, lead salt	1,4	U144	5000 (2270)	500(227)
Lead arsenate	7784409 7645252 10102484		1		5000 (2270)	500(227)
Lead chloride	7758954		1		5000 (2270)	500(227)
Lead fluoborate	13814965		1		5000 (2270)	500(227)
Lead fluoride	7783462		1		1000 (454)	100(45.4)
Lead iodide	10101630		1		5000 (2270)	500(227)
Lead nitrate	10099748		1		5000 (2270)	500(227)
Lead phosphate	7446277	Phosphoric acid, lead salt	4	U145	1 (0.454)	1 (0.454)
Lead stearate	7428480 1072351 56189094 52652592		1		5000 (2270)	500(227)
Lead subacetate	1335326		4	U146	1 (0.454)	1 (0.454)
Lead sulfate	15739807 7446142		1		5000 (2270)	500(227)

Lead sulfide	1314870		1		5000 (2270)	500(227)
Lead thiocyanate	592870		1		5000 (2270)	500(227)
Lindane	58899	gamma - BHC Hexachlorocyclohexane (gamma Isomer)	1,2,4	U129	1 (0.454)	1 (0.454)
Lithium chromate	14307358		1		1000 (454)	100(45.4)
Malathion	121755		1		100 (45.4)	10(4.54)
Maleic acid	110167		1		5000 (2270)	500(227)
Maleic anhydride	108316	2,5-Furandione	1,4	U147	5000 (2270)	500(227)
Maleic hydrazide	123331	1,2-Dihydro-3,6-pyridazinedione	4	U148	5000 (2270)	500(227)
Malononitrile	109773	Propanedinitrile	4	U149	1000 (454)	100(45.4)
Melphalan	148823	Alanine, 3-[p-bis(2-chloroethyl) amino]phenyl-,L-	4	U150	1 (0.454)	1 (0.454)
Mercaptodimethur	2032657		1		10 (4.54)	1 (0.454)
Mercuric cyanide	592041		1		1 (0.454)	1 (0.454)
Mercuric nitrate	10045940		1		10 (4.54)	1 (0.454)
Mercuric sulfate	7783359		1		10 (4.54)	1 (0.454)
Mercuric thiocyanate	592858		1		10 (4.54)	1 (0.454)
Mercurous nitrate	10415755 7782867		1		10 (4.54)	1 (0.454)
Mercury	7439976		2,3,4	U151	1 (0.454)	1 (0.454)
Mercury, (acetato-O)phenyl-	62384	Phenylmercuric acetate	4	P092	1 (0.454)	1 (0.454)
Mercury fulminate	628864	Fulminic acid, mercury(ll)salt	4	P065	1 (0.454)	1 (0.454)
Methacrylonitrile	126987	2-Propenenitrile, 2-methyl-	4	U152	1000 (454)	100(45.4)
Methanamine, N-methyl-	124403	Dimethyamine	1,4	U092	1000 (454)	100(45.4)

Methane, bromo-	74839	Methyl bromide	2,4	U029	1000 (454)	100(45.4)
Methane, chloro-	74873	Methyl chloride	2,4	U045	1 (0.454)	1 (0.454)
Methane, chloromethoxy	107302	Chloromethyl methyl ether	4	U046	1 (0.454)	1 (0.454)
Methane, dibromo-	74953	Methylene bromide	4	U068	1000 (454)	100(45.4)
Methane, dichloro-	75092	Methylene chloride	2,4	U080	1000 (454)	100(45.4)
Methane, dichlorodifluoro-	75718	Dichlorodifluoromethane	4	U075	5000 (2270)	500(227)
Methane, iodo-	74884	Methyl iodide	4	U138	1 (0.454)	1 (0.454)
Methane, oxybis(chloro-	542881	Bis(chloromethyl) ether	4	P016	1 (0.454)	1 (0.454)
Methane, tetrachloro-	56235	Carbon tetrachloride	1,2,4	U211	5000 (2270)	500(227)
Methane, tetranitro-	509148	Tetranitromethane	4	P112	10 (4.54)	1 (0.454)
Methane, tribromo-	75252	Bromoform	2,4	U225	100 (45.4)	10(4.54)
Methane, trichloro-	67663	Chloroform	1,2,4	U044	5000 (2270)	500(227)
Methane, trichlorofluoro-	75694	Trichloromonofluoromethane	4	U121	5000 (2270)	500(227)
Methanesulfonic acid, ethyl ester	62500	Ethyl methanesulfonate	4	U119	1 (0.454)	1 (0.454)
Methanethiol	74931	Methylmercaptan Thiomethanol	1,4	U153	100 (45.4)	10(4.54)
Methanesulfenyl chloride, trichloro-	594423	Trichloromethanesulfenyl chloride	4	P118	100 (45.4)	10(4.54)
4,7-Methano-1H-indene,1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76448	Heptachlor	1,2,4	P059	1 (0.454)	1 (0.454)
Methanoic acid	64186	Formic acid	1,4	U123	5000 (2270)	500(227)
4,7,Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-	57749	Chlordane Chlordane, technical	1,2,4	U036	1 (0.454)	1 (0.454)

Methanol	67561	Methyl alcohol	4	U154	5000 (2270)	500(227)
Methapyrilene	91805	Pyridine, 2-[(2-(dimethylamino) ethyl)-2-thenylamino]-	4	U155	5000 (2270)	500(227)
Methomyl	16752775	Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester	4	P066	100 (45.4)	10(4.54)
Methoxychlor	72435	Ethane, 1,1,1-trichloro-2,2-bis (p-methoxyphenyl)	1,4	U247	1 (0.454)	1 (0.454)
Methyl alcohol	67561	Methanol	4	U154	5000 (2270)	500(227)
2-Methylaziridine	75558	1,2-Propylenimine	4	P067	1 (0.454)	1 (0.454)
Methyl bromide	74839	Methane, bromo-	2,4	U029	1000 (454)	100(45.4)
1-Methylbutadiene	504609	1,3-Pentadiene	4	U186	100 (45.4)	10(4.54)
Methyl chloride	74873	Methane, chloro-	2,4	U045	1 (0.454)	1 (0.454)
Methyl chlorocarbonate	79221	Carbonochloridic acid, methyl ester	4	U156	1000 (454)	100(45.4)
Methyl chloroform	71556	1,1,1-Trichloroethane	2,4	U226	1000 (454)	100(45.4)
4,4'Methylenebis(2-chloroaniline)	101144	Benzenamine, 4,4'methylenebis (2-chloro-	4	U158	1 (0.454)	1 (0.454)
2,2'Methylenebis(3,4,6-trichlorophenol)	70304	Hexachlorophene	4	U132	1 (0.454)	1 (0.454)
3-Methylcholanthrene	56495	Benz[j]aceanthrylene, 1,2 -dihydro-3-methyl-	4	U157	1 (0.454)	1 (0.454)
Methylene bromide	74953	Methane, dibromo-	4	U068	1000 (454)	100(45.4)
Methylene chloride	75092	Methane, dichloro-	2,4	U080	1000 (454)	100(45.4)
Methylene oxide	50000	Formaldehyde	1,4	U122	1000 (454)	100(45.4)
Methyl ethyl ketone	78933	2-Butanone	4	U159	5000 (2270)	500(227)
Methyl ethyl ketone peroxide	1338234	2-Butanone peroxide	4	U160	10 (4.54)	1 (0.454)
Methyl hydrazine	60344	Hydrazine, methyl-	4	P068	10 (4.54)	1 (0.454)

Methyl iodide	74884	Methane, iodo	4	U138	1 (0.454)	1 (0.454)
Methyl isobutyl ketone	108101	4-Methyl-2-pentanone	4	U161	5000 (2270)	500(227)
Methyl isocyanate	624839	Isocyanic acid, methyl ester	4	P064	1 (0.454)	1 (0.454)
2-Methyllactonitrile	75865	Acetone cyanohydrin Propanenitrile, 2-hydroxy-2 -methyl-	1,4	P069	10 (4.54)	1 (0.454)
Methylmercaptan	74931	Methanethiol Thiomethanol	1,4	U153	100 (45.4)	10(4.54)
Methyl methacrylate	80626	2-Propenoic acid, 2-methyl-, methyl ester	1,4	U162	1000 (454)	100(45.4)
N-Methyl-N'-nitro-N-nitrosoguanidine	70257	Guanidine, N-nitroso-N-methyl-N' -nitro-	4	U163	1 (0.454)	1 (0.454)
Methyl parathion	298000	O,O-Dimethyl O-p-nitrophenyl phosphorothioate	1,4	P071	100 (45.4)	10(4.54)
4-Methyl-2-pentanone	108101	Methyl isobutyl ketone	4	U161	5000 (2270)	500(227)
Methylthiouracil	56042	4(1H)-Pyrimidinone, 2,3,-dihydro- -6-methyl-2-thioxo-	4	U164	1 (0.454)	1 (0.454)
Mevinphos	7786347		1		10 (4.54)	1 (0.454)
Mexacarbate	315184		1		1000 (454)	100(45.4)
Mitomycin C	50077	Azirino(2',3':3,4)pyrrolo(1,2-a) indole-4,7-dione,6-amino-8- [((aminocarbonyl)oxy)methyl]- 1, la,2,8,8a,8b-hexahydro-8a- methoxy-5-methyl-	4	U010	1 (0.454)	1 (0.454)
Monoethylamine	75047		1		1000 (454)	100(45.4)
Monomethylamine	74895		1		100 (45.4)	10(4.54)

Naled	300765		1		10 (4.54)	1 (0.454)
5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[3-amino-2,3,6-trideoxy-alpha-L-loxy-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11, trihydroxy-1-methoxy-	20830813	Daunomycin	4	U059	1 (0.454)	1 (0.454)
Naphthalene	91203		1,2,4	U165	100 (45.4)	10(4.54)
Naphthalene, 2-chloro-	91587	beta-Chloronaphthalene 2-Chloronaphthalene	2,4	U047	5000 (2270)	500(227)
1,4-Naphthalenedione	130154	1,4-Naphthoquinone	4	U166	5000 (2270)	500(227)
2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)-bis(azo)] bis(5-amino-4-hydroxy)-tetrasodium salt	72571	Trypan blue	4	U236	1 (0.454)	1 (0.454)
Naphthenic acid	1338245		1		100 (45.4)	10(4.54)
1,4-Naphthoquinone	130154	1,4-Naphthalenedione	4	U166	5000 (2270)	500(227)
1-Naphthylamine	134327	alpha-Naphthylamine	4	U167	1 (0.454)	1 (0.454)
2-Naphthylamine	91598	beta-Naphthylamine	4	U168	1 (0.454)	1 (0.454)
alpha-Naphthylamine	134327	1-Naphthylamine	4	U167	1 (0.454)	1 (0.454)
beta-Naphthylamine	91598	2-Naphthylamine	4	U168	1 (0.454)	1 (0.454)
2-Naphthylamine, N,N-bis_2-chloroethyl)-	494031	Chlornaphazine	4	U026	1 (0.454)	1 (0.454)
alpha-Naphthylthiourea	86884	Thiourea, 1-naphthalenyl-	4	P072	100 (45.4)	10(4.54)
Nickel ++	7440020		2		1 (0.454)	1 (0.454)
Nickel ammonium sulfate	15699180		1		5000 (2270)	500(227)
Nickel carbonyl	13463393	Nickel tetracarbonyl	4	P073	1 (0.454)	1 (0.454)
Nickel chloride	7718549 37211055		1		5000 (2270)	500(227)
Nickel cyanide	557197	Nickel (11) cyanide	4	P074	1 (0.454)	1 (0.454)
Nickel (11) cyanide	557197	Nickel cyanide	4	P074	1 (0.454)	1 (0.454)

Nickel hydroxide	12054487		1		1000 (454)	100(45.4)
Nickel nitrate	14216752		1		5000 (2270)	500(227)
Nickel sulfate	7786814		1		5000 (2270)	500(227)
Nickel tetracarbonyl	13463393	Nickel carbonyl	4	P073	1 (0.454)	1 (0.454)
Nicotine and salts	54115	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts	4	P075	100 (45.4)	10(4.54)
Nitric acid	7697372		1		1000 (454)	100(45.4)
Nitric oxide	10102439	Nitrogen(11) oxide	4	P076	10 (4.54)	1 (0.454)
p-Nitroaniline	100016	Benzenamine, 4-nitro	4	P077	5000 (2270)	500(227)
Nitrobenzene	98953	Benzene, nitro-	1,2,4	U169	1000 (454)	100(45.4)
Nitrogen dioxide	10102440 10544726	Nitrogen(IV) oxide	1,4	P078	10 (4.54)	1 (0.454)
Nitrogen(II) oxide	10102439	Nitric oxide	4	P076	10 (4.54)	1 (0.454)
Nitrogen(IV) oxide	10102440 10544726	Nitrogen dioxide	1,4	P078	10 (4.54)	1 (0.454)
Nitroglycerine	55630	1,2,3-Propanetriol,trinitrate-	4	P081	10 (4.54)	1 (0.454)
Nitrophenol (mixed) m- o- p-	25154556 554847 88755 100027	 2-Nitrophenol 4-Nitrophenol Phenol, 4-nitro	1		100 (45.4)	10(4.54)
p-Nitrophenol	100027	4-Nitrophenl Phenol, 4-nitro	1,2,4	U170	100 (45.4)	10(4.54)
2-Nitrophenol	88755		1,2		100 (45.4)	10(4.54)
4-Nitrophenol	100027	p-Nitrophenol Phenol, 4-nitro-	1,2,4	U170	100 (45.4)	10(4.54)

2-Nitropropane	79469	Propane, 2-nitro	4	U171	1 (0.454)	1 (0.454)
N-Nitrosodi-n-butylamine	924163	1-Butanamine, N-butyl-N-nitroso-	4	U172	1 (0.454)	1 (0.454)
N-Nitrosodiethanolamine	1116547	Ethanol, 2,2'-(nitrosoimino)bis-	4	U173	1 (0.454)	1 (0.454)
N-Nitrosodiethylamine	55185	Ethanamine, N-ethyl-N-nitroso-	4	U174	1 (0.454)	1 (0.454)
N-Nitrosodimethylamine	62759	Dimethylnitrosamine	2,4	P082	1 (0.454)	1 (0.454)
N-Nitrosodiphenylamine	86306		2		100 (45.4)	10(4.54)
N-Nitrosodi-n-propylamine	621647	Di-n-propylnitrosamine	2,4	U111	1 (0.454)	1 (0.454)
N-Nitroso-N-ethylurea	759739	Carbamide, N-ethyl-N-nitroso-	4	U176	1 (0.454)	1 (0.454)
N-Nitroso-N-methylurea	684935	Carbamide, N-methyl-N-nitroso-	4	U177	1 (0.454)	1 (0.454)
N-Nitroso-N-methylurethane	615532	Carbamic acid, methylnitroso-, ethyl ester	4	U178	1 (0.454)	1 (0.454)
N-Nitrosomethylvinylamine	4549400	Ethenamine, N-methyl-N-nitroso-	4	P084	1 (0.454)	1 (0.454)
N-Nitrosopiperidine	100754	Pyridine, hexahydro-N-nitroso-	4	U179	1 (0.454)	1 (0.454)
N-Nitrosopyrrolidine	930552	Pyrrole, tetrahydro-N-nitroso-	4	U180	1 (0.454)	1 (0.454)
Nitrotoluene m- o- p-	1321126 99081 88722 99990		1		1000 (454)	100(45.4)
5-Nitro-o-toluidine	99558	Benzenamine, 2-methyl-5-nitro-	4	U181	1 (0.454)	1 (0.454)
5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite	115297	Endosulfan	1,2,4	P050	1 (0.4554)	1 (0.454)
Octamethylpyrophosphoramide	152169	Diphosphoramide, octamethyl-	4	P085	100 (45.4)	10(4.54)
Oil spilled or released into waters of the state		Includes gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse and any other petroleum related product				Any quantity that produces a visible slick or coats aquatic life

Oil spilled or released on land		Includes gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse and any other petroleum related product				1 barrel or 42 U.S. Gallon
Osmium oxide	20816120	Osmium tetroxide	4	P087	1000 (454)	100(45.4)
Osmium tetroxide	20816120	Osmium oxide	4	P087	1000 (454)	100(45.4)
7-Oxabicyclo[2,2,1]heptane-2,3-dicarboxylic acid	145733	Endothall	4	P088	1000 (454)	100(45.4)
1,2-Oxathiolane, 2,2-dioxide	1120714	1,3-Propane sultone	4	U193	1 (0.454)	1 (0.454)
2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chloroethyl)amino] tetrahydro-2-oxide	50180	Cyclophosphamide	4	U058	1 (0.454)	1 (0.454)
Oxirane	75218	Ethylene oxide	4	U115	1 (0.454)	1 (0.454)
Oxirane, 2-(chloromethyl)-	106898	1-Chloro-2,3-epoxypropane Epichlorohydrin	1,4	U041	1000 (454)	100(45.4)
Paraformaldehyde	30525894		1		1000 (454)	100(45.4)
Paraldehyde	123637	1,3,5-Trioxane, 2,4,6-trimethyl-	4	U182	1000 (454)	100(45.4)
Parathion	56382	Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester	1,4	P089	1 (0.454)	1 (0.454)
Pentachlorobenzene	608935	Benzene, pentachloro-	4	U183	1 (0.454)	1 (0.454)
Pentachloroethane	76017	Ethane, pentachloro-	4	U184	1 (0.454)	1 (0.454)
Pentachloronitrobenzene	82668	Benzene, pentachloronitro-	4	U185	1 (0.454)	1 (0.454)
Pentachlorophenol	87865	Phenol, pentachloro-	1,2,4	U242	10 (4.54)	1 (0.454)
1,3-Pentadiene	504609	1-Methylbutadiene	4	U186	100 (45.4)	10(4.54)
Phenacetin	62442	Acetamide, N-(ethoxyphenoyl)-	4	U187	1 (0.454)	1 (0.454)
Phenanthrene	85018		2		1 (0.454)	1 (0.454)

Phenol	108952	Benzene, hydroxy-	1,2,4	U188	1000 (454)	100(45.4)
Phenol, 2-chloro-	95578	2-Chlorophenol o-Chlorophenol	2,4	U048	100 (45.4)	10(4.54)
Phenol, 4-chloro-3-methyl	59507	4-Chloro-m-cresol p-Chloro-m-cresol	2,4	U039	5000 (2270)	500(227)
Phenol, 2-cyclohexyl-4,6-dinitro-	131895	4,6-Dinitro-o-cyclohexylphenol	4	P034	100(45.4)	10(4.54)
Phenol, 2,4-dichloro-	120832	1,4-Dichlorophenol	2,4	U081	100 (45.4)	10(4.54)
Phenol, 2,6-dichloro-	87650	2,6-Dichlorophenol	4	U082	100 (45.4)	10(4.54)
Phenol, 2,4-dimethyl-	105679	2,4-Dimethylphenol	2,4	U101	100 (45.4)	10(4.54)
Phenol, 2,4-dinitro-	51285	2,4-Dinitrophenol	1,2,4	P048	10 (4.54)	1 (0.454)
Phenol, 2,4-dinitro-6-(1-methylpropyl)-	88857	Dinoseb	4	P020	1000 (454)	100(45.4)
Phenol, 2,4-dinitro-6-methyl-, and salts	534521	4,6-Dinitro-o-cresol and salts	2,4	P047	10 (4.54)	1 (0.454)
Phenol, 4-nitro	100027	p-Nitrophenol 4-Nitrophenol	1,2,4	U170	100 (45.4)	10(4.54)
Phenol, pentachloro-	87865	Pentachlorophenol	1,2,4	U242	10 (4.54)	1 (0.454)
Phenol, 2,3,4,6-tetrachloro-	58902	2,3,4,6-Tetrachlorophenol	4	U212	10(4.54)	1 (0.454)
Phenol, 2,4,5-trichloro-	95954	2,4,5-Trichlorophenol	1,4	U230	10 (4.54)	1 (0.454)
Phenol, 2,4,6-trinitro-,ammonium salt	131748	Ammonium picrate	4	P009	10 (4.54)	1 (0.454)
Phenyl dichloroarsine	696286	Dichlorophenylarsine	4	P036	1 (0.454)	1 (0.454)
1,10-(1,2-Phenylene)pyrene	193395	Indeno(1,2,3-cd)pyrene	2,4	U137	1 (0.454)	1 (0.454)
Phenylmercuric acetate	62384	Mercury, (acetato-O)phenyl-	4	P092	1 (0.454)	1 (0.454)
N-Phenylthiourea	103855	Thiourea, phenyl-	4	P093	100 (45.4)	10(4.54)

Phorate	298022	Phosphorodithioic acid, O,O-diethyl S-(ethylthio), methyl ester	4	P094	1 (0.454)	1 (0.454)
Phosgene	75445	Carbonyl chloride	1,4	P095	10 (4.54)	1 (0.454)
Phosphine	7803512	Hydrogen phosphide	4	P096	100 (45.4)	10(4.54)
Phosphoric acid	7664382		1		5000 (2270)	500(227)
Phosphoric acid, diethyl p-nitrophenyl ester	311455	Diethyl-p-nitrophenyl phosphate	4	P041	100 (45.4)	10(4.54)
Phosphoric acid, lead salt	7446277	Lead phosphate	4	U145	1 (0.454)	1 (0.454)
Phosphorodithioic acid, O,O-diethyl S-methyl ester	3288582	O,O-Diethyl S-methyl dithiophosphate	4	U087	5000 (2270)	500(227)
Phosphorodithioic acid, O,O-diethyl S-(ethylthio), methyl ester	298022	Phorate	4	P094	1 (0.454)	1 (0.454)
Phosphorodithioic acid, O,O-dimethyl S-[2(methylamino)-2-oxoethyl] ester	60515	Dimethoate	4	P044	10 (4.54)	1 (0.454)
Phosphorofluoridic acid, bis(1-methylethyl) ester	55914	Diisopropyl fluorophosphate	4	P043	100 (45.4)	10(4.54)
Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester	56382	Parathion	1,4	P089	1 (0.454)	1 (0.454)
Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	297972	O,O-Diethyl O-pyrazinyl phosphorothioate	4	P040	100 (45.4)	10(4.54)
Phosphorothioic acid, O,O-dimethyl O-[p-[(dimethylamino)-sulfonyl]phenyl] ester	52857	Famphur	4	P097	1000 (454)	100(45.4)
Phosphorus	7723140		1		1 (0.454)	1 (0.454)
Phosphorus oxychloride	10025873		1		1000 (454)	100(45.4)
Phosphorus pentasulfide	1314803	Phosphorus sulfide Sulfur phosphide	1,4	U189	100 (45.4)	10(4.54)
Phosphorus sulfide	1314803	Phosphorus pentasulfide Sulfur phosphide	1,4	U189	100 (45.4)	10(4.54)

Phosphorus trichloride	7719122		1		1000 (454)	100(45.4)
Phthalic anhydride	85449	1,2-Benzenedicarboxylic acid anhydride	4	U190	5000 (2270)	500(227)
2-Picoline	109068	Pyridine, 2-methyl-	4	U191	5000 (2270)	500(227)
Plumbane, tetraethyl-	78002	Tetraethyl lead	1,4	P110	100 (45.4)	10(4.54)
Polychlorinated Biphenyls	1336363		1,2		10 (4.54)	1 (0.454)
	12674112	Aroclor 1016				
	11104282	Aroclor 1221				
	11141165	Aroclor 1232				
	53469219	Aroclor 1242				
	12672296	Aroclor 1248				
	11097691	Aroclor 1254				
	11096825	Aroclor 1260				
Potassium arsenate	7784410		1		1000 (454)	100(45.4)
Potassium arsenite	10124502		1		1000 (454)	100(45.4)
Potassium bichromate	7778509		1		1000 (454)	100(45.4)
Potassium chromate	7789006		1		1000 (454)	100(45.4)
Potassium cyanide	151508		1,4	P098	10 (4.54)	1 (0.454)
Potassium hydroxide	1310583		1		1000 (454)	1 (0.454)
Potassium permanganate	7722647		1		100 (45.4)	100(45.4)
Potassium silver cyanide	506616		4	P099	1 (0.454)	1 (0.454)
Pronamide	23950585	3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide	4	U192	5000 (2270)	500(227)
1-Propanal, 2,3-epoxy-	765344	Glycidylaldehyde	4	U126	1 (0.454)	1 (0.454)
Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime	116063	Aldicarb	4	P070	1 (0.454)	1 (0.454)
1-Propanamine	107108	n-Propylamine	4	U194	5000 (2270)	500(227)

1-propanamine, N-propyl-	142847	Dipropylamine	4	U110	5000 (2270)	500(227)
Propane, 1,2-dibromo-3-chloro-	96128	1,2-Dibromo-3-chloropropane	4	U066	1 (0.454)	1 (0.454)
Propane, 2-nitro-	79469	2-Nitropropane	4	U171	1 (0.454)	1 (0.454)
Propane, 2,2'-oxybis(2-chloro-	108601	Bis(2-chloroisopropyl) ether	2,4	U027	1000 (454)	100(45.4)
1,3-Propane sultone	1120714	1,2-Oxathiolane, 2,2-dioxide	4	U193	1 (0.454)	1 (0.454)
Propanedinitrile	109773	Malononitrile	4	U149	1000 (454)	100(45.4)
Propanenitrile	107120	Ethyl cyanide	4	P101	10 (4.54)	1 (0.454)
Propanenitrile, 3-chloro-	542767	3-Chloropropionitrile	4	P027	1000 (454)	100(45.4)
Propanenitrile, 2-hydroxy-2-methyl	75865	Acetone cyanohydrin 2-Methyllactonitrile	1,4	P069	10 (4.54)	1 (0.454)
1,2,3-Propanetriol, trinitrate-	55630	Nitroglycerine	4	P081	10 (4.54)	1 (0.454)
1-Propanol, 2,3-dibromo-, phosphate (3:1)	126727	Tris(2,3-dibromopropyl) phosphate	4	U235	1 (0.454)	1 (0.454)
1-Propanol, 2-methyl-	78831	Isobutyl alcohol	4	U140	5000 (2270)	500(227)
2-Propanone	67641	Acetone	4	U002	5000 (2270)	500(227)
2-Propanone, 1-bromo-	598312	Bromoacetone	4	P017	1000 (454)	100(45.4)
Propargite	2312358		1		10 (4.54)	1 (0.454)
Propargyl alcohol	107197	2-Propyn-1-ol	4	P102	1000 (454)	100(45.4)
2-Propenal	107028	Acrolein	1,2,4	P003	1 (0.454)	1 (0.454)
2-Propenamide	79061	Acrylamide	4	U007	5000 (2270)	500(227)
Propene, 1,3-dichloro-	542756	1,3-Dichloropropene	1,2,4	U084	5000 (2270)	500(227)
1-Propene, 1,1,2,3,3,3,-hexachloro-	1888717	Hexachloropropene	4	U243	1000 (454)	100(45.4)
2-Propenenitrile	107131	Acrylonitrile	1,2,4	U009	100 (45.4)	10(4.54)

2-Propenenitrile, 2-methyl-	126987	Methacrylonitrile	4	U152	1000 (454)	100(45.4)
2-Propenoic acid	79107	Acrylic acid	4	U008	5000 (2270)	500(227)
2-Propenoic acid, ethyl ester	140885	Ethyl acrylate	4	U113	1000 (454)	100(45.4)
2-Propenoic acid, 2-methyl-, ethyl ester	97632	Ethyl methacrylate	4	U118	1000 (454)	100(45.4)
2-Propenoic acid, 2-methyl-, methyl ester	80626	Methyl methacrylate	1,4	U162	1000 (454)	100(45.4)
2-Propen-1-ol	107186	Allyl alcohol	1,4	P005	100 (45.4)	10(4.54)
Propionic acid	79094		1		5000 (2270)	500(227)
Propionic acid, 2-(2,4,5-trichlorophenoxy)-	93721	Silvex 2,4,5-TP acid	1,4	U233	100 (45.4)	10(4.54)
Propionic anhydride	123626		1		5000 (2270)	500(227)
n-Propylamine	107108	1-Propanamine	4	U194	5000 (2270)	500(227)
Propylene dichloride	78875	1,2-Dichloropropane	1,2,4	U083	1000 (454)	100(45.4)
Propylene oxide	75569		1		100 (45.4)	10(4.54)
1,2-Propylenimine	75558	2-Methylaziridine	4	P067	1 (0.454)	1 (0.454)
2-Propyn-1-ol	107197	Propargyl alcohol	4	P102	1000 (454)	100(45.4)
Pyrene	129000		2		1 (0.454)	1 (0.454)
Pyrethrins	121299 121211 8003347		1		1 (0.454)	1 (0.454)
4-Pyridinamine	504245	4-Aminopyridine	4	P008	1000 (454)	100(45.4)
Pyridine	110861		4	U196	1 (0.454)	1 (0.454)
Pyridine, 2-[(2-(dimethylaminoethyl)-2-thenylamino]-	91805	Methapyrilene	4	U155	5000 (2270)	500(227)
Pyridine, hexahydro-N-nitroso-	100754	N-Nitrosopiperidine	4	U179	1 (0.454)	1 (0.454)
Pyridine, 2-methyl-	109068	2-Picoline	4	U191	5000 (2270)	500(227)

Pyridine, (S)-3(1-methyl-2-pyrrolidinyl)-, and salts	54115	Nicotine and salts	4	P075	100 (45.4)	10(4.54)
4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56042	Methylthiouracil	4	U164	1 (0.454)	1 (0.454)
Pyrophosphoric acid, tetraethyl ester	107493	Tetraethyl pyrophosphate	1,4	P111	100 (45.4)	10(4.54)
Pyrrole, tetrahydro-N-nitroso-	930552	N-Nitrosopyrrolidine	4	U180	1 (0.454)	1 (0.454)
Quinoline	91225		1		5000 (2270)	500(227)
Radioactive waste or material		As defined in ORS 469.300 and 469.530				Any Quantity
RADIONUCLIDES			3		1 (0.454)	1 (0.454)
Reserpine	50555	Yohimban-16-carboxylic acid, 11, 17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester	4	U200	5000 (2270)	500(227)
Resorcinol	108463	1,3-Benzenediol	1,4	U201	5000 (2270)	500(227)
Saccharin and salts	81072	1,2-Benzisothiazolin-3-one, 1,1 -dioxide, and salts	4	U202	1 (0.454)	1 (0.454)
Safrole	94597	Benzene, 1,2-methylenedioxy-4 -allyl-	4	U203	1 (0.454)	1 (0.454)
Selenious acid	7783008		4	U204	1 (0.454)	1 (0.454)
Selenium ++	7782492		2		1 (0.454)	1 (0.454)
Selenium dioxide	7446084	Selenium oxide	1,4	U204	1000 (454)	100(45.4)
Selenium disulfide	7488564	Sulfur selenide	4	U205	1 (0.454)	1 (0.454)
Selenium oxide	7446084	Selenium dioxide	1,4	U204	1000 (454)	100(45.4)
Selenourea	630104	Carbamimidoselenoic acid	4	P103	1 (0.454)	1 (0.454)
L-Serine, diazoacetate (ester)	115026	Azaserine	4	U105	1 (0.454)	1 (0.454)
Silver ++	7440224		2		1000 (454)	100(45.4)

Silver cyanide	506649		4	P104	1 (0.454)	1 (0.454)
Silver nitrate	7761888		1		1 (0.454)	1 (0.454)
Silvex	93721	Propionic acid, 2-(2,4,5 -trichlorophenoxy)- 2,4,5-TP acid	1,4	U233	100 (45.4)	10(4.54)
Sodium	7440235		1		10 (4.54)	1 (0.454)
Sodium arsenate	7631892		1		1000 (454)	100(45.4)
Sodium arsenite	7784465		1		1000 (454)	100(45.4)
Sodium azide	26628228		4	P105	1000 (454)	100(45.4)
Sodium bichromate	10588019		1		1000 (454)	100(45.4)
Sodium bifluoride	1333831		1		5000 (2270)	500(227)
Sodium bisulfite	7631905		1		5000 (2270)	500(227)
Sodium chromate	7775113		1		1000 (454)	100(45.4)
Sodium cyanide	143339		1,4	P106	10 (4.54)	1 (0.454)
Sodium dodecylbenzene sulfonate	25155300		1		1000 (454)	100(45.4)
Sodium fluoride	7681494		1		1000 (454)	100(45.4)
Sodium hydrosulfide	16721805		1		5000 (2270)	500(227)
Sodium hydroxide	1310732		1		1000 (454)	100(45.4)
Sodium hypochlorite	7681529 10022705		1		100 (45.4)	10(4.54)
Sodium methylate	124414		1		1000 (454)	100(45.4)
Sodium nitrite	7632000		1		100 (45.4)	10(4.54)
Sodium phosphate, dibasic	7558794 10039324 10140655		1		5000 (2270)	500(227)

Sodium phosphate, tribasic	7601549 7785844 10101890 10361894 7758294 10124568		1		5000 (2270)	500(227)
Sodium selenite	10102188 7782823		1		1000 (454)	100(45.4)
4,4'-Stilbenediol, alpha,alpha'-diethyl-	54531	Diethylstibestrol	4	U089	1 (0.454)	1 (0.454)
Streptozotocin	18883664	D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-	4	U206	1 (0.454)	1 (0.454)
Strontium chromate	7789062		1		1000 (454)	100(45.4)
Strontium sulfide	1314961		4		100 (45.4)	10(4.54)
Strychnidin-10-one, and salts	57249	Strychnine and salts	1,4	P108	10 (4.54)	1 (0.454)
Strychnidin-10-one, 2,3-dimethoxy-	357573	Brucine	4	P018	10 (4.54)	1 (0.454)
Strychnine and salts	57249	Strychnidin-10-one, and salts	1,4	P108	10 (4.54)	1 (0.454)
Styrene	100425		1		1000 (454)	100(45.4)
Sulfur hydride	7783064	Hydrogen sulfide Hydrosulfuric Acid	1,4	U135	100 (45.4)	10(4.54)
Sulfur monochloride	12771083		1		1000 (454)	100(45.4)
Sulfur phosphide	1314803	Phosphorus pentasulfide Phosphorus sulfide	1,4	U189	100 (45.4)	10(4.54)
Sulfur selenide	7488564	Selenium disulfide	4	U205	1 (0.454)	1 (0.454)
Sulfuric acid	7664939 8014957		1		1000 (454)	100(45.4)
Sulfuric acid, dimethyl ester	77781	Dimethyl sulfate	4	U103	1 (0.454)	1 (0.454)
Sulfuric acid, thallium(1) salt	7446186 10031591	Thallium(1) sulfate	1,4	P115	1000 (454)	100(45.4)

2,4,5-T	93765	2,4,5-T acid 2,4,5-Trichlorophenoxyacetic acid	1,4	U232	1000 (454)	100(45.4)
2,4,5-T acid	93765	2,4,5-T 2,4,5-Trichlorophenoxyacetic acid	1,4	U232	1000 (454)	100(45.4)
2,4,5-T amines	2008460 6369966 6369977 1319728 3813147		1		5000 (2270)	500(227)
2,4,5-T esters	93798 2545597 61792072 1928478 25168154		1		1000 (454)	100(45.4)
2,4,5-T salts	13560991		1		1000 (454)	100 (45.4)
TDE	72548	DDD 4,4' DDD Dichlorodiphenyl dichloroethane	1,2,4	U060	1 (0.454)	1 (0.454)
1,2,4,5-Tetrachlorobenzene	95943	Benzene, 1,2,4,5-tetrachloro-	4	U207	5000 (2270)	500(227)
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)	1746016		2		1 0.454)	1 (0.454)
1,1,1,2-Tetrachloroethane	630206	Ethane, 1,1,1,2-tetrachloro-	4	U028	1 (0.454)	1 (0.454)
1,1,2,2-Tetrachloroethane	79345	Ethane, 1,1,2,2-tetrachloro-	2,4	U209	1 (0.454)	1 (0.454)
Tetrachloroethylene	127184	Ethene, 1,1,2,2-tetrachloro-	2,4	U210	1 (0.454)	1 (0.454)
2,3,4,6-Tetrachlorophenol	58902	Phenol, 2,3,4,6-tetrachloro-	4	U212	10 (4.54)	1 (0.454)
Tetraethyldithiopyrophosphate	3689245	Dithiopyrophosphoric acid, tetraethyl ester	4	P109	100 (45.4)	10(4.54)
Tetraethyl lead	78002	Plumbane, tetraethyl-	1,4	P110	100 (45.4)	10(4.54)
Tetraethyl pyrophosphate	107493	Pyrophosphoric acid, tetraethyl ester	1,4	P111	100 (45.4)	10(4.54)

Tetrahydrofuran	109999	Furan, tetrahydro-	4	U213	1000 (454)	100(45.4)
Tetranitromethane	509148	Methane, tetranitro-	4	U112	10 (4.54)	1 (0.454)
Tetraphosphoric acid, hexaethyl ester	757584	Hexaethyl tetraphosphate	4	P062	100 (45.4)	10(4.54)
Thallic oxide	1314325	Thallium(lll) oxide	4	P113	1 (0.454)	1 (0.454)
Thallium	7440280		2		1 (0.454)	1 (0.454)
Thallium(l) acetate	563688	Acetic acid, thallium(l) salt	4	U214	1 (0.454)	1 (0.454)
Thallium(l) carbonate	6533739	Carbonic acid, dithallium (l) salt	4	U215	1 (0.454)	1 (0.454)
Thallium(l) chloride	7791120		4	U216	1 (0.454)	1 (0.454)
Thallium(l) nitrate	10102451		4	U217	1 (0.454)	1 (0.454)
Thallium(lll) oxide	1314325	Thallic oxide	4	P113	1 (0.454)	1 (0.454)
Thallium(l) selenide	12039520		4	P114	1 (0.454)	1 (0.454)
Thallium(l) sulfate	7446186 10031591	Sulfuric acid, thallium(l) salt	1,4	P115	1000 (454)	100(45.4)
Thioacetamide	62555	Ethanethioamide	4	U218	1 (0.454)	1 (0.454)
Thiofanox	39196184	3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino) carbonyl] oxime	4	U045	100 (45.4)	10(4.54)
Thioimidodicarbonic diamide	541537	2,4-Dithiobiuret	4	P049	100 (45.4)	10(4.54)
Thiomethanol	74931	Methanethiol Methylmercaptan	1,4	U153	100 (45.4)	10(4.54)
Thiophenol	108985	Benzenethiol	4	P014	100 (45.4)	10(4.54)
Thiosemicarbazide	79196	Hydrazinecarbothioamide	4	P116	100 (45.4)	10(4.54)

Thiourea	62566	Carbamide, thio-	4	U219	1 (0.454)	1 (0.454)
Thiourea, (2-chlorophenyl)-	5344821	1-(o-Chlorophenyl)thiourea	4	P026	100 (45.4)	10(4.54)
Thiourea, 1-naphthalenyl-	86884	alpha-Naphthylthiourea	4	P072	100 (45.4)	10(4.54)
Thiourea, phenyl-	103855	N-Phenlthiourea	4	P093	100 (45.4)	10(4.54)
Thiram	137268	Bis(dimethylthiocarbamoyl) disulfide	4	U244	10 (4.54)	10(4.54)
Toluene	108883	Benzene, methyl-	1,2,4	U220	1000 (454)	100(45.4)
Toluenediamine	95807 25376458 496720 823405	Diaminotoluene	4	U221	1 (0.454)	1 (0.454)
Toluene diisocyanate	584849 91087 26471625	Benzene, 2,4-diisocyanatomethyl-	4	U223	100 (45.4)	10(4.54)
o-Toluidine hydrochloride	636215	Benzenamine, 2-methyl-, hydrocloride	4	U222	1 (0.454)	1 (0.454)
Toxaphene	8001352	Camphene, octachloro-	1,2,4	P123	1 (0.454)	1 (0.454)
2,4,5-TP acid	93721	Propionic acid, 2-(2,4,5 -trichlorophenoxy)- Silvex	1,4	U233	100 (45.4)	10(4.54)
2,4,5-TP acid esters	32534955		1		100 (45.4)	10(4.54)
1H-1,2,4-Triazol-3-amine	61825	Amitrole	4	U011	1 (0.454)	1 (0.454)
Trichlorfon	52686		1		1000 (454)	100(45.4)
1,2,4-Trichlorobenzene	120821		2		100 (45.4)	10(4.54)
1,1,1-Trichloroethane	71556	Methyl chloroform	2,4	U226	1000 (454)	100(45.4)
1,1,2-Trichloroethane	79005	Ethane, 1,1,2-trichloro-	2,4	U227	1 (0.454)	1 (0.454)
Trichloroethene	79016	Trichloroethylene	1,2,4	U228	1000 (454)	100(45.4)
Trichloroethylene	79016	Trichloroethene	1,2,4	U228	1000 (454)	100(45.4)
Trichloromethanesulfenyl chloride	594423	Methanesulfenyl chloride, thichloro-	4	P118	100 (45.4)	10(4.54)

Trichloromonofluoromethane	75694	Methane, trichlorofluoro-	4	U121	5000 (2270)	500(227)
Trichlorophenol 2,3,4-Trichlorophenol 2,3,5-Trichlorophenol 2,3,6-Trichlorophenol 2,4,5-Trichlorophenol 2,4,6-Trichlorophenol 3,4,5-Trichlorophenol	25167822 15950660 933788 933755 95954 88062 609198	 Phenol,2,4,5-trichloro Phenol,2,4,6-trichloro 	1		10 (4.54)	1 (0.454)
2,4,5-Trichlorophenol	95954	Phenol, 2,4,5-trichloro-	1,4	U230	10 (4.54)	1 (0.454)
2,4,6-Trichlorophenol	88062	Phenol, 2,4,6-trichloro-	1,2,4	U231	10 (4.54)	1 (0.454)
2,4,5-Trichlorophenoxyacetic acid	93765	2,4,5-T 2,4,5-T acid	1,4	U232	1000 (454)	100(45.4)
Triethanolamine dodecylbenzene sulfonate	27323417		1		1000 (454)	100(45.4)
Triethylamine	121448		1		5000 (2270)	500(227)
Trimethylamine	75503		1		1000 (454)	100(45.4)
sym-Trinitrobenzene	99354	Benzene, 1,3,5-trinitro-	4	U234	1 (0.454)	1 (0.454)
1,3,5-Trioxane, 2,4,6-trimethyl-	123637	Paraldehyde	4	U182	1000 (454)	100(45.4)
Tris(2,3-dibromopropyl) phosphate	126727	1-Propanol, 2,3-dibromo-, phosphate (3:i)	4	U235	1 (0.454)	1 (0.454)
Trypan blue	72571	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(1,1' biphenyl)-4,4'-diyl)-bis(azo)]bis (5-amino-4-hydroxy)-tetrasodium salt	4	U236	1 (0.454)	1 (0.454)
Unlisted Hazardous Wastes	(N.A.)		4			
Characteristic of Ignitability			4	D001	100 (45.4)	10(4.54)
Characteristic of Corrosivity			4	D002	100 (45.4)	10(4.54)
Characteristic of Reactivity			4	D003	100 (45.4)	10(4.54)

Characteristic of EP Toxicity			4			
Arsenic			4	D004	1 (0.454)	1 (0.454)
Barium			4	D005	1000 (454)	100(45.4)
Cadmium			4	D006	1 (0.454)	1 (0.454)
Chromium			4	D007	1 (0.454)	1 (0.454)
Lead			4	D008	1 (0.454)	1 (0.454)
Mercury			4	D009	1 (0.454)	1 (0.454)
Selenium			4	D010	1 (0.454)	1 (0.454)
Silver			4	D011	1 (0.454)	1 (0.454)
Endrin			1,4	D012	1 (0.454)	1 (0.454)
Lindane			1,4	D013	1 (0.454)	1 (0.454)
Methoxychlor			1,4	D014	1 (0.454)	1 (0.454)
Toxaphene			1,4	D015	1 (0.454)	1 (0.454)
2,4,-D			1,4	D016	100 (45.4)	10(4.54)
2,4,5-TP			1,4	D017	100 (45.4)	10(4.54)
Uracil, 5-[bis(2-chloroethyl)amino]-	66751	Uracil mustard	4	U237	1 (0.454)	1 (0.454)
Uracil mustard	66751	Uracil, 5-[bis(2-chloroethyl) amino]-	4	U237	1 (0.454)	1 (0.454)
Uranyl acetate	541093		1		5000 (2270)	500(227)
Uranyl nitrate	10102064 36478769		1		5000 (2270)	500(227)
Vanadic acid, ammonium salt	7803556	Ammonium vanadate	4	P119	1000 (454)	100(45.4)
Vanadium(V) oxide	1314621	Vanadium pentoxide	1,4	P120	1000 (454)	100(45.4)
Vanadium pentoxide	1314621	Vanadium(V) oxide	1,4	P120	1000 (454)	100(45.4)
Vanadyl sulfate	27774136		1		1000 (454)	100(45.4)
Vinyl acetate	108054		1		5000 (2270)	500(227)
Vinyl chloride	75014	Ethene, chloro-	2,3,4	U043	1 (0.454)	1 (0.454)

Vinylidene chloride	75354	1,1-Dichloroethylene Ethene, 1,1-dichloro-	1,2,4	U078	5000 (2270)	500(227)
Warfarin	81812	3-(alpha-Acetonylbenzl)-4 -hydoxycoumarin and salts	4	P001	100 (45.4)	10(4.54)
Xylene (mixed) m- o- p-	1330207 108383 95476 106423	Benzene, dimethyl m- o- p-	1,4	U239	1000 (454)	100(45.4)
Xylenol	1300716		1		1000 (454)	100(45.4)
Yohimban-16-carboxylic acid, 11,17-dimethoxy-18 -[(3,4,5-trimethoxybenzoyl)oxy]-,methyl ester	50555	Reserpine	4	U200	5000 (2270)	500(227)
Zinc ++	7440666		2		1 (0.454)	1 (0.454)
Zinc acetate	557346		1		1000 (454)	100(45.4)
Zinc ammonium chloride	52628258 14639975 14639986		1		5000 (2270)	500(227)
Zinc borate	1332076		1		1000 (454)	100(45.4)
Zinc bromide	7699458		1		5000 (2270)	500(227)
Zinc carbonate	3486359		1		1000 (454)	100(45.4)
Zinc chloride	7646857		1		5000 (2270)	500(227)
Zinc cyanide	557211		1,4	P121	10 (4.54)	1 (0.454)
Zinc fluoride	7783495		1		1000 (454)	100(45.4)
Zinc formate	557415		1		1000 (454)	100(45.4)
Zinc hydrosulfite	7779864		1		1000 (454)	100(45.4)
Zinc nitrate	7779886		1		5000 (2270)	500(227)
Zinc phenolsulfonate	127822		1		5000 (2270)	500(227)
Zinc phosphide	1314847		1,4	P122	1000 (454)	100(45.4)
Zinc silicofluoride	16871719		1		5000 (2270)	500(227)

Zinc sulfate	7733020	1		1000 (454)	100(45.4)
Zirconium nitrate	13746899	1		5000 (2270)	500(227)
Zirconium potassium fluoride	16923958	1		1000 (454)	100(45.4)
Zirconium sulfate	14644612	1		5000 (2270)	500(227)
Zirconium tetrachloride	10026116			5000 (2270)	500(227)
F001 The following spent halogenated solvents used in degreasing and sludges from the recovery of these solvents in degreasing operations:		4	F001	1 (0.454)	1 (0.454)
(a) Tetrachloroethylene	127184			1 (0.454)	1 (0.454)
(b) Trichloroethylene	79016			1000 (454)	100(45.4)
(c) Methylene chloride	75092			1000 (454)	100(45.4)
(d) 1,1,1-Trichloroethane	71556			1000 (454)	100(45.4)
(e) Carbon tetrachloride	56235			5000 (2270)	500(227)
(f) Chlorinated fluorocarbons	(N.A.)			5000 (2270)	500(227)
F002 The following spent halogenated solvents and the still bottoms from the recovery of these solvents:		4	F002	1 (0.454)	1 (0.454)
(a) Tetrachloroethylene	127184			1 (0.454)	1 (0.454)
(b) Methylene Chloride	75092			1000 (454)	100(45.4)
(c) Trichloroethylene	79016			1000 (454)	100(45.4)
(d) 1,1,1-Trichloroethane	71556			1000 (454)	100(45.4)
(e) Chlorobenzene	108907			100 (45.4)	10(4.54)
(f) 1,1,2-Trichloro-1,2,2-trifluoroethane	76131			5000 (2270)	500(227)
(g) o-Dichlorobenzene	106467			100 (45.4)	10(4.54)
(h) Trichlorofluoromethane	75694			5000 (2270)	500(227)
F003 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:		4	F003	100 (45.4)	10(4.54)
(a) Xylene	1330207			1000 (454)	100(45.4)
(b) Acetone	67641			5000 (2270)	500(227)
(c) Ethyl acetate	141786			5000 (2270)	500(227)
(d) Ethylbenzene	100414			1000 (454)	100(45.4)
(e) Ethyl ether	60297			100 (45.4)	10(4.54)
(f) Methyl Isobutyl ketone	108101			5000 (2270)	500(227)
(g) n-Butyl alcohol	71363			5000 (2270)	500(227)
(h) Cyclohexanone	108941			5000 (2270)	500(227)
(i) Methanol	67561			5000 (2270)	500(227)

F004 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			4	F004	1 (0.454)	1 (0.454)
(a) Cresols/Cresylic acid	1319773				1000 (454)	100(45.4)
(b) Nitrobenzene	98953				1000 (454)	100(45.4)
F005 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			4	F005	1 (0.454)	1 (0.454)
(a) Toluene	108883				1000 (454)	100(45.4)
(b) Methyl ethyl ketone	78933				5000 (2270)	500(227)
(c) Carbon disulfide	75150				5000 (2270)	500(227)
(d) Isobutanol	78831				5000 (2270)	500(227)
(e) Pyridine	110861				1 (0.454)	1 (0.454)
F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum			4	F006	1 (0.454)	1 (0.454)
F007 Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions)			4	F007	10 (4.54)	1 (0.454)
F008 Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating plating bath sludges			4	F008	10 (4.54)	1 (0.454)
F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions)			4	F009	10 (4.54)	1 (0.454)

F010 Quenching bath sludge from oil baths from metals heat treating operations where cyanides are used in the process (except for precious metals heat-treating quenching bath sludges)			4	F010	10 (4.54)	1 (0.454)
F011 Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat treating spent cyanide solutions from salt bath pot cleaning)			4	F011	10 (4.54)	1 (0.454)
F012 Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges)			4	F012	10(4.54)	1 (0.454)
F019 Wastewater treatment sludges from the chemical conversion coating of aluminum			4	F019	1 (0.454)	1 (0.454)
F024 Wastes, including but limited to distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (This listing does not include light ends, spent filters and filter aids, spent desiccants (sic), wastewater treatment sludges, spent catalysts, and wastes listed in Section 261.32)			4	F024	1 (0.454)	1 (0.454)
K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol			4	K001	1 (0.454)	1 (0.454)
K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments			4	K002	1 (0.454)	1 (0.454)
K003 Wastewater treatment sludge from the production of molybdate orange pigments			4	K003	1 (0.454)	1 (0.454)

K004 Wastewater treatment sludge from the production of zinc yellow pigments			4	K004	1 (0.454)	1 (0.454)
K005 Wastewater treatment sludge from the production of chrome green pigments			4	K005	1 (0.454)	1 (0.454)
K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated)			4	K006	1 (0.454)	1 (0.454)
K007 Wastewater treatment sludge from the production of iron blue pigments			4	K007	1 (0.454)	1 (0.454)
K008 Oven residue from the production of chrome oxide green pigments			4	K008	1 (0.454)	1 (0.454)
K009 Distillation bottoms from the production of acetaldehyde from ethylene			4	K009	1 (0.454)	1 (0.454)
K010 Distillation side cuts from the production of acetaldehyde from ethylene			4	K101	1 (0.454)	1 (0.454)
K011 Bottom stream from the wastewater stripper in the production of acrylonitrile			4	K011	1 (0.454)	1 (0.454)
K013 Bottom stream from the acetonitrile column in the production of acrylonitrile			4	K013	1 (0.454)	1 (0.454)
K014 Bottoms from the acetonitrile purification columns in the production of acrylonitrile			4	K014	5000 (2270)	500(227)
K015 Still bottoms from the distillation of benzyl chloride			4	K015	1 (0.454)	1 (0.454)
K016 Heavy ends or distillation residues from the production of carbon tetrachloride			4	K016	1 (0.454)	1 (0.454)

K017 Heavy ends (still bottoms) from the purification columns in the production of epichlorohydrin			4	K017	1 (0.454)	1 (0.454)
K018 Heavy ends from the fractionation column in ethyl chloride production			4	K018	1 (0.454)	1 (0.454)
K019 Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production			4	K019	1 (0.454)	1 (0.454)
K020 Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production			4	K020	1 (0.454)	1 (0.454)
K021 Aqueous spent antimony catalyst waste from fluoromethanes production			4	K021	1 (0.454)	1 (0.454)
K022 Distillation bottom tars from the production of phenol/acetone from cumene			4	K022	1 (0.454)	1 (0.454)
K023 Distillation light ends from the production of phthalic anhydride from naphthalene			4	K023	5000 (2270)	500(227)
K024 Distallation bottoms from the production of phthalic anhydride from naphthalene			4	K024	5000 (2270)	500(227)
K025 Distillation bottoms from the production of nitrobenzene by the nitration of benzene			4	K025	1 (0.454)	1 (0.454)
K026 Stripping still tails from the production of methyl ethyl pyridines			4	K026	1 (0.454)	1 (0.454)
K027 Centrifuge and distillation residues from toluene diisocyanate production			4	K027	1 (0.454)	1 (0.454)
K028 Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1 -trichloroethane			4	K028	1 (0.454)	1 (0.454)

K029 Waste from the product steam stripper in the production of 1,1,1-trichloroethane			4	K029	1 (0.454)	1 (0.454)
K030 Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene			4	K030	1 (0.454)	1 (0.454)
K031 By-product salts generated in the production of MSMA and cacodylic acid			4	K031	1 (0.454)	1 (0.454)
K032 Wastewater treatment sludge from the production of chlordane			4	K032	1 (0.454)	1 (0.454)
K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane			4	K033	1 (0.454)	1 (0.454)
K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane			4	K034	1 (0.454)	1 (0.454)
K035 Wastewater treatment sludges generated in the production of creosote			4	K035	1 (0.454)	1 (0.454)
K036 Still bottoms from toluene reclamation distillation in the production of disulfoton			4	K036	1 (0.454)	1 (0.454)
K037 Wastewater treatment sludge from the production of disulfoton			4	K037	1 (0.454)	1 (0.454)
K038 Wastewater from the washing and stripping of phorate production			4	K038	1 (0.454)	1 (0.454)
K039 Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate			4	K039	1 (0.454)	1 (0.454)
K040 Wastewater treatment sludge from the production of phorate			4	K040	1 (0.454)	1 (0.454)

K041 Wastewater treatment sludge from the production of toxaphene			4	K041	1 (0.454)	1 (0.454)
K042 Heavy ends of distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T			4	K042	1 (0.454)	1 (0.454)
K043 2,6-Dichlorophenol waste from the production of 2,4-D			4	K043	1 (0.454)	1 (0.454)
K044 Wastewater treatment sludges from the manufacturing and processing of explosives			4	K044	10 (4.54)	1 (0.454)
K045 Spent carbon from the treatment of wastewater containing explosives			4	K045	10 (4.54)	1 (0.454)
K046 Wastewater tretment sludges from the manufacturing, formulation and loading of lead-based initiating compounds			4	K046	1 (0.454)	1 (0.454)
K047 Pink/red water from TNT operations			4	K047	10 (4.54)	1 (0.454)
K048 Dissolved air floation (DAF) float from the the petroleum refining industry			4	K048	1 (0.454)	1 (0.454)
K049 Slop oil emulsion solids from the petroleum refining industry			4	K049	1 (0.454)	1 (0.454)
K050 Heat exchanger bundle cleaning sludge from the petroleum refining industry			4	K050	1 (0.454)	1 (0.454)
K051 API seperator sludge from the petroleum refining industry			4	K051	1 (0.454)	1 (0.454)
K052 Tank bottoms (leaded) from the petroleum refining industry			4	K052	1 (0.454)	1 (0.454)

K060 Ammonia still lime sludge from coking operations			4	K060	1 (0.454)	1 (0.454)
K061 Emission control dust/sludge from the primary production of steel in electric furnaces			4	K061	1 (0.454)	1 (0.454)
K062 Spent pickle liquor from steel finishing operations			4	K062	1 (0.454)	1 (0.454)
K069 Emission control dust/sludge from secondary lead smelting			4	K069	1 (0.454)	1 (0.454)
K071 Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used			4	K071	1 (0.454)	1 (0.454)
K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production			4	K073	1 (0.454)	1 (0.454)
K083 Distillation bottoms from aniline extraction			4	K083	100 (45.4)	10(4.54)
K084 Wastewater treatment sludge generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds			4	K084	1 (0.454)	1 (0.454)
K085 Distillation or fractionation column bottoms from the production of chlorobenzenes			4	K085	1 (0.454)	1 (0.454)
K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead			4	K0866	1 (0.454)	1 (0.454)
K087 Decanter tank tar sludge from coking operations			4	K087	1 (0.454)	1 (0.454)

K093 Distillation light ends from the production of phthalic anhydride from ortho-xylene			4	K093	5000 (2270)	500(227)
K094 Distillation bottoms from the production of phthalic anhydride from ortho-xylene			4	K094	5000 (2270)	500(227)
K095 Distillation bottoms from the production of 1,1,1-trichloroethane			4	K095	1 (0.454)	1 (0.454)
K096 Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane			4	K096	1 (0.454)	1 (0.454)
K097 Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane			4	K097	1 (0.454)	1 (0.454)
K098 Untreated process wastewater from the production of toxaphene			4	K098	1 (0.454)	1 (0.454)
K099 Untreated wastewater from the production of 2,4-D			4	K099	1 (0.454)	1 (0.454)
K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting (Components of this waste are identical with those of K069)			4	K100	1 (0.454)	1 (0.454)
K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds			4	K101	1 (0.454)	1 (0.454)
K102 Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds			4	K102	1 (0.454)	1 (0.454)
K103 Process residues form aniline extraction from the production of aniline			4	K103	100 (45.4)	10(4.54)

K104 Combined wastewater streams generated from nitrobenzene/aniline chlorobenzenes			4	K104	1 (0.454)	1 (0.454)
K105 Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes			4	K105	1 (0.454)	1 (0.454)
K106 Wastewater treatment sludge from the mercury cell process in chlorine production			4	K106	1 (0.454)	1 (0.454)

+ - indicates the statutory source as defined by 1, 2, 3 or 4 below
1 - indicates the statutory source for designation of this hazardous substance under CERCLA is CWA Section 311(b)(4)
2 - indicates the statutory source for designation of this hazardous substance under CERCLA is CWA Section 307(a)
3 - indicates the statutory source for designation of this hazardous substance under CERCLA is CAA Section 112
4 - indicates the statutory source for designation of this hazardous substance under CERCLA is RCRA Section 3001
++ - no reporting of releases of massive forms of this hazardous substance is required if the diameter of the pieces of the solid metal releases is equal to or exceeds 100 micrometers (0.004 inches)
+++ - the RQ for asbestos is limited to friable forms only
S - The Agency may adjust the RQ for radionuclides in a future rulemaking; until such time the statutory 1 pound RQ is applicable

VICTOR ATIYEH
GOVERNOR

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 G, September 12, 1986, EQC Meeting

Proposed Adoption of Amendments to Vehicle Inspection Program Operating Rules and Test Standards, OAR 340-24-330 and 24-335

Background and Problem Statement

The Environmental Quality Commission, at its June 13, 1986 meeting, authorized public hearings to receive testimony on two amendments proposed for the Vehicle Inspection Program rules--OAR 340-24-300 through -350. These proposed amendments would:

1) simplify the array of I/M idle test standards for 1972 through 1974 model year vehicles, and

2) establish a new I/M idle test standard for heavy duty gasoline vehicles that are manufactured with catalytic convertors.

The proposed rule amendments are included as Attachment A, effective data would be October 1, 1986. The Public Notice and Statement of Need are attached as Attachment B. The Hearing Officer's Report is included as Attachment C. The report requesting hearing authorization is included as Attachment D to provide additional background information.

Three public hearings were scheduled and held; one during business hours at the Department headquarters and two in the evening--one in Beaverton and the other in Medford. No testimony was received at any of these hearings, nor was any written testimony received.

Alternatives and Evaluation

Two areas of the rules are proposed for amendment, OAR 340-24-330 and OAR 340-24-335.

OAR 340-24-330 The proposed amendments would simplify the array of test standards for 1972 to 1974 passenger cars and pickup trucks. This simplification can be accomplished without compromising any emission benefit. As indicated in the request for hearing authorization, this would implement a suggestion by inspector staff to reduce the large array. This action will reduce the number of standards for 1972-1974 vehicles, and make looking up the test standards less complicated.

The proposed amendments reduce the number of emission categories for these vehicles. The proposed standard is separated into three general categories: 1) a category for four cylinder vehicles, 2) a category for six and eight cylinder vehicles, and 3) a specific category for those vehicles that have emission system designs that require a unique idle emission standard. In no instance is a more restrictive standard applied to any vehicle. This third class of vehicles comprises approximately 600 cars throughout the test.

OAR 340-24-335 The staff is proposing that heavy duty gasoline truck standards be modified. The proposal adds an emissions standard for 1986 and later heavy duty gasoline trucks that are equipped with catalytic convertors. During 1986 some manufacturers equipped heavy duty trucks with light duty engine packages. These engine package designs utilize catalyst technology for emission control. Starting in the 1987 model year, the federal heavy duty truck emission standards will effectively require the use of catalyst technology. This will apply to vehicles in the 8,500 to 14,000 lbs weight rating classification.

This proposal adds the correct test standard to properly check the emission system for heavy duty vehicles. Informal discussion with major manufacturers of heavy duty gasoline trucks indicated that the values proposed were consistent with engine designs scheduled for use or in current use.

Summation

1. Revised idle emission standards are proposed that simplify the I/M standards for 1972 through 1974 light duty model year motor vehicles. The environmental impact of such action appears negligible.

2. A new idle emission standard is proposed for heavy duty gasoline trucks that are manufactured with a catalytic convertor.

3. No public comment during the hearings process on these proposed changes or other aspects of the I/M program operating rules were received. The changes proposed would be effective October 1, 1986.

Director's Recommendation

Based upon the Summation it is recommended that the Commission adopt rule amendments as proposed.

Fred Hansen

Attachments
Bill Jasper:s
VS3591
229-5081
August 19, 1986

OAR 340-24-330 LIGHT DUTY MOTOR VEHICLE EMISSION CONTROL CUTPOINTS OR STANDARDS

(1) Light Duty Diesel Motor Vehicle Emission Control CutPoints

All:	1.0% CO	No HC Check

(2) Light Duty Gasoline Motor Vehicle Emission Control CutPoints - Two Stroke Cycle

All:	6.5% CO	No HC Check

(3) Light Duty Gasoline Motor Vehicle Emission Control CutPoints - Four Stroke Cycle - Passenger Cars

Pre 1968 Model Year

4 or less cylinders		
All:	6.5% CO	1550 ppm HC
More than 4 cylinders		
All:	6.0% CO	1250 ppm HC

1968 - 1969 Model Year

4 or less cylinders		
All:	5.5% CO	850 ppm HC
More than 4 cylinders		
All:	5.0% CO	650 ppm HC

1970 - 1971 Model Year

All:	4.5% CO	550 ppm HC

1972-1974 Model Year

[Alfa Romeo	3.5% CO	450 ppm HC
American Motors	3.5% CO	350 ppm HC
Audi	3.0% CO	450 ppm HC
BMW	3.5% CO	450 ppm HC
BL-Jaguar	3.5% CO	350 ppm HC
BL-MG	4.5% CO	450 ppm HC
BL-Triumph	4.0% CO	450 ppm HC
BL-Other	4.5% CO	450 ppm HC
Buick	2.5% CO	350 ppm HC
Cadillac	2.5% CO	350 ppm HC
Capri	3.0% CO	450 ppm HC
Checker	2.5% CO	350 ppm HC
Chevrolet	2.5% CO	350 ppm HC
Chrysler	2.5% CO	350 ppm HC
Colt, Dodge	5.5% CO	450 ppm HC

1972-1974 Model Year - Continued

Cricket, Plymouth-Single Carb Only	7.5% CO	450 ppm HC
Cricket, Plymouth - All Others	4.0% CO	450 ppm HC
Datsun	3.0% CO	450 ppm HC
Dodge	2.5% CO	350 ppm HC
Ferrari	3.5% CO	350 ppm HC
Fiat	4.5% CO	450 ppm HC
Ford	2.5% CO	350 ppm HC
Ford - 4 cylinder	2.5% CO	450 ppm HC
Honda Automobile - 1972	5.5% CO	450 ppm HC
Honda Automobile - All Others	3.5% CO	450 ppm HC
Jenson-Healy	5.0% CO	450 ppm HC
Lincoln	2.5% CO	350 ppm HC
Mazda - Piston Engine	4.5% CO	450 ppm HC
Mazda - Rotary Engine	3.0% CO	450 ppm HC
Mercury	2.5% CO	350 ppm HC
Oldsmobile	2.5% CO	350 ppm HC
Opel	3.5% CO	450 ppm HC
Peugeot	3.5% CO	450 ppm HC
Plymouth	2.5% CO	350 ppm HC
Pontiac	2.5% CO	350 ppm HC
Porsche 914 - 1974	5.5% CO	450 ppm HC
Porsche - All Other	3.5% CO	450 ppm HC
Renault	3.5% CO	450 ppm HC
Rolls Royce and Bentley	3.5% CO	350 ppm HC
SAAB	3.5% CO	450 ppm HC
Subaru	3.5% CO	450 ppm HC
Toyota	3.5% CO	450 ppm HC
Volkswagen - Type 4	4.5% CO	450 ppm HC
- Dasher	3.0% CO	450 ppm HC
- All Others	3.5% CO	450 ppm HC
Volvo	3.5% CO	450 ppm HC
All Vehicles Not Listed	3.5% CO	450 ppm HC]

General Standards

4 or less cylinders All:	4.0% CO	450 ppm HC
More than 4 cylinders All:	3.0% CO	350 ppm HC

Specific Standards

BL-MG	4.5% CO	450 ppm HC
BL-Other	4.5% CO	450 ppm HC
Colt, Dodge	5.5% CO	450 ppm HC
Cricket, Plymouth-- Single Cab Only	7.5% CO	450 ppm HC
Fiat	4.5% CO	450 ppm HC
Honda Automobile-1972	5.5% CO	450 ppm HC
Jensen-Healy	5.0% CO	350 ppm HC
Mazda--Piston Engine	4.5% CO	450 ppm HC
Porsche 914-1974	5.5% CO	450 ppm HC
Volkswagen--Type 4	4.5% CO	450 ppm HC

1975 - 1980 Model Year

Catalyst Equipped Vehicles		
All:	0.5% CO	175 ppm HC
Non-Catalyst Equipped Vehicles		
All:	2.0% CO	250 ppm HC

1981 and Newer Model Year

All: At idle	0.5% CO	175 ppm HC
At 2500 rpm	0.5% CO	175 ppm HC

(4) Light duty gasoline Motor Vehicle Emission Control CutPoints - Light Duty Trucks.

(a) 6000 GVWR or less

Pre 1968 Model Year

4 or less cylinders		
All:	6.5% CO	1550 ppm HC
More than 4 cylinders		
All:	6.5% CO	1250 ppm HC

1968 - 1969 Model Year

4 or less cylinders		
All:	5.5% CO	850 ppm HC
More than 4 cylinders		
All:	5.0% CO	650 ppm HC

1970 - 1971 Model Year

All:	4.5% CO	550 ppm HC

1972 - 1974 Model Year

4 or less cylinders		
All:	4.0 [3.5]% CO	450 ppm HC
More than 4 cylinders		
All:	3.0 [2.5]% CO	350 ppm HC

1975 - 1980 Model Year

Catalyst Equipped		
All:	0.5% CO	175 ppm HC
Non-Catalyst Equipped		
All:	2.0% CO	250 ppm HC

1981 and Newer Model Year

All: At idle	0.5% CO	175 ppm HC
At 2500 rpm	0.5% CO	175 ppm HC

(b) 6001 to 8500 GVWR

Pre 1968 Model Year		
All:	6.0% CO	1250 ppm HC
1968 - 1969 Model Year		
All:	5.0% CO	650 ppm HC
1970 - 1971 Model Year		
All:	4.5% CO	550 ppm HC
1972 - 1974 Model Year		
All:	3.0 [2.5]% CO	350 ppm HC
1975 - 1978 Model Year		
All:	2.0% CO	250 ppm HC
1979 - 1980 Model Year		
Catalyst Equipped		
All:	0.5% CO	175 ppm HC
Non-Catalyst Equipped		
All:	2.0% CO	250 ppm HC
1981 and Newer		
All: At idle	0.5% CO	175 ppm HC
At 2500 rpm	0.5% CO	175 ppm HC

(5) An enforcement tolerance of 0.5% carbon monoxide and 50 ppm hydrocarbon will be added to the above cutpoints.

(6) There shall be no visible emission during the steady-state unloaded and raised rpm engine idle portion of the emission test from either the vehicle's exhaust system or the engine crankcase. In the case of diesel engines and two-stroke cycle engines, the allowable visible emission shall be no greater than 20% opacity.

(7) The Director may establish specific separate standards, differing from those listed in subsections (1), (2), (3), (4), (5) and (6) for vehicle classes which are determined to present prohibitive inspection problems using the listed standards.

NOTE: A 1981 or newer Ford Motor Company Vehicle or a 1984 through 1986 Honda Prelude, which initially fails the test, will have the ignition key turned off, the engine restarted, and the test repeated.
Ref: OAR 340-24-310

340-24-335 HEAVY DUTY GASOLINE MOTOR VEHICLE EMISSION CONTROL EMISSION STANDARDS

(1) Carbon Monoxide idle emission values not to be exceeded:

	Base Standard %	Enforcement Tolerance %
ALL VEHICLES		
Pre-1970	6.0	0.5
1970 through 1973	4.0	1.0
1974 through 1978	3.0	1.0
1979 and later	2.0	1.0
1985 and later with catalyst	0.5	0.5

(2) Carbon monoxide nominal 2,500 RPM emission values not to be exceeded:

	Base Standard %	Enforcement Tolerance %
ALL VEHICLES		
Pre-1970	3.0	1.0
1970 and later	2.0	1.0
Fuel Injected	No Check	
1985 and later with catalyst	0.5	0.5

(3) Hydrocarbon idle emission values not to be exceeded:

	Base Standard PPM	Enforcement Tolerance PPM
ALL VEHICLES		
Pre-1970	700	200
1970 through 1973	500	200
1974 through 1978	300	200
1979 and later	250	100
1985 and later with catalyst	175	50

(4) Hydrocarbon nominal 2500 RPM emission values not to be exceeded:

	Base Standard PPM	Enforcement Tolerance PPM
ALL VEHICLES		
1985 and newer with catalyst	175	50

(5) [(4)]There shall be no visible emission during the steady-state unloaded engine idle and raised rpm portion of the emission test from either the vehicle's exhaust system or the engine crankcase.

(6) [(5)]The Director may establish specific separate standards, differing from those listed in subsections (1), (2), (3), and (4) for vehicle classes which are determined to present prohibitive inspection problems using the listed standard.

ATTACHMENT B
Agenda Item F
EQC Meeting
September 12, 1986

Oregon Department of Environmental Quality

A CHANCE TO COMMENT ON...

Proposed Changes to the 1972-1974 Light Duty Vehicle and Heavy Duty Truck Idle Emission Standards for the Oregon I/M Program

NOTICE OF PUBLIC HEARING

Date Prepared: May 20, 1986
Hearing Date: July 22 and 24
Comments Due: July 25, 1986

WHO IS AFFECTED: Motor vehicle owners and people engaged in the business of both selling and repairing vehicles and motor vehicle fleet operations in the Portland area Metropolitan Service District and the Jackson County/Medford-Ashland Air Quality Maintenance Area will be affected by this proposal.

WHAT IS PROPOSED: The Department of Environmental Quality is proposing to amend OAR 340-24-300 through 350; specifically, 24-330 and 335, changing specific exhaust gas standards for 1972 through 1974 light duty motor vehicles and adding a standard for catalyst equipped heavy duty gas trucks.

WHAT ARE THE HIGHLIGHTS:

1. The DEQ is proposing changing the standards of the 1972 through 1974 light duty gasoline vehicles. This proposal summarizes some over 40 different categories into three simpler categories; HC hydrocarbon and carbon monoxide standard would be summarized for all cars.

2. These amendments also propose the establishment of catalyst standards for heavy duty gas trucks. This standard is necessary because some vehicle manufacturers are using catalyst technology in current heavy duty gas trucks.

3. The hearings provide an opportunity for public comment on all aspects of the I/M program operating rules.

HOW TO COMMENT: Copies of the complete proposed rule package may be obtained from the the Department of Environmental at either 1) Vehicle Inspection Program in Portland (522 S.W. Fifth Avenue) or Rogue Valley Inspection/Maintenance Program in Medford (3030 Biddle Road, 97504). For further information contact William Jasper at 229-6235, 776-6140, (1-800-452-4011).

P.O. Box 1760
Portland, OR 97207

8/13.84

FOR FURTHER INFORMATION:

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

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

10:00 a.m.
July 22, 1986
Department of Environmental Quality
Hearing Room, Rm 1400
522 SW Fifth Avenue
Portland, OR

7:00 p.m.
July 22, 1986
Hoffman Room
City of Beaverton Operations Center
9600 SW Allen Boulevard
Beaverton, OR

7:00 p.m.
July 24, 1986
Jackson County Courthouse Auditorium
10 S. Oakdale
Medford, OR

Oral and written comments will be accepted at the public hearing. Written comments may be sent to the DEQ Vehicle Inspection Program, P.O. Box 1760, Portland, OR 97207, or Rogue Valley Inspection/Maintenance Program, 3030 Biddle Road, Medford, OR 97504, but must be received no later than the close of business day, 5:00 p.m., July 25, 1986.

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 may be submitted to the U. S. Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation should come on September 11, 1986, as part of the agenda of a regularly scheduled Commission meeting to be held in Bend.

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

AS2982

ATTACHMENT B
Agenda Item G
EQC Meeting
September 12, 1986

RULEMAKING STATEMENT

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

STATEMENT OF NEED

LEGAL AUTHORTIY

This proposal amends OAR 340-24-300 through 350. It is proposed under the authority of ORS 468.370.

NEED FOR RULE

The proposed amendments are needed to simplify the emission test standards for 1972 through 1974 light duty motor vehicles and to establish standards for a new catalyst equipped heavy duty motor vehicle class. These proposals are considered housekeeping in nature.

PRINCIPAL DOCUMENTS RELIED UPON

1. Inspection Program Standards OAR 340-24-330 and 335.

2. In-house memorandum suggesting improvement in Administrative Rules.

FISCAL AND ECONOMIC IMPACT STATEMENTS

As these proposals are housekeeping in nature, there is no change in fiscal or economic impact predicted. Overall, some individual motorists will experience decreased operational costs (from increased gas mileage resulting from better maintained vehicles), while other motorists will experience increased operational costs. There should be no significant adverse impact on small businesses. Some small businesses will continue to economically benefit from the Department's operation of the inspection program.

LAND USE CONSISTENCY STATEMENT

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

AS2983

Attachment C
Agenda Item G
September 12, 1986
EQC Meeting

VICTOR ATIYEH
GOVERNOR

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: Public Hearings, July 22 and July 24, 1986

Public hearings to receive testimony on proposed rule amendments for the Vehicle Inspection Program were held July 22 and July 24, 1986. Two hearings were held July 22; one at 10:00 a.m. in the Conference Room of the Department of Environmental Quality in Portland; the other at 7:00 p.m. in the Hoffman Community Room, City of Beaverton Operations Center, Beaverton, Oregon. The third hearing was held in Medford at the Jackson County Courthouse Auditorium at 7:00 p.m., July 24, 1986.

At the hearing which was held 10:00 a.m., July 22, two people attended but neither provided testimony. At the other hearings, no people were present other than the hearings officer and Department staff. After an appropriate period those hearings were closed. No written testimony was received.

As there was no testimony presented, there is no testimony to report.

Respectfully Submitted,

William P. Jasper

VS3565

DEQ-46

Attachment D
Agenda Item G
September 12, 1986
EQC Meeting

VICTOR ATIYEH
GOVERNOR

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 G, June 13, 1986, EQC Meeting

Request for Authorization to Hold Public Hearings to Consider Amendments to the Vehicle Program Operating Rules and Test Standards, OAR 340-24-300 through 24-350.

Background and Problem Statement

The Oregon Department of Environmental Quality operates the vehicle emissions inspection/maintenance program (I/M) in the Portland and Medford-Ashland areas. The operating rules for this program are reviewed annually to insure that the standards and procedures remain appropriate and current. This process specifically provides for formal comment on the operating rules and standards.

On September 27, 1985, the EQC last adopted amendments to the Oregon I/M program. Those amendments included designating the Medford-Ashland air quality maintenance area as an inspection program area as required by ORS 468.397. The rule amendments proposed this year only affect the inspection program test standards for some light and heavy duty vehicles. Amendments to OAR 340-24-330 and 24-335 are proposed. They would simplify the listings of the inspection program's idle emission standards for the 1972 through 1974 group of light duty vehicles. This would eliminate over 40 different standards categories for 1972 through 1974 light duty vehicle listings. The addition to the heavy duty standards would incorporate a catalyst standard for the heavy duty gasoline-powered trucks that are manufactured with a catalytic converter.

The Statement of Need and Fiscal Impact are attached as Appendix A. The draft Notice of Public Hearing is attached as Appendix B. The proposed rule amendments are included as Appendix C.

Alternatives and Evaluation

Two amendments to the Oregon I/M program's operating rules are proposed. They are amendments to OAR 340-24-330 and 24-335.

OAR 340-24-330

When a 1972-1974 vintage vehicle arrives at an inspection station for its I/M test, the inspector must look on a chart under the manufacturer's name for the proper inspection standards. It was suggested by inspector staff that since most of the standards were similar, that the standards be combined. The proposed simplification can be done without compromising emission benefit.

When these idle emission standards were first adopted, it was desirous to tailor the value to individual manufacturers' make. Now this age group of vehicles accounts for less than 18 percent of the vehicles on the road today. As such, the environmental impact of the condensation of idle emission standards should be very small. No attempt has been made to input this proposed change for 1972-74 vehicles into the computer model that predicts emission factors. The computer model would effectively show no impact due to these specific changes because of the way it models vehicles older than 10 years of age. Minor changes in the stringency vehicles classes in the model show only very minor impact in the whole population vehicle emission factor.

The proposed amendments would reduce the number of emission categories for the 1972 through 1974 model year passenger cars. The new idle emission standard for light duty motor vehicles in this age group (including pickup trucks and vans) would be 3.0 percent carbon monoxide (CO) and 350 ppm hydrocarbon (HC) for 6 and 8 cylinder vehicles; and 4.0 percent CO and 450 ppm HC for 4 cylinder vehicles.

The current idle CO standard for 6 and 8 cylinder vehicles in this age group ranges from 2.5 percent to 3.5 percent. All but the AMC makes have a current idle CO standard of 2.5 percent. The proposed standard would result in an estimated pass rate increase of under 5 percent for this class of vehicles. The hydrocarbon idle standard is not changed.

The general idle emission standards for 4 cylinder cars would be 4.0 percent CO and 450 ppm hydrocarbons. The current values range, depending upon make, from 2.5 percent CO to 7.5 percent CO, with the hydrocarbon standard set at 450 ppm. The standard for most all vehicles can be combined into the 4 percent idle CO number with no additional stringency. The proposed standard would result in an estimated pass rate increase of under 5 percent for this vehicle class.

The general standard would be slightly more stringent for 10 specific vehicle make and models. Specific standards that maintain the equivalent stringency of the current rules are proposed. The specific makes are listed in proposed rule amendment. While the total number of vehicles that might be affected is small, between 300 and 500, some vehicle owners might be unfairly penalized by this slightly stricter general CO standard. Most

of the owners of these specific vehicles will not need to utilize all of the allowance provided by the specific standards.

The revised CO and HC idle emission standards provide a less complex array of standards and still provide for specific standards based upon the technology that was used in the vehicle's manufacture. The condensed values are no more stringent than current values, and will provide the repair industry a simple value to remember for this age group of vehicles.

Attachment C contains the proposed standards change. In OAR 340-24-330(3) the 1972-74 vehicle class is shown condensed as proposed. The five vehicles makes are listed separately. Paragraph (4) is modified so that 72-74 light truck applications are consistent with the passenger car changes.

OAR 340-24-335

The staff is proposing that the heavy duty gasoline truck standards be modified. The proposal would add a catalyst idle emission standard for heavy duty gasoline trucks. During the 1986 model year, some manufacturers started to equip heavy duty trucks (8,500-10,000 lbs GVW) with light duty engines which included catalysts. These trucks are used in limited one ton pickup and van applications. The vehicle manufacturers did this under an EPA waiver.

In Attachment C, the proposed rule revision contains idle emission standards for these trucks. The values contained are the same values that are used for those engine packages in light duty (under 8,500 lbs GVW) applications. As such, the idle emission standards are not severe. As with the change suggested for the 72-74 vehicles, the computer model input for such a small subgroup would not show environmental effect. The equity of testing catalytic equipped trucks with a catalyst standard is evident.

Federal new truck standards for 1988 will effectively require the use of catalysts. So, the incorporation of a catalyst configuration idle emission test for heavy duty gasoline trucks is timely and appropriate.

Summation

1. Standards changes are proposed that simplify the I/M standards for 1972 through 1974 model year vehicles. The environmental impact of this change would be negligible.

2. Standards are proposed that will add a catalyst category for heavy duty gasoline vehicles that are built by the manufacturer as catalyst equipped.

3. Public comment on all aspects of the I/M program operating rules will be accepted.

4. Tentative dates for the public hearings are scheduled for July 22 and July 24.

Director's Recommendation

Based upon the Summation it is recommended that authorization for public hearings to gather testimony on the proposed changes to the I/M program test standards be authorized.

Fred Hansen

Attachments:
A. Statement of Need and Fiscal Impact
B. Draft Notice of Public Hearing
C. Proposed Rule Modifications, OAR 340-24-330 and 24-335.

William P. Jasper:s
AS2918
229-5081
May 28, 1986

VICTOR ATIYEH
GOVERNOR

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, September 12, 1986, EQC Meeting

Proposed Adoption of Amendments to the On-Site Sewage Disposal Rules Concerning Cesspool and Seepage Pit Systems.

Background

At its meeting on April 25, 1986, the Commission adopted a temporary rule which had the effect of extending the current rules for cesspool installation until October 25, 1986. The Commission also authorized the Department to proceed to public hearing on draft rules which would make significant modifications in the rules regarding cesspool installation in order to be compatible with the Mid-Multnomah County Sewer Implementation Plan, September 1985. The Commission ordered this plan be implemented at the same meeting. The staff report from the April 25, 1986 meeting discusses the proposed rule changes (Exhibit "E").

Notice of public hearing was provided by publication in the July 1, 1986 edition of the Secretary of State's Bulletin. Notice was also mailed to the Department's general on-site sewage disposal mailing list, and to several individuals within Mid-Multnomah County that the Department believed had an interest.

A public hearing was held in Portland on August 4, 1986. One person offered oral testimony. Written comments were also received. The Hearing Officer's report summarizing all testimony is attached as Exhibit "C".

Summary of Proposal

The existing temporary cesspool rule (See Exhibit "D", OAR 340-71-335) prohibits the construction of cesspool systems everywhere in the state except in the affected area of Mid-Multnomah County. Cesspool systems may be installed in the affected area of Mid-Multnomah County under specific conditions until October 25, 1986 (the expiration date of the temporary rule and the date upon which the pre-existing permanent rule would again be effective unless modifications are adopted through the formal rulemaking process). The temporary rule also modified the requirement for collection of a systems development charge for new cesspool installations for

development where either dry sewers are installed or a bond or deposit covering the cost of dry sewer construction is posted.

The proposed permanent rule modifications taken to hearing (Exhibit "E") would:

1. Continue to prohibit installation of new cesspool sewage disposal systems everywhere in the state except in the affected area of Mid-Multnomah County where they would continue to be allowed as interim systems consistent with implementation of the Mid-Multnomah County Sewer Implementation Plan, September 1985. The requirement that a systems development charge be collected for new systems would be eliminated from the rule language.

2. Adopt the benchmark removal rate for cesspools and seepage pits proposed by the local jurisdictions in the Mid-Multnomah County Sewer Implementation Plan, September 1985, as the basis for allowing continued development while still assuring that the sewage load discharged to groundwater via cesspools and seepage pits is systematically reduced to zero by the year 2005. (Shown as Exhibit B.)

3. Allow more discretion in the design and installation standards for interim cesspools for repair of failures and new construction in order to minimize costs and ultimately facilitate connection to sewers.

4. Continue existing rule provisions applicable statewide that allow seepage pit sewage disposal systems to be installed to replace failing cesspool or seepage pit systems where lot size precludes use of a standard or alternative on-site system.

Evaluation of Testimony

Comments addressing the proposal to amend cesspool and seepage pit rules were received from five persons. Support in favor of the proposed amendments was expressed by four individuals. No comments objecting to the proposal were received. Evaluation of comments on substantive issues are presented as follows:

1. William E. Cameron (City of Gresham) recommended more flexibility be given in determining when sewers must be extended versus allowing repair or replacement of a failing cesspool or seepage pit. As proposed initially, the new rule for Mid-Multnomah County would allow the Agent to exercise judgment in requiring extension of sewers for proposed new development, but would not provide this discretion for replacement or repairs. Without this latitude, Mr. Cameron believes piecemeal extension of sewers could occur, thus cause the involved property owners to pay more for sewer service than would occur if the orderly plan for sewer extension is followed.

Staff agree that, in certain circumstances, the physical availability of sewers (defined by OAR 340-71-160(5)(b)) as a basis for requiring connection to a sewer versus allowing interim replacement or repair could cause owners to pay more for sewers. Therefore, staff incorporated modifications in the proposed rule language (OAR 340-71-401(4)) to allow the Agent to use discretion in determining when to impose this requirement. To ensure that property owners do not unknowingly or unnecessarily invest money in a replacement system only to find that sewer service is or will soon be available, the property owner should be advised of the cost and their option to extend a line and connect to the sewer.

2. Mr. Paul Yarborough (Multnomah County) endorsed the proposed amendments. He further indicated his intent to recommend that the Multnomah County Board of Commissioners: a) rescind their systems development charge ordinance (which requires a systems development charge be paid for each cesspool installation), and b) disburse those charges collected. He indicated this action was necessary to eliminate the inconsistency caused by the fact that cities in the county have never adopted systems development charges for subsurface disposal systems, unfairly discriminating against property owners in unincorporated areas of Multnomah County.

   The proposed new rule for Mid-Multnomah County does not require the collection of additional funds for each cesspool installation although previous rules have included this requirement. A brief review of past actions is in order.

   In March of 1981, the Commission adopted a rule that prohibited cesspool installation to serve new structures after October 1, 1981. At the August 28, 1981 meeting, the Commission, at Multnomah County's request, adopted a temporary rule delaying implementation of the cesspool prohibition to March 1, 1982. At the March 5, 1982 meeting, the Commission, again by temporary rule (and at the request of Multnomah County and members of the Home Builders Association of Metropolitan Portland), further delayed implementation to April 16, 1982. This last delay was granted to allow the Home Builders and Multnomah County time to explore the adoption of an Ordinance to impose a "sewer systems development charge", with funds derived from the development charge to be dedicated to future sewer planning design and construction in the cesspool area. On April 16, 1982, the Commission held a rulemaking hearing on this issue and adopted a rule which delayed the cesspool prohibition until January 1, 1985, provided that by October 1, 1982, the appropriate jurisdictions had adopted a system where additional funds for each cesspool installation were collected and used for planning, design and construction of sewers in the cesspool-seepage pit areas (Exhibit "F").

   In January 1985, the rule was extended allowing cesspools to continue to be installed in the affected area of Mid-Multnomah County unless

and until final action was taken on the "Threat to Drinking Water" Proceeding. This rule allowed new installations provided the system for collection of additional funds for each cesspool installation enacted by the jurisdictions in the affected area prior to October 1, 1982 was maintained and provided that there was no net increase in sewage load discharged to the groundwater (i.e., a cesspool was removed for each new one constructed on an equivalent dwelling unit basis.).

The system for collection of additional funds for each cesspool installed (systems development charge) was viewed as a particular benefit to the unincorporated area of Multnomah County which had no source of revenue to use for planning, design and construction of sewers. Once sewers were installed, the properties paying the charge were to receive a credit against their sewer assessment in the amount of the systems development charge paid in.

The proposed new rule does not continue the requirement for the collection of additional funds for each cesspool installation. The financing plan contained within the Mid-Multnomah County Sewer Implementation Plan, September 1985, does not use the systems development charge as a source of revenue. The planning, design and construction will be handled by the cities of Portland and Gresham through their respective Capital Improvements programs. Thus, to mandate continuation of the charge would conflict with the plan implementation ordered by the Commission on April 25, 1986.

The testimony of Multnomah County raises the issue of the appropriate use and disposition of the system development charges collected to date. The financing plan contained in the Mid-Multnomah County Sewer Implementation Plan, September 1985 proposes to offer a menu of financing options for property owners, including payment into an account which would earn interest and be credited against sewer assessments and charges when construction is complete.

3. George D. Ward asked several questions to determine if other methods of sewage disposal besides cesspools would be considered for use in the Mid-Multnomah County area, and whether the adverse impacts upon groundwater quality might be reduced if sewage pre-treatment was mandated before discharge.

The proposed amendments require other methods of sewage disposal be considered in preference to a cesspool when the property is large enough in area to install another type of system. However, much of the Mid-Multnomah County area contains properties that are too small to accommodate systems other than cesspools. The sewer implementation plan contemplated the continued use of cesspools, where necessary, as interim facilities, so that sewer construction and connections can be managed to reduce the overall quantity of sewage discharged to zero for the scheduled 20-year implementation period.

In addition to the testimony received, the City of Portland provided comments similar to that received from Gresham regarding allowing the Agent to exercise judgment in requiring extension of sewers versus allowing interim repair or replacement. Portland offered suggested rule language outlining criteria to be used by the Agent in making this determination. Their letter is presented in the Hearings Officer report (Exhibit C) though it has not been summarized in the report.

Alternatives and Evaluation

The alternatives are as follows:

1. Do not adopt the proposed rule amendments at this time.

   With this alternative, the Mid-Multnomah County area will be subject to a statewide prohibition concerning the construction of cesspool and seepage pit systems to serve new sewage loads effective October 25, 1986. Seepage pits could only be used to repair or replace existing failing cesspool or seepage pit systems, provided sewers are not available and other methods of on-site sewage disposal can not be used. Development and new construction would likely be limited to areas where sewer service is available.

2. Adopt the proposed rule amendments as set forth in Exhibit "A".

   A rule making hearing was held to receive public comment on whether the proposed amendments concerning cesspool and seepage pit systems are appropriate. The City of Gresham recommended more flexibility be allowed in determining the availability of sewers and requiring connection versus allowing repair or replacement of failing systems on an interim basis. Based upon a review and evaluation of testimony a portion of the proposed amendments now include a provision allowing the Department's Agent to exercise judgment about when sewers must be extended to properties with failing systems. All other proposed amendments are identical to those taken to hearing. The rule language before the Commission addresses the City of Gresham's concern, reflects a refinement of the proposed amendments taken to public hearing, and are viewed by the staff to be consistent with the sewer implementation plan for Mid-Multnomah County.

3. Adopt rule amendments concerning cesspool and seepage pit systems that are different from those contained in Exhibit "A".

   This alternative should be considered if the Commission determines that the proposed amendments are not consistent with the Mid-Multnomah County Sewer Implementation Plan, September 1985.

Summation

1. On April 25, 1986, the Commission took final action on the proposal to declare a "Threat to Drinking Water" in Mid-Multnomah County, and issued an order requiring implementation of the Mid-Multnomah County Sewer Implementation Plan, September 1985.

2. On April 25, 1986, the Commission adopted a temporary rule allowing the Mid-Multnomah County cesspool and seepage pit provisions to remain in effect until October 25, 1986, and authorized the Department to conduct a hearing on proposed amendments to the cesspool and seepage pit rules.

3. In accordance with ORS Chapter 183 and OAR Chapter 340, Division 11, notice of Hearing was published in the Secretary of State's Bulletin on July 1, 1986, and mailed to the Department's general on-site sewage disposal mailing list and to other individuals the Department believed have an interest.

4. Proposals taken to public hearing included:

   a. A new rule citation which modifies but continues existing temporary rule provisions which allow cesspools and seepage pit installations as interim systems. Installations would be consistent with the implementation of the Mid-Multnomah County Sewer Implementation Plan, September 1985, and its benchmark removal rate for cesspools.

   b. Rule language revisions which allow more discretion in the design and installation standards for interim cesspools for new construction in order to minimize costs and facilitate connection to sewers in Mid-Multnomah County.

   c. Reorganization of an existing rule applicable statewide which allows seepage pit sewage disposal systems to replace failing cesspool or seepage pit systems where lot size precludes use of a standard or alternative on-site system.

5. A public hearing was held in Portland on August 4, 1986. As a result of testimony, the proposals were modified to address comments provided by the City of Gresham. Discretion of the Agent in determining the availability of sewers when systems fail is provided in the rule language before the Commission.

Directors Recommendation

Based upon the summation, it is recommended that the Commission adopt the proposed amendments to the On-Site Sewage Disposal Rules concerning

cesspool and seepage pit systems, as presented in Exhibit "A" in accordance with authority granted under ORS 454.625.

Fred Hansen

Exhibits (6):

"A" Proposed Rule Amendments

"B" Benchmark Cesspool Removal Rate from Mid-Multnomah County Sewer Implementation Plan, September 1985.

"C" Hearing Officer's Report

"D" OAR 340-71-335, Temporary Rule Adopted April 25, 1986 EQC Meeting

"E" Agenda Item No. I, April 25, 1986 EQC Meeting

"F" Agenda Item No. M, April 16, 1982 EQC Meeting

Sherman O. Olson, Jr:h
WH1029
229-6443
August 14, 1986

Rule Language Proposed for Adoption

Amend the Temporary Rule (OAR 340-71-335) as follows:

340-71-335 CESSPOOLS AND SEEPAGE PITS. (Diagrams 16 and 17)

(1) For the purpose of these rules:

(a) "Cesspool" means a lined pit which receives raw sewage, allows separation of solids and liquids, retains the solids and allows liquids to seep into the surrounding soil through perforations in the lining.

(b) "Seepage Pit" means a "cesspool" which has a treatment facility such as a septic tank ahead of it.

(2) [Prohibitions.] Except as [allowed in subsections (2)(a) and (2)(b) of this rule, the Agent shall not issue favorable site evaluation reports or construction-installation permits for cesspool or seepage pit systems.] provided in OAR 340-71-401, construction of new cesspool sewage disposal systems in Oregon is prohibited.

(3) [(a) Except as allowed in subsection (2)(b) of this rule, seepage pit systems shall be used only to] Seepage pit sewage disposal systems may be used only to serve existing sewage loads and replace existing failing seepage pit and cesspool systems on lots that are inadequate in size to accommodate a standard system or other alternative on-site sewage systems. A construction-installation permit allowing replacement of the failing system shall not be issued if a sewerage system is both legally and physically available, as described in OAR 340-71-160(5)(f).

[(b) Until October 25, 1986, installation of cesspool and seepage pit sewage disposal systems shall be allowed within the affected area of three (3) sewage treatment plant basins (Inverness, Columbia, and Gresham, as described in Appendix 3 of the document entitled Threat to Drinking Water Findings, June, 1984), subject to the following conditions:]

[(A) A cesspool or seepage pit system to serve a new sewage load may be permitted only if an equivalent sewage load into an existing cesspool or seepage pit within the affected area is eliminated.]

[(B) A permit to replace an existing failing cesspool or seepage pit system may be issued only if sewers are not physically available (refer to OAR 340-71-160(5)(f)) and there is insufficient area available to install either a standard or other alternative system.]

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

[(C) Cesspool or seepage pit systems shall not be authorized on any lot that is large enough to install a standard or other alternative on-site system.]

[(D) After the effective date of this rule, any land development that involves the construction of streets, and all subdivisions platted after the effective date, shall be required to install dry sewers at the time of development if existing engineering data can be provided by the Agent to allow such dry lines to be later connected to a sewer. When insufficient data are available, the person applying for a construction-installation permit may, as an alternative, post a bond or deposit for the cost of the remaining sewer construction needed to connect the affected buildings to a public sewerage facility.]

[(E) The system for collection of additional funds for each cesspool installation (System Development Charge) enacted by the jurisdictions in the affected area prior to October 1, 1982, shall be maintained except for development qualifying under OAR 340-71-335(2)(b)(D).]

[(c) Subsection (2)(b) of this rule shall be administered in a manner so that the net cesspool or seepage pit discharges into the ground on December 31, 1986 are not greater than such discharges on January 1, 1985. To insure that such discharge goals are met, the Agent of the Department of Environmental Quality may issue construction-installation permits not to exceed 200 Equivalent Dwelling Units for new cesspools or seepage pits during 1985 and 1986. If discharges greater than 200 Equivalent Dwelling Units are eliminated during 1985 and 1986, the total construction-installation permits issued during the year may be increased to equal the discharge load which has been eliminated. The Agent of the Department of Environmental Quality responsible for implementation of on-site sewage disposal rules in Multnomah County shall, prior to issuing any further cesspool or seepage pit construction-installation permits, develop and implement a system to account for discharges removed, cesspools and seepage pits properly abandoned, and new permits issued. Accounting shall be on an equivalent single-family dwelling unit (EDU) basis. The accounting system shall be submitted to DEQ for approval. Monthly reports shall be submitted to DEQ on or before the 15th day of the following month.]

[(3) Criteria for Approval.]

[(a) The permanent water table is sixteen (16) feet or greater from the surface.]

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

[(b) Gravelly sand, gravelly loamy sand, or other equally porous material occurs in a continuous five (5) foot deep stratum within twelve (12) feet of the ground surface.]

[(c) A layer that limits effective soil depth does not overlay the gravel stratum.]

[(d) A community water supply is available.]

(4) Construction Requirements:

(a) Each [cesspool and] seepage pit shall be installed in a location to facilitate future connection to a sewerage system when such facilities become available.

(b) Maximum depth of [cesspools and] seepage pits shall be thirty-five (35) feet below ground surface.

(c) The [cesspool or] seepage pit depth shall terminate at least four (4) feet above the water table.

[(d) Construction of cesspools and seepage pits in limestone areas is prohibited.]

(d) [(e)] Other standards for [cesspool and] seepage pit construction are [contained in Rule 340-73-080.] as shown in diagrams 16 and 17.

(5) Notwithstanding the permit duration specified in Section 340-71-160(9), a permit issued pursuant to this rule may be effective for a period of less than one (1) year from the date of issue if specified by the Agent.

Amend OAR 340, Division 71 by adding a new rule, OAR 340-71-401 as follows:

340-71-401 MID-MULTNOMAH COUNTY, CESSPOOL AND SEEPAGE PIT USE.

(1) This rule shall be applicable only within the area defined in Appendix B of the document entitled Evaluation of Hearing Record for Proposal to Declare a Threat to Drinking Water in a Specifically Defined Area of Mid-Multnomah County Pursuant to ORS 454.275 et. seq., February 6, 1986.

(2) Favorable site evaluation reports and new construction-installation permits for cesspool and seepage pit sewage disposal systems may be issued within the area defined in section (1) of this rule, provided all of the following conditions are met:

(a) Construction of sewers and connection thereto is on schedule as defined in the Mid-Multnomah County Sewer Implementation Plan, September 1985.

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

(b) The total waste load discharged into cesspool and seepage pit sewage disposal systems within the affected area at any time does not exceed that indicated by the EQC Benchmark Removal Rate line in Figure 4-1, of Mid-Multnomah County Sewer Implementation Plan, September 1985, based on the assumption that fifty-six thousand (56,000) single family dwelling unit equivalent cesspool and seepage pit systems existed in the affected area at the beginning of 1985.

(c) Sewers are not available to serve the proposed development. Connection to sewers shall be made whenever practicable. Connection will be deemed practicable if sewers are physically available as defined in OAR 340-71-160(5)(f) unless otherwise allowed by the Agent.

(d) Any land division or subdivision development that involves construction of streets shall construct dry sewers at the time of development to minimize costs and disruption when connection to a sewer becomes possible. If in the judgment of the Agent construction of dry sewers is not practicable, the land division or subdivision may be approved for cesspools and seepage pits if funds in the amount of the cost of the needed dry sewer construction is placed in an interest bearing escrow account to be applied to construction of the sewers when appropriate under the schedule for sewer construction by the local governments.

(e) Cesspool or seepage pit systems shall not be authorized on any lot that is large enough to install a standard or other alternative on-site system.

(f) Site Criteria:

(A) The permanent water table is sixteen (16) feet or greater from the surface.

(B) Gravelly sand, gravelly loamy sand, or other equally porous material occurs in a continuous five (5) foot deep stratum within twelve (12) feet of the ground surface.

(C) A layer that limits effective soil depth does not overlay the gravel stratum.

(D) The site is found to comply with the provisions of OAR 340-71-220(2)(e, f, and i).

(3) Construction Requirements:

(a) Each cesspool and seepage pit shall be installed in a location to facilitate future connection to a sewerage system when such facilities become available.

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

(b) Maximum depth of cesspools and seepage pits shall be thirty-five (35) feet below ground surface.

(c) The cesspool or seepage pit depth shall terminate at least four (4) feet above the water table.

(d) Cesspool and seepage pit structures shall be of a design to assure that collapse or cave-in will not occur. Diagrams 16 and 17, which show seepage pit designs, reflect an acceptable design for cesspools.

(e) The provisions of OAR 340-71-220(2)(i) are met.

(4) Permits to repair or replace failing cesspool or seepage pit systems may be issued if sewers are not available. Connection to sewers shall be made whenever practicable. Connection will be deemed practicable if sewers are physically available as defined in OAR 340-71-160(5)(f) unless otherwise allowed by the Agent. The Agent may exercise judgment in determining whether strict compliance with the requirements identified in section 3 of this rule are reasonable.

(5) Notwithstanding the permit duration specified in section 340-71-160(9), a permit issued pursuant to this rule may be effective for a period of less than one (1) year from the date of issue if specified by the Agent.

(6) The Agent shall report to the Department of Environmental Quality at the end of each calendar year on the number of cesspools and seepage pits removed, the number of repair and replacement systems authorized, and the number of new interim cesspool and seepage pit systems approved through on-site system and WPCF permit issuance. The calculated number of single family dwelling unit equivalent cesspools remaining in service shall at all times be less than or equal to the number derived for that point in time based on fifty-six thousand (56,000) units in existence at the beginning of 1985, and the target percent removed based on the benchmark removal rate as shown in Figure 4-1 of "Mid-Multnomah County Sewer Implementation Plan", September 1985.

(7) For proposed new sewage loads in excess of five thousand (5000) gallons per day, applications for site evaluation reports and construction permits must be submitted to the Department of Environmental Quality. The permits shall be issued pursuant to OAR 340, Divisions 14 and 45 only after the Agent and the Department concur the provisions of subsection (2)(b) of this rule not are violated.

Amend OAR 340-73-080 as follows:

340-73-080 CONSTRUCTION OF [SEEPAGE PITS, CESSPOOLS, AND] GRAY WATER WASTE DISPOSAL SUMPS.

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

[(1) Seepage Pits or Cesspools:]

[(a) The liquid capacity of a seepage pit or cesspool shall be at least equal to the calculated volume of the required septic tank capacity for the dwelling or establishment served.]

[(b) The minimum inside diameter of the lining shall be four (4) feet.]

[(c) Two or more seepage pits shall be separated from each other by a distance equal to twelve (12) feet of undisturbed earth, minimum. Whenever a pit with inside diameter greater than four (4) feet is used, pits shall be separated by a distance equal to three (3) times the diameter of the largest pit. For pits over twenty (20) feet in depth, the minimum space between pits shall be twenty (20) feet.]

[(d) Maximum depth of seepage pits and cesspools shall be thirty-five (35) feet below the ground surface.]

[(e) The seepage pit or cesspool shall be lined with stone, fired clay brick, building tile, adequately reinforced perforated precast concrete rings at least two and one-half (2-1/2) inches thick, or other materials approved by the Department. A six (6) inch space shall be required between the lining of the pit and the soil, and it shall be backfilled with clean, coarse filter material.]

[(f) The inlet pipe of the seepage pit or cesspool shall be an elbow constructed of cast-iron or other material approved by the Department.]

[(g) Pits shall be covered with reinforced concrete tops equivalent in strength to septic tank covers required under rules 340-73-025 and 340-73-030.]

[(h) An inspection port, not less than six (6) inches across its shortest dimension shall provide access at the top of the seepage pit over the inlet. (See Division 71, Diagrams 16 and 17.)]

[(i) Connecting building and/or effluent sewer lines shall be laid on a firm bed of undisturbed earth throughout their length.]

[(j) When multiple pits are used, or in the event new pits are added to an existing system, they should be connected in parallel.]

[(2) Gray Water Waste Disposal Sumps.] A gray water waste disposal sump shall consist of a receiving chamber, settling chamber, and either a seepage chamber or disposal trench. [Gray water waste disposal sumps shall be constructed of materials approved by the Department. (See Division 71, Diagrams 14 and 15.)] An acceptable design for gray water waste disposal sumps is shown in OAR 340, Division 71, Diagrams 14 and 15.

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

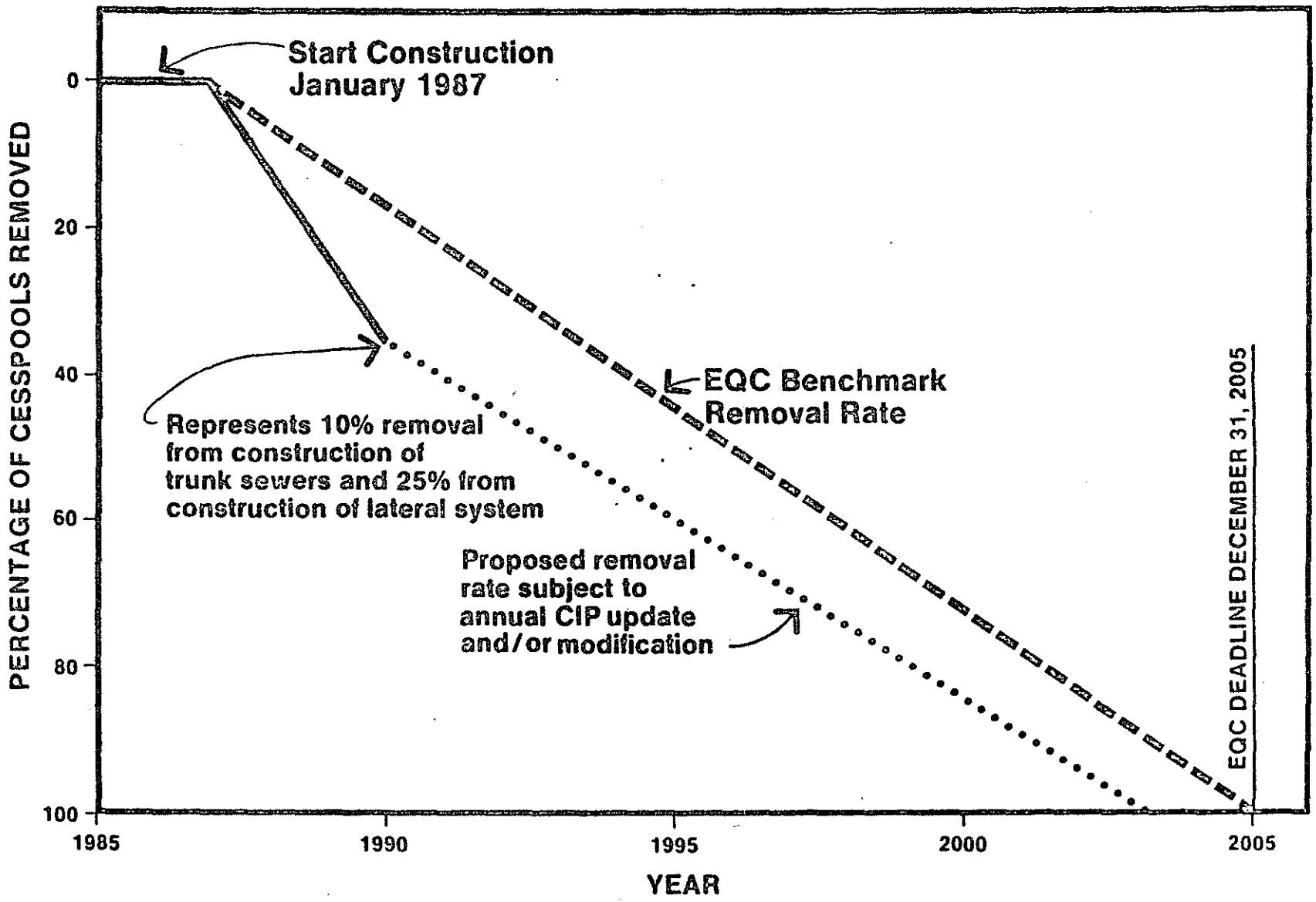

FIGURE 4-1
CESSPOOL REMOVAL CURVE

EXHIBIT B

EXHIBIT "C"

VICTOR ATIYEH
Governor

Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Sherman O. Olson, Jr., Hearing Officer

Subject: Report of Public Hearing on the Proposed Amendments to the On-Site Sewage Disposal Rules Concerning Cesspool and Seepage Pit Systems.

Summary of Procedure

Pursuant to public notice, a public hearing was convened in Room 1400 of the Yeon building, 522 S.W. Fifth Avenue, Portland, Oregon, on August 4, 1986, at 9:00 a.m. The purpose of the hearing was to receive testimony regarding proposed amendments to the On-Site Sewage Disposal Rules (OAR 340-71-335; OAR 340-71-401; and OAR 340-73-080). Two persons attended the hearing. A copy of the attendance list is enclosed (Attachment 1). In addition to the oral comments provided during the public hearing, four persons provided written testimony. Copies of the written testimony received during the comment period are contained in Attachment 2.

Summary of Oral Testimony

1. George D. Ward, P.E., Consulting Civil Engineer: -- Mr. Ward recommends a strength of wastewater factor be considered when cesspools are taken off-line or when new cesspools are installed. He suggests that aerobic package treatment plants could be used, as interim facilities, to reduce the strength of wastewater from homes or commercial complexes, to reduce adverse impacts on groundwater quality. He asked several questions while providing oral comment, and provided a written summary of the questions.

Summary of Written Testimony

1. William E. Cameron, P.E., City Engineer, City of Gresham: -- Mr. Cameron expressed concern that strict application of Section 340-71-401(4) may place a significant financial burden on some property owners with failing cesspool or seepage pit systems, and cause the piecemeal construction of sewers. He recommends more

flexibility be allowed in determining when sewers should be extended versus repairing or replacing a failing cesspool or seepage pit.

2. John L. Mack, Administrator, Village Convalescent Center: -- Mr. Mack states the proposed rule amendments allowing for new septic systems in the Mid-County area are very beneficial to the economic development of the area.

3. William N. Judd, Administrator, The Village: -- The Village plans to build a 3,000 square foot addition to their existing building, to provide assisted housing for about eight people. Cesspools are used because sewers are not yet available. The new addition will need to be on a cesspool. Mr. Judd believes the proposed rule amendments will allow them to proceed.

4. Paul Yarborough, Director, Department of Environmental Services, Multnomah County: -- The Department of Environmental Services (DES) supports the proposed amendments. He stated that property owners in the unincorporated areas of the County have been unfairly discriminated against because the cities in the county have never adopted systems development charges for sewage disposal systems. If the proposed amendments are adopted, his Department will recommend that the Board of County Commission rescind the systems development charge ordinance and provide disbursement of those changes collected.

Attachments: (2)

Attendance List
Written Testimony

SOO:h
WH1031
229-6443
August 14, 1986

ATTENDANCE LIST

DATE: AUGUST 4, 1986

PUBLIC HEARING ON PROPOSED AMENDMENTS TO ON-SITE SEWAGE DISPOSAL RULES CONCERNING CESSPOOL AND SEEPAGE PIT SYSTEMS

NAME AND ADDRESS	REPRESENTING
GEORGE WARD 293-6075 4941 S.W. 26th Drive Portland OR. 97201	CONSULTING ENGINEER
Richard T Hassed 2115 SE Morrison St	Multnomah County

Aug 6, 1986

293-6075

Mr. Sherman Olson,
Sewage Disposal Section
Oregon Department of Environmental Quality
P.O. Box 1760
Portland OR 97207

SUBJECT: Public Hearing, Aug 4, 1986 concerning rule changes affecting use of seepage pits and septic tanks in Oregon

Dear Mr. Olson:

First permit me to thank you for allowing me to submit oral testimony at the above referenced public hearing.

The following is a brief summation of the questions I asked at the hearing.

1 Based on DEQ's review of technical information handed you at the hearing does existing DEQ rules permit the use of the Chromaglass, aerobic wastewater treatment system in Oregon and more specifically in east Multnomah Cou

2 The proposed rule change as presented at the hearing would lead the average east county property owner to assume that cess pools or seepage pits are the only interim solutions being considered by DEQ for small lots or failing systems until such time as municipal sewers become available. In some areas availability may not occur until the year 2005. Wouldn't there be far less impact to the quality of the areas subsurface drinking water supply if properly treated effluent was mandatory in place of the extremely higher strength effluent associated with either cess pools or seepage pits ?

3 The "sequencing batch reactor" concept employed in the Chromaglass wastewater treatment system is accepted by the US EPA. The quality of effluent from these systems general meets or exceeds 95% reduction in both b.o.d. and suspended solids. A distinct benefit recognized in numerous areas in the east is that with this high quality "aerobic" effluent the surface area of a sand filter when used need only be 7' x 8' or 56 sq. ft. If proven effective by other state and federal authorities would DEQ allow the use of these smaller sand filters in Oregon when used in conjuction with an approved aerobic Chromaglass system ? C-6

4 Are there any DEQ rules that would preclude the sale follow by the resale of Chromaglass units as municipal sewers are installed in east Multnomah county? If not th progressive "recycling" of these small plants from newly sewered into unsewered areas as growth occurs could greatly reduce the cost to each homeowner who uses them as an interim solution until such time as municipal sewers become available.

Thanks for your open discussion concerning these questions during and following the hearing. I shall look forward to receiving your written response to these questions.

Cordially Yours

George D. Ward

City of Gresham
1333 N.W. EASTMAN AVENUE
GRESHAM, OREGON 97030
(503) 661-3000

July 30, 1986

Department of Environmental Quality
Water Quality Division
Sewage Disposal Section
P.O. Box 1760
Portland, Oregon 97207

RE: MODIFICATION OF EXISTING CESSPOOL & SEEPAGE PIT RULES

City of Gresham staff has review the proposed modifications to cesspool and seepage pit rules. We have a concern about Section 340-71-401 (4). This section refers to OAR 340-71-160 (5)(f), which requires properties with failing cesspools or seepage pits to extend sewers if they are within 300 feet of an existing sanitary sewer. The City is concerned about the financial impact of this rule on property owners. When this rule is enforced in the Gresham Sewer Basin, the property owner is required to pay for the entire extension if an LID is not formed. As sewers are extended into the Mid-County area, there will be more and more instances when construction will be required because of cesspool failures for single properties. Continued enforcement of the 300 foot rule will result in piecemealing of construction and higher cost to property owners. It is recommended that the jurisdictions be given more flexibility in determining when sewers should be extended vs. repairing or replacing a failing cesspool or seepage pit.

CITY OF GRESHAM

William E. Cameron

William E. Cameron, P.E.
City Engineer

jb

VILLAGE
CONVALESCENT CENTER

3955 S.E. 182ND
GRESHAM, OREGON 97030
(503) 665-0183

August 7, 1986

DEQ, Water Quality Division
Sewage Disposal Section
Post Office Box 1760
Portland, Oregon 97207

Dear Sirs:

I would like to comment on the proposal to change the existing rules to allow for new septic systems in the Mid-County area. I find this to be a very beneficial rule to the economic development of this area.

We recently completed an eighteen-bed addition that was nearly not approved because of this issue. Fortunately, we were able to tie into our existing system.

I see this to be a very progressive and beneficial move for the business in our area. Of course, we will hook up to the sewer when it is available in our area.

Sincerely,

John L. Mack
Administrator

JLM/ld

The Village
4501 W. POWELL BOULEVARD, GRESHAM, OREGON 97030 • PHONE 665-3137

August 6, 1986

DEQ, Water Quality Division
Sewage Disposal Section
P.O. Box 1760
Portland OR 97207

Dear Sirs:

We would like to build a small addition to our existing administration building. The addition would be approximately 3,000 square feet and would be for about 8 people to be housed in assisted housing. This means they would have three meals a day, maid service, laundry, housekeeping and a nurse on duty 24 hours a day. It would not be a nursing home type.

We are currently on cesspools throughout The Village and sewer lines are a ways away and not practical at the present time. When the sewer does come in the area we will want to hook up, but at present we need to have a cesspool for this new addition.

We are trying to give longer quality of life for our residents by having the assisted housing units which would be primarily for Village residents. We are a non-profit corporation and the need for this type of housing for our people is great.

The new rule change would allow us to do the service our people need and we need the cesspool for permission to get started on the addition. Any information on the rule change would be greatly appreciated.

Sincerely,

William N. Judd
Administrator

WNJ:eb

MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
ENGINEERING SERVICES
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3591

DENNIS BUCHANAN
COUNTY EXECUTIVE

August 6, 1986

Dept. of Environmental Quality
Water Quality Division
Sewage Disposal Section
P.O. Box 1760
Portland, Oregon 97207

Gentlemen:

Multnomah County Dept. of Environmental Services wishes to endorse the proposed amendments to the on-site sewage disposal rules concerning cesspool and seepage pit systems.

It is our desire to eliminate the inconsistency caused by the fact that cities in this county have never adopted systems development charges for subsurface disposal systems, unfairly discriminating against property owners in unincorporated areas of Multnomah County.

If your commission adopts the proposed amendments, we will recommend that the Board of County Commissioners rescind our systems development charge ordinance and provide disbursement of those charges collected.

Very ~~truly~~ yours,

PAUL YARBOROUGH
Director
Dept. of Environmental Services

PY/RTH/js

CITY OF
PORTLAND, OREGON
BUREAU OF ENVIRONMENTAL SERVICES

Dick Bogle, Commissioner
John Lang, Administrator
1120 S.W. 5th Ave.
Portland, Oregon 97204-1972
(503) 796-7169

August 12, 1986

Mr. Sherman Olson
Department of Environmental Quality
Water Quality Division
Sewage Disposal Section
P.O. Box 1760
Portland, OR 97207

Dear Mr. Olson:

Proposed Amendments to the On-Site Sewage Disposal Rules

We have reviewed the proposed rule amendments concerning cesspool and seepage pit systems. Our comments focus on one part of those amendments under new rule OAR 340-71-401, Section (4) as follows:

(4) Permits to repair or replace failing cesspool or seepage pit systems may be issued only if sewers are not physically available (refer to OAR 340-71-160-(5)(f). The Agent may exercise judgment in determining whether strict compliance with the requirements identified in Section 3 of this rule are reasonable.

That Section requires continued application of the availability criteria, as referenced, within the Affected Area of mid-Multnomah County. Under that criteria single family dwellings or other development with under 450 gallons per day of discharge would be required to connect to the sewer system if their on-site system fails and they are within 300 feet of a sewer system. Additional criteria are specified for greater discharges or other types of developments.

We understand the desirability of a requirement to take cesspools out of service, when existing on-site systems fail. However, the Order issued April 25, 1986 on the "Threat to Drinking Water" provides the assurance that on-site systems will be removed from service. The "Agent" needs greater flexibility than the 300-foot rule allows in determining the appropriateness of an interim on-site system replacement or connection to existing sewer systems.

The sewer program, especially within the first few years will subject many property owners to the 300-foot rule. As they experience system failures, they would be required to make (up to 300-foot) extensions under the rule. Such extensions are typically of much higher unit costs than with larger local improvement districts (LIDs) and no public funding is available to fund such extensions. If such an extension could be connected to by other property owners, however, the City of Portland will reimburse to the party extending the sewer anticipated in of assessment fees from these other properties. Although most of the extensions would be deemed appropriate by the Agent based upon a case-by-case review such reviews must consider affordability of the extension. Piece mealing of the system and lower than planned overall affordability must also be avoided. We suggest that Section (4) be changed to read as follows:

(4) Permits to repair or replace failing cesspool or pit systems may be issued only if sewers are not physically available (refer to OAR 340-71-160-(s) unless otherwise allowed by the Agent. The Agent exercise judgement in determining whether strict compliance with the requirements identified in Section 3 of this rule are reasonable. Physical availability requirements may be waived by the Agent based on consideration of the following:

(a) Sewers will not be extended to the property under the Implementation Plan within a reasonable period of time (for example, 2 years).

(b) Cost comparison of iterim cesspool repair or replacement if favorable when compared to a sewer extension.

In closing, we request that needed flexibility be built into the proposal rules to allow their rational and compassionate administration.

If you have any questions with regard to these comments, please contact me at 796-7181.

Very truly yours,

W. C. Gaffi R.G.S.

W. C. Gaffi, P.E.
Chief Engineer

WCG:DDK:em
c: Bill Cameron
26.2/DEQOlson

Amend OAR 340-71-335 as follows:

340-71-335 CESSPOOLS AND SEEPAGE PITS. (Diagrams 16 and 17)

(1) For the purpose of these rules:

(a) "Cesspool" means a lined pit which receives raw sewage, allows separation of solids and liquids, retains the solids and allows liquids to seep into the surrounding soil through perforations in the lining.

(b) "Seepage Pit" means a "cesspool" which has a treatment facility such as a septic tank ahead of it.

(2) Prohibitions. Except as allowed in subsections (2)(a) and (2)(b) of this rule, the Agent shall not issue favorable site evaluation reports or construction-installation permits for cesspool or seepage pit systems.

(a) Except as allowed in subsection (2)(b) of this rule, seepage pit systems shall be used only to replace existing failing seepage pit and cesspool systems on lots that are inadequate in size to accommodate a standard system or other alternative on-site sewage systems. A construction-installation permit allowing replacement of the failing system shall not be issued if a sewerage system is both

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

legally and physically available, as described in OAR 340-71-160(5)(f).

(b) [Unless and until the Environmental Quality Commission takes final action on the proposal to find a threat to drinking water in Mid-Multnomah County,] Until October 25, 1986, installation of cesspool and seepage pit sewage disposal systems shall be allowed within the affected area of three (3) sewage treatment plant basins (Inverness, Columbia, and Gresham, as described in Appendix 3 of the document entitled Threat to Drinking Water Findings, June, 1984), subject to the following conditions:

(A) A cesspool or seepage pit system to serve a new sewage load may be permitted only if an equivalent sewage load into an existing cesspool or seepage pit within the affected area is eliminated.

(B) A permit to replace an existing failing cesspool or seepage pit system may be issued only if sewers are not physically available (refer to OAR 340-71-160(5)(f)) and there is insufficient area available to install either a standard or other alternative system.

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

(C) Cesspool or seepage pit systems shall not be authorized on any lot that is large enough to install a standard or other alternative on-site system.

(D) After the effective date of this rule, any land development that involves the construction of streets, and all subdivisions platted after the effective date, shall be required to install dry sewers at the time of development if existing engineering data can be provided by the Agent to allow such dry lines to be later connected to a sewer. When insufficient data are available, the person applying for a construction-installation permit may, as an alternative, post a bond or deposit for the cost of the remaining sewer construction needed to connect the affected buildings to a public sewerage facility.

(E) The system for collection of additional funds for each cesspool installation (System Development Charge) enacted by the jurisdictions in the affected area prior to October 1, 1982, shall be maintained <u>except for development qualifying under OAR 340-71-335(2)(b)(D).</u>

(c) Subsection (2)(b) of this rule shall be administered in a manner so that the net cesspool or seepage pit discharges into the ground on December 31, <u>1986</u> [1985] are not greater

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

than such discharges on January 1, 1985. To insure that such discharge goals are met, the Agent of the Department of Environmental Quality may issue construction-installation permits not to exceed 200 Equivalent Dwelling Units for new cesspools or seepage pits during 1985 and 1986. If discharges greater than 200 Equivalent Dwelling Units are eliminated during 1985 and 1986, the total construction-installation permits issued during the year may be increased to equal the discharge load which has been eliminated. The Agent of the Department of Environmental Quality responsible for implementation of on-site sewage disposal rules in Multnomah County shall, prior to issuing any further cesspool or seepage pit construction-installation permits, develop and implement a system to account for discharges removed, cesspools and seepage pits properly abandoned, and new permits issued. Accounting shall be on an equivalent single-family dwelling unit (EDU) basis. The accounting system shall be submitted to DEQ for approval. Monthly reports shall be submitted to DEQ on or before the 15th day of the following month.

(3) Criteria for Approval.

(a) The permanent water table is sixteen (16) feet or greater from the surface.

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

(b) Gravelly sand, gravelly loamy sand, or other equally porous material occurs in a continuous five (5) foot deep stratum within twelve (12) feet of the ground surface.

(c) A layer that limits effective soil depth does not overlay the gravel stratum.

(d) A community water supply is available.

(4) Construction Requirements:

(a) Each cesspool and seepage pit shall be installed in a location to facilitate future connection to a sewerage system when such facilities become available.

(b) Maximum depth of cesspools and seepage pits shall be thirty-five (35) feet below ground surface.

(c) The cesspool or seepage pit depth shall terminate at least four (4) feet above the water table.

(d) Construction of cesspools and seepage pits in limestone areas is prohibited.

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

(e) Other standards for cesspool and seepage pit construction are contained in Rule 340-73-080.

(5) Notwithstanding the permit duration specified in Section 340-71-160(9), a permit issued pursuant to this rule may be effective for a period of less than one (1) year from the date of issue if specified by the Agent.

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

EXHIBIT E

VICTOR ATIYEH
GOVERNOR

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 I, April 25, 1986, EQC Meeting

Proposal to Adopt a Temporary Rule to Amend the Existing Cesspool Rules -- OAR 340-71-335 and OAR 340-73-080.

Background

The current rules of the Environmental Quality Commission allow the installation of seepage pits and cesspools for sewage disposal under the following conditions:

Statewide (See exception for Mid-Multnomah County)

Seepage Pit System --
Allowed only to replace an existing failing seepage pit or cesspool system where lot size is inadequate to accommodate a standard or alternative on-site system. Not allowed for new sewage loads.

Cesspool System --
Prohibited for both new sewage loads and replacement of failing systems.

Mid-Multnomah County (Within boundary of affected area as described in Threat to Drinking Water documents.)

Until decision is made on Threat to Drinking Water --

1. Cesspool or seepage pit systems are allowed to:

DEQ-46

-- Replace failing cesspool or seepage pit systems if sewers are not available and land area is insufficient to accommodate standard or alternative systems.

-- Serve a new sewage load if the lot is too small to install a standard or alternative system and if an equivalent sewage load to an existing cesspool or seepage pit is eliminated.

2. Dry sewers are required for new subdivisions or developments that involve construction of streets.

3. The cesspool installation system development charge enacted by the jurisdiction prior to October 1, 1982 must be maintained.

After EQC final action on the Threat to Drinking Water Proceeding --

Statewide conditions apply, i.e.

-- Installation of new or replacement cesspools is prohibited.

-- Seepage pits will be allowed only to replace a failing cesspool or seepage pit system.

The rules also specify design and installation standards for cesspools and seepage pit systems (OAR 340-71-335 and OAR 340-73-080).

The current rule, as it applies to Mid-Multnomah County, was enacted after substantial discussion before the Commission. It was intended to allow orderly development to continue without making the groundwater pollution problem worse pending a decision. There was concern that failure to provide for orderly economic development in the area would make efforts to finance the necessary facilities to solve the ground water pollution problem more difficult.

The current rule, as it relates to Mid-Multnomah County, was intended as an interim rule. It was assumed that once a final decision was made on the Threat to Drinking Water Proceeding, a revised rule would be developed and enacted to be compatible with the course of action established.

In agenda item H at this meeting, the Department is recommending that the Commission take final action on the proposal to declare a threat to drinking water, and issue an order requiring implementation of the Mid-Multnomah County Sewer Implementation Plan, September 1985. If

this action is taken, the current rule would have the effect of immediately prohibiting new construction in the affected area except where sewers are available or lots are large enough to accommodate standard of alternative on-site systems. Failing systems in the Mid-Multnomah County area would have to install the more expensive seepage pit system as a repair pending ability to connect to a sewer. (Installation of a septic tank at a cost of $500 - $1,000 is required for a seepage pit system.)

The Mid-Multnomah County Sewer Implementation Plan, September 1985, proposes construction of sewers in the affected area over a 17 year period and completion of the connection of existing structures within 20 years. The plan further proposes to effectively maintain a cap on the number of single family unit equivalent cesspool and seepage pit systems (presently estimated to be 56,000) until December 31, 1987 and then systematically phase out existing cesspool and seepage pit systems and reduce the sewage load discharged into the ground to zero by December 31, 2005 (referred to as the "EQC Benchmark Removal Rate" in Figure 4-1 of the plan -- see Attachment C).

Use of cesspools as interim systems for new construction and repair of failing systems was contemplated in the plan. Construction of new cesspools was proposed to be allowed subject to the condition that the rate of existing cesspool abandonment would proceed faster than the benchmark removal rate so that the target for reduction of discharge load would not be compromised.

Based on the impact of the current rule language, the understanding of intent when the current cesspool rule was adopted, and the nature of the proposed interim facility approach included in the Mid-Multnomah County Sewer Implementation Plan, September 1985, it seems appropriate to consider potential amendments to the existing cesspool rule.

Alternatives and Evaluation

The following alternatives are available for the Commission to consider.

1. No Action Alternative (i.e., do not modify the current rule);

   If an order is entered requiring implementation of the Mid-Multnomah County Sewer Implementation Plan, the prohibition on cesspools and seepage pits for new construction would go into effect. Only the more expensive seepage pit system could be used to repair existing failing cesspool or seepage pit systems pending availability of sewers. Development and new construction would have to be limited to areas where sewer service is available. This could make the financing and construction of sewers ultimately more difficult.

2. Extend the current rule for 6 months:

   This option would allow time to enact permanent rule modifications to be consistent with the final action taken in the Threat to Drinking Water proceeding. This option would require adoption of a temporary rule amendment to make the existing Mid-Multnomah County Cesspool provisions effective until October 25, 1986 rather than "until the Commission takes final action on the Threat to Drinking Water proceeding." Selected dates in the existing rule would also have to be adjusted.

   Proposed rule amendments to accomplish this alternative are included in Attachment A.

   This alternative would have the advantage of not imposing any change of operating procedures through the up-coming building season. Administration mechanisms are already in place and would continue. More time would be available to make sure the details of any proposed new rule would be consistent with the final action on the Threat to Drinking Water proceeding. Under the current rule, new interim cesspool or seepage pit permits issued can not exceed the number of existing cesspools or seepage pits removed (on a single family unit equivalency basis). This alternative would be consistent with the interim facility proposal in the Mid-Multnomah County Sewer Implementation Plan.

3. Establish a revised program for permitting of cesspool and seepage pit installation in the affected area of Mid-Multnomah County:

   This option would involve a major rule revisions by temporary rule and authorization of a public hearing to make the temporary rule permanent. A proposed rule amendment has been drafted for this alternative based on the following assumptions:

   a. Continue to allow seepage pit sewage disposal systems to be installed to replace failing cesspool or seepage pit systems where lot size precludes use of a standard or alternative on-site system.

   b. Prohibit installation of new cesspool sewage disposal systems everywhere in the state except in the affected area of Mid-Multnomah County where they may be used as interim systems consistent with implementation of the sewer plan.

   c. Adopt the benchmark removal rate for cesspools proposed by the local jurisdictions in the Mid-Multnomah County Sewer Implementation Plan, September 1985, as the basis for allowing continued development while still assuring that the sewage load discharged to groundwater via cesspools and seepage pits is systematically reduced to zero.

d. Allow more discretion in the design and installation standards for interim cesspools for repair of failures and new construction in order to minimize costs and ultimately facilitate connection to sewers.

The proposed rule amendments are set forth in Attachment B.

The intent of this alternative is to ultimately simplify the rules and move rapidly to the program that would be in force throughout the implementation of sewers in the area. This alternative could be viewed as a major change that needs more review before becoming effective, therefore adoption as a temporary rule may not be appropriate.

Additional Discussion of Alternatives

An underlying issue is whether or not new or replacement cesspool installations should be allowed as interim facilities in Mid-Multnomah County during the implementation of the sewer plan. It can be argued that the seepage pit is somewhat more protective of groundwater than the cesspool, therefore it should be used in preference to the cesspool. It can also be argued that the added cost for the seepage pit system would add to the cost burden in the area that is already considered too high by area property owners. Given the large number of existing cesspools, the 20 year timetable for phase out, and the proposed program that assures that installation of interim cesspool systems will not adversely impact the overall rate of cesspool elimination, the department is unable to conclude that significant environmental benefit would result from the added cost. Therefore, the department proposes to continue current practice to allow cesspools to be used as interim facilities pending installation of sewers.

Summation

1. A moratorium on the construction of new cesspools will go into effect upon final action by the Environmental Quality Commission on the proposal to declare a threat to drinking water in Mid-Multnomah County. Such a moratorium will have the effect of stopping economic development in those portions of the affected area in Mid-Multnomah County where sewers are not available.

2. The plan for financing and construction of sewers in the affected area of Mid-Multnomah County proposes that orderly development continue using interim cesspools where necessary and that sewer construction and connections be managed to systematically reduce the quantity of sewage discharged to the groundwater via cesspool and seepage pit systems to zero over the 20 year implementation period.

3. Failure to act to modify the existing cesspool rules to permit continued construction of cesspools under controlled conditions to serve as interim facilities pending the construction of sewers will seriously prejudice the public interest by curtailing economic development in the area, and by jeopardizing the financing and implementation of the Mid-Multnomah County Sewer Implementation Plan, September 1985, which will, upon implementation, achieve the desired ultimate restoration of groundwater quality.

4. Alternative proposed rule modifications are presented in Attachments A and B. The proposed amendments in attachment A would simply extend the current rule provisions applicable to Mid-Multnomah County for 6 months to allow time to develop and adopt a permanent rule. The proposed amendments in Attachment B would make major revisions in the cesspool and seepage pit rules to be compatible with the Mid-Multnomah County Sewer Implementation Plan.

Director's Recommendation

Based on the findings in the summation, it is recommended that the Commission adopt the rule amendments in Attachment A as a temporary rule.

It is further recommended that the Commission authorize the Department to proceed to rulemaking hearing with the more extensive rule amendments proposed in Attachment B.

Fred Hansen

Attachment A -- Proposed Extension of Current Cesspool Rule Provisions.
Attachment B -- Proposed Permanent Amendments to the Cesspool Rules.
Attachment C -- Cesspool Removal Curve Showing Benchmark Removal Rate.
Attachment D -- Statement of Need for Rulemaking

H. L. Sawyer:r
DOR764
229-5776
April 10, 1986

Amend OAR 340-71-335 as follows:

340-71-335 CESSPOOLS AND SEEPAGE PITS. (Diagrams 16 and 17)

(1) For the purpose of these rules:

(a) "Cesspool" means a lined pit which receives raw sewage, allows separation of solids and liquids, retains the solids and allows liquids to seep into the surrounding soil through perforations in the lining.

(b) "Seepage Pit" means a "cesspool" which has a treatment facility such as a septic tank ahead of it.

(2) Prohibitions. Except as allowed in subsections (2)(a) and (2)(b) of this rule, the Agent shall not issue favorable site evaluation reports or construction-installation permits for cesspool or seepage pit systems.

(a) Except as allowed in subsection (2)(b) of this rule, seepage pit systems shall be used only to replace existing failing seepage pit and cesspool systems on lots that are inadequate in size to accommodate a standard system or other alternative on-site sewage systems. A construction-installation permit allowing replacement of the failing system shall not be issued if a sewerage system is both legally and physically available, as described in OAR 340-71-160(5)(f).

(b) [Unless and until the Environmental Quality Commission takes final action on the proposal to find a threat to drinking water in Mid-Multnomah County,] Until October 25, 1986, installation of cesspool and seepage pit sewage disposal systems shall be allowed within the affected area of three (3) sewage treatment plant basins (Inverness, Columbia, and Gresham, as described in Appendix 3 of the document entitled Threat to Drinking Water Findings, June, 1984), subject to the following conditions:

(A) A cesspool or seepage pit system to serve a new sewage load may be permitted only if an equivalent sewage load into an existing cesspool or seepage pit within the affected area is eliminated.

(B) A permit to replace an existing failing cesspool or seepage pit system may be issued only if sewers are not physically available (refer to OAR 340-71-160(5)(f)) and there is insufficient area available to install either a standard or other alternative system.

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

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(C) Cesspool or seepage pit systems shall not be authorized on any lot that is large enough to install a standard or other alternative on-site system.

(D) After the effective date of this rule, any land development that involves the construction of streets, and all subdivisions platted after the effective date, shall be required to install dry sewers at the time of development if existing engineering data can be provided by the Agent to allow such dry lines to be later connected to a sewer. When insufficient data are available, the person applying for a construction-installation permit may, as an alternative, post a bond or deposit for the cost of the remaining sewer construction needed to connect the affected buildings to a public sewerage facility.

(E) The system for collection of additional funds for each cesspool installation (System Development Charge) enacted by the jurisdictions in the affected area prior to October 1, 1982, shall be maintained.

(c) Subsection (2)(b) of this rule shall be administered in a manner so that the net cesspool or seepage pit discharges into the ground on December 31, 1986 [1985] are not greater than such discharges on January 1, 1985. To insure that such discharge goals are met, the Agent of the Department of Environmental Quality may issue construction-installation permits not to exceed 200 Equivalent Dwelling Units for new cesspools or seepage pits during 1985 and 1986. If discharges greater than 200 Equivalent Dwelling Units are eliminated during 1985 and 1986, the total construction-installation permits issued during the year may be increased to equal the discharge load which has been eliminated. The Agent of the Department of Environmental Quality responsible for implementation of on-site sewage disposal rules in Multnomah County shall, prior to issuing any further cesspool or seepage pit construction-installation permits, develop and implement a system to account for discharges removed, cesspools and seepage pits properly abandoned, and new permits issued. Accounting shall be on an equivalent single-family dwelling unit (EDU) basis. The accounting system shall be submitted to DEQ for approval. Monthly reports shall be submitted to DEQ on or before the 15th day of the following month.

(3) Criteria for Approval.

(a) The permanent water table is sixteen (16) feet or greater from the surface.

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

(b) Gravelly sand, gravelly loamy sand, or other equally porous material occurs in a continuous five (5) foot deep stratum within twelve (12) feet of the ground surface.

(c) A layer that limits effective soil depth does not overlay the gravel stratum.

(d) A community water supply is available.

(4) Construction Requirements:

(a) Each cesspool and seepage pit shall be installed in a location to facilitate future connection to a sewerage system when such facilities become available.

(b) Maximum depth of cesspools and seepage pits shall be thirty-five (35) feet below ground surface.

(c) The cesspool or seepage pit depth shall terminate at least four (4) feet above the water table.

(d) Construction of cesspools and seepage pits in limestone areas is prohibited.

(e) Other standards for cesspool and seepage pit construction are contained in Rule 340-73-080.

(5) Notwithstanding the permit duration specified in Section 340-71-160(9), a permit issued pursuant to this rule may be effective for a period of less than one (1) year from the date of issue if specified by the Agent.

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

Amend OAR 340-71-335 as follows:

340-71-335 CESSPOOLS AND SEEPAGE PITS. (Diagrams 16 and 17)

(1) For the purpose of these rules:

(a) "Cesspool" means a lined pit which receives raw sewage, allows separation of solids and liquids, retains the solids and allows liquids to seep into the surrounding soil through perforations in the lining.

(b) "Seepage Pit" means a "cesspool" which has a treatment facility such as a septic tank ahead of it.

(2) [Prohibitions.] Except as [allowed in subsections (2)(a) and (2)(b) of this rule, the Agent shall not issue favorable site evaluation reports or construction-installation permits for cesspool or seepage pit systems.] provided in OAR 340-71-401, construction of new cesspool sewage disposal systems in Oregon is prohibited.

(3) [(a) Except as allowed in subsection (2)(b) of this rule, seepage pit systems shall be used only to] Seepage pit sewage disposal systems may be used only to serve existing sewage loads and replace existing failing seepage pit and cesspool systems on lots that are inadequate in size to accommodate a standard system or other alternative on-site sewage systems. A construction-installation permit allowing replacement of the failing system shall not be issued if a sewerage system is both legally and physically available, as described in OAR 340-71-160(5)(f).

[(b) Unless and until the Environmental Quality Commission takes final action on the proposal to find a threat to drinking water in Mid-Multnomah County, installation of cesspool and seepage pit sewage disposal systems shall be allowed within the affected area of three (3) sewage treatment plant basins (Inverness, Columbia, and Gresham, as described in Appendix 3 of the document entitled Threat to Drinking Water Findings, June, 1984), subject to the following conditions:]

[(A) A cesspool or seepage pit system to serve a new sewage load may be permitted only if an equivalent sewage load into an existing cesspool or seepage pit within the affected area is eliminated.]

[(B) A permit to replace an existing failing cesspool or seepage pit system may be issued only if sewers are not physically available (refer to OAR 340-71-160(5)(f)) and there is insufficient area available to install either a standard or other alternative system.]

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

[(C) Cesspool or seepage pit systems shall not be authorized on any lot that is large enough to install a standard or other alternative on-site system.]

[(D) After the effective date of this rule, any land development that involves the construction of streets, and all subdivisions platted after the effective date, shall be required to install dry sewers at the time of development if existing engineering data can be provided by the Agent to allow such dry lines to be later connected to a sewer. When insufficient data are available, the person applying for a construction-installation permit may, as an alternative, post a bond or deposit for the cost of the remaining sewer construction needed to connect the affected buildings to a public sewerage facility.]

[(E) The system for collection of additional funds for each cesspool installation (System Development Charge) enacted by the jurisdictions in the affected area prior to October 1, 1982, shall be maintained.]

[(c) Subsection (2)(b) of this rule shall be administered in a manner so that the net cesspool or seepage pit discharges into the ground on December 31, 1985 are not greater than such discharges on January 1, 1985. To insure that such discharge goals are met, the Agent of the Department of Environmental Quality may issue construction-installation permits not to exceed 200 Equivalent Dwelling Units for new cesspools or seepage pits during 1985. If discharges greater than 200 Equivalent Dwelling Units are eliminated during 1985, the total construction-installation permits issued during the year may be increased to equal the discharge load which has been eliminated. The Agent of the Department of Environmental Quality responsible for implementation of on-site sewage disposal rules in Multnomah County shall, prior to issuing any further cesspool or seepage pit construction-installation permits, develop and implement a system to account for discharges removed, cesspools and seepage pits properly abandoned, and new permits issued. Accounting shall be on an equivalent single-family dwelling unit (EDU) basis. The accounting system shall be submitted to DEQ for approval. Monthly reports shall be submitted to DEQ on or before the 15th day of the following month.]

[(3) Criteria for Approval.]

[(a) The permanent water table is sixteen (16) feet or greater from the surface.]

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

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[(b) Gravelly sand, gravelly loamy sand, or other equally porous material occurs in a continuous five (5) foot deep stratum within twelve (12) feet of the ground surface.]

[(c) A layer that limits effective soil depth does not overlay the gravel stratum.]

[(d) A community water supply is available.]

(4) Construction Requirements:

(a) Each [cesspool and] seepage pit shall be installed in a location to facilitate future connection to a sewerage system when such facilities become available.

(b) Maximum depth of [cesspools and] seepage pits shall be thirty-five (35) feet below ground surface.

(c) The [cesspool or] seepage pit depth shall terminate at least four (4) feet above the water table.

[(d) Construction of cesspools and seepage pits in limestone areas is prohibited.]

(d) [(e)] Other standards for [cesspool and] seepage pit construction are [contained in Rule 340-73-080.] as shown in diagrams 16 and 17.

(5) Notwithstanding the permit duration specified in Section 340-71-160(9), a permit issued pursuant to this rule may be effective for a period of less than one (1) year from the date of issue if specified by the Agent.

Amend OAR 340, Division 71 by adding a new rule, OAR 340-71-401 as follows:

340-71-401 MID-MULTNOMAH COUNTY, CESSPOOL AND SEEPAGE PIT USE.

(1) This rule shall be applicable only within the area defined in Appendix B of the document entitled Evaluation of Hearing Record for Proposal to Declare a Threat to Drinking Water in a Specifically Defined Area of Mid-Multnomah County Pursuant to ORS 454.275 et. seq., February 6, 1986.

(2) Favorable site evaluation reports and new construction-installation permits for cesspool and seepage pit sewage disposal systems may be issued within the area defined in section (1) of this rule, provided all of the following conditions are met:

(a) Construction of sewers and connection thereto is on schedule as defined in the Mid-Multnomah County Sewer Implementation Plan, September 1985.

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

(b) The total waste load discharged into cesspool and seepage pit sewage disposal systems within the affected area at any time does not exceed that indicated by the EQC Benchmark Removal Rate line in Figure 4-1, of Mid-Multnomah County Sewer Implementation Plan, September 1985, based on the assumption that fifty-six thousand (56,000) single family dwelling unit equivalent cesspool and seepage pit systems existed in the affected area at the beginning of 1985.

(c) Sewers are not available to serve the proposed development. Connection to sewers shall be made whenever practicable. Connection will be deemed practicable if sewers are physically available as defined in OAR 340-71-160(5)(f) unless otherwise allowed by the Agent.

(d) Any land division or subdivision development that involves construction of streets shall construct dry sewers at the time of development to minimize costs and disruption when connection to a sewer becomes possible. If in the judgment of the Agent construction of dry sewers is not practicable, the land division or subdivision may be approved for cesspools and seepage pits if funds in the amount of the cost of the needed dry sewer construction is placed in an interest bearing escrow account to be applied to construction of the sewers when appropriate under the schedule for sewer construction by the local governments.

(e) Cesspool or seepage pit systems shall not be authorized on any lot that is large enough to install a standard or other alternative on-site system.

(f) Site Criteria:

(A) The permanent water table is sixteen (16) feet or greater from the surface.

(B) Gravelly sand, gravelly loamy sand, or other equally porous material occurs in a continuous five (5) foot deep stratum within twelve (12) feet of the ground surface.

(C) A layer that limits effective soil depth does not overlay the gravel stratum.

(D) The site is found to comply with the provisions of OAR 340-71-220(2)(e, f, and i).

(3) Construction Requirements:

(a) Each cesspool and seepage pit shall be installed in a location to facilitate future connection to a sewerage system when such facilities become available.

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

(b) Maximum depth of cesspools and seepage pits shall be thirty-five (35) feet below ground surface.

(c) The cesspool or seepage pit depth shall terminate at least four (4) feet above the water table.

(d) Cesspool and seepage pit structures shall be of a design to assure that collapse or cave-in will not occur. Diagrams 16 and 17, which show seepage pit designs, reflect an acceptable design for cesspools.

(e) The provisions of OAR 340-71-220(2)(i) are met.

(4) Permits to repair or replace failing cesspool or seepage pit systems may be issued only if sewers are not physically available (refer to OAR 340-71-160-(5)(f)). The Agent may exercise judgment in determining whether strict compliance with the requirements identified in section 3 of this rule are reasonable.

(5) Notwithstanding the permit duration specified in section 340-71-160(9), a permit issued pursuant to this rule may be effective for a period of less than one (1) year from the date of issue if specified by the Agent.

(6) The Agent shall report to the Department of Environmental Quality at the end of each calendar year on the number of cesspools and seepage pits removed, the number of repair and replacement systems authorized, and the number of new interim cesspool and seepage pit systems approved through on-site system and WPCF permit issuance. The calculated number of single family dwelling unit equivalent cesspools remaining in service shall at all times be less than or equal to the number derived for that point in time based on fifty-six thousand (56,000) units in existence at the beginning of 1985, and the target percent removed based on the benchmark removal rate as shown in Figure 4-1 of "Mid-Multnomah County Sewer Implementation Plan", September 1985.

(7) For proposed new sewage loads in excess of five thousand (5000) gallons per day, applications for site evaluation reports and construction permits must be submitted to the Department of Environmental Quality. The permits shall be issued pursuant to OAR 340, Divisions 14 and 45 only after the Agent and the Department concur the provisions of subsection (2)(b) of this rule not are violated.

Amend OAR 340-73-080 as follows:

340-73-080 CONSTRUCTION OF [SEEPAGE PITS, CESSPOOLS, AND] GRAY WATER WASTE DISPOSAL SUMPS.

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

[(1) Seepage Pits or Cesspools:]

[(a) The liquid capacity of a seepage pit or cesspool shall be at least equal to the calculated volume of the required septic tank capacity for the dwelling or establishment served.]

[(b) The minimum inside diameter of the lining shall be four (4) feet.]

[(c) Two or more seepage pits shall be separated from each other by a distance equal to twelve (12) feet of undisturbed earth, minimum. Whenever a pit with inside diameter greater than four (4) feet is used, pits shall be separated by a distance equal to three (3) times the diameter of the largest pit. For pits over twenty (20) feet in depth, the minimum space between pits shall be twenty (20) feet.]

[(d) Maximum depth of seepage pits and cesspools shall be thirty-five (35) feet below the ground surface.]

[(e) The seepage pit or cesspool shall be lined with stone, fired clay brick, building tile, adequately reinforced perforated precast concrete rings at least two and one-half (2-1/2) inches thick, or other materials approved by the Department. A six (6) inch space shall be required between the lining of the pit and the soil, and it shall be backfilled with clean, coarse filter material.]

[(f) The inlet pipe of the seepage pit or cesspool shall be an elbow constructed of cast-iron or other material approved by the Department.]

[(g) Pits shall be covered with reinforced concrete tops equivalent in strength to septic tank covers required under rules 340-73-025 and 340-73-030.]

[(h) An inspection port, not less than six (6) inches across its shortest dimension shall provide access at the top of the seepage pit over the inlet. (See Division 71, Diagrams 16 and 17.)]

[(i) Connecting building and/or effluent sewer lines shall be laid on a firm bed of undisturbed earth throughout their length.]

[(j) When multiple pits are used, or in the event new pits are added to an existing system, they should be connected in parallel.]

[(2) Gray Water Waste Disposal Sumps.] A gray water waste disposal sump shall consist of a receiving chamber, settling chamber, and either a seepage chamber or disposal trench. [Gray water waste disposal sumps shall be constructed of materials approved by the Department. (See Division 71, Diagrams 14 and 15.)] An acceptable design for gray water waste disposal sumps is shown in OAR 340, Division 71, Diagrams 14 and 15.

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

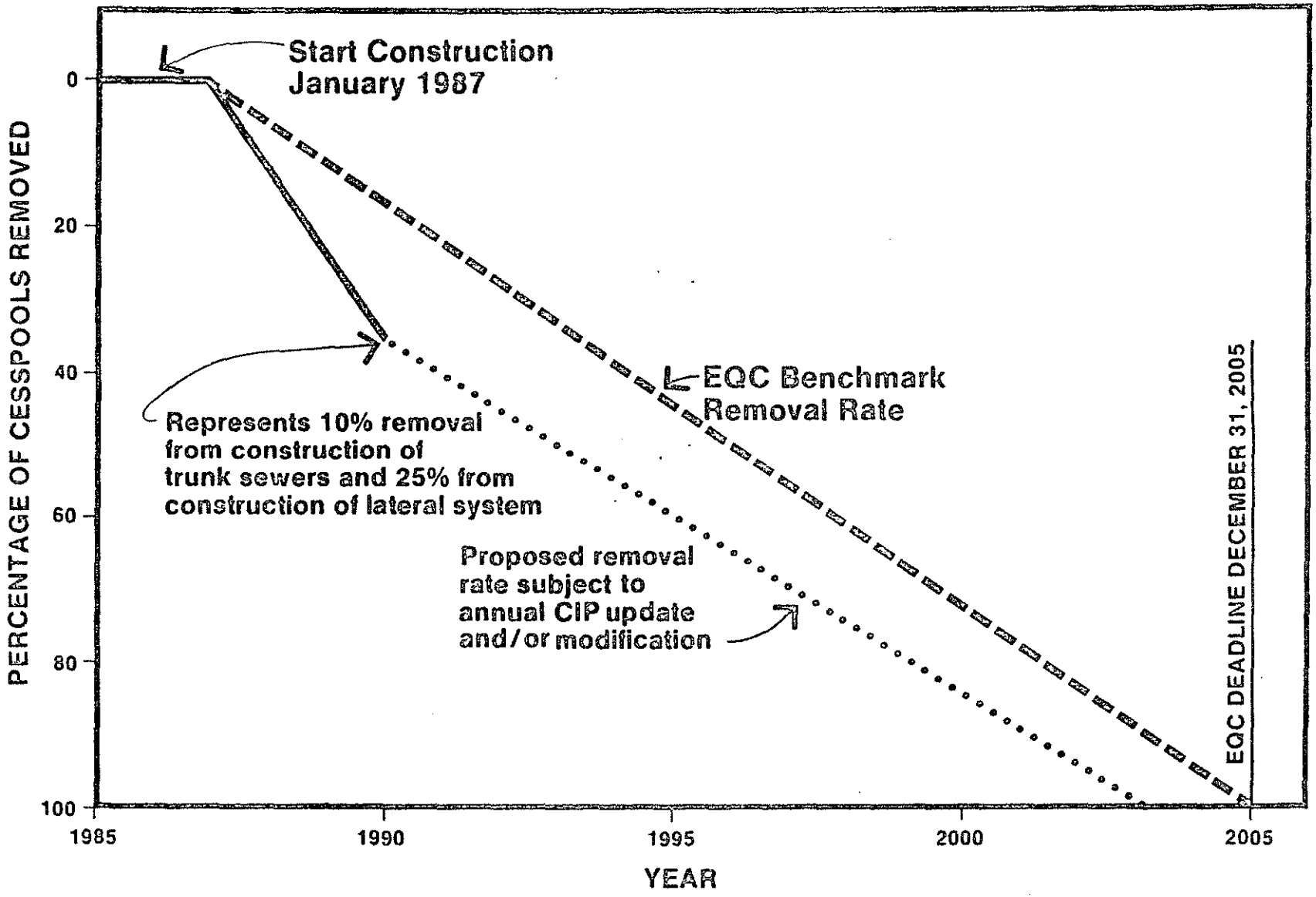


FIGURE 4-1
CESSPOOL REMOVAL CURVE

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183,335, this statement provides information on the Environment Quality Commission's action to adopt a temporary rule.

1. Legal Authority

ORS 454.615 and ORS 468.020, which require the Environmental Quality Commission to adopt rules pertaining to on-site sewage disposal.

2. Need for the Rule

The Environmental Quality Commission (Commission) adopted an administrative rule allowing the installation of cesspool and seepage pit systems to serve new structures within a portion of Mid-Multnomah County until final action is taken on the proposal to declare a threat to drinking water in that area. The rule was intended as an interim rule. The Commission took final action on the threat to drinking water issue on April 25, 1986, and issued an order requiring implementation of the Mid-Multnomah County Sewer Implementation Plan, September 1985. Use of Cesspools and seepage pits as interim systems for new construction and repair of failing systems was provided for in the plan. The temporary rule will allow installations of cesspool and seepage pit systems to continue, in a manner compatible with the implementation plan.

Failure to act to modify the existing rules to permit continued construction of cesspools under controlled conditions to serve as interim facilities pending the construction of sewers will seriously prejudice the public interest by curtailing economic development in the area, and by jeopardizing the financing and implementation of the Mid-Multnomah County Sewer Implementation Plan, which will, upon implementation, achieve the desired ultimate restoration of groundwater quality.

3. Principal Documents Relied Upon in This Rulemaking

Agenda Item No. H, April 25, 1986 EQC Meeting.

The above document is available for public inspection at the Office of the Department of Environmental Quality, 522 S.W. Fifth Avenue, Portland, Oregon, during regular business hours, 8:00 a.m. to 5:00 p.m.

4. Fiscal and Econmic Impact

In the affected area, most of the properties are too small in area to physically install on-site sewage systems other than cesspools and seepage pits. Public sewerage facilities are available in some areas

but not in others. In the event the prohibition date is not modified, many people and small businesses would be unable to develop their property until connection to public sewerage facilities is possible, thus causing potential economic losses to both groups.

LAND USE CONSISTENCY STATEMENT

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

With respect to Goal 6, the proposed amendments are designed to maintain and, over time, improve the groundwater quality in the affected area, and are consistent with the goal.

With respect to Goal 11, the proposed amendments will allow the continued implementation of an orderly and efficient shift in the methods of sewage disposal in the affected area, by phasing out cesspool and seepage pit use with connection of structures to public sewage treatment facilities. The proposed amendments are consistent with the goal.

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

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

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

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

Sherman O. Olson, Jr.

EXHIBIT F

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. M , April 16, 1982, EQC Meeting

Public Hearing on Question of Extending Date on Prohibition of Cesspools to Serve New Construction, OAR 340-71-335.

Background and Problem Statement

At its March 13, 1981 meeting the Commission adopted a comprehensive set of administrative rules for on-site sewage disposal, OAR 340-71-100 to 340-71-600. Within this set of rules is a specific rule that deals with cesspools, OAR 340-71-335. Section 2 of this rule prohibits the installation of cesspools to serve new structures after October 1, 1981. During an interim period from October 1, 1981 to January 1, 1985 seepage pit systems may be installed in lieu of cesspools. (A seepage pit system is a septic tank followed by a lined pit constructed similar to a cesspool). The cost of a seepage pit system is estimated to be in the range of $500 greater than the cost of a cesspool.

At its August 28, 1981 meeting, the Commission, at Multnomah County's request, delayed, by temporary rule, the implementation of the cesspool prohibition to March 1, 1982. At its March 5, 1982 meeting, the Commission, again by temporary rule, further delayed implementation to April 16, 1982.

The Commission's decision to delay the implementation date a second time was based upon a request of members of the Home Builders Association of Metropolitan Portland. The Home Builders requested the delay in order that they, along with Multnomah County officials, might explore the adoption, by the county, of a "sewer systems development charge". Under this proposal the systems development charge would be levied in lieu of the requirement that seepage pit systems be used to replace cesspools. In addition, the Home Builders stated that they would investigate, with the county, the question of imposing a "user fee" upon existing cesspools. Funds derived from the systems development charge and the user fee would be dedicated to future sewer construction in the cesspool area.

Alternatives and Evaluation

It is the Home Builders' position that requiring seepage pit systems rather than allowing cesspools for new construction during the interim in which sewers are to be constructed will add to the short and long range sewage disposal costs without providing a measurable level of protection to the groundwater.

It is the Department's position that the installation of seepage pit systems rather than cesspools for new construction will reduce the amount of pollutants entering the groundwater during this interim period prior to sewer construction. However, new construction would be a very small percentage of the total pollutant load entering the groundwater from existing development served by cesspools. The long term objective is to eliminate the pollutant load from existing cesspools from entering groundwater. Any step that enhances the long term objective can be crucial. During a time of fiscal restraint and a shortage of construction funds, it may be appropriate to accept a small increase in pollution load to be discharged to the groundwater if the construction of sewers, which will eventually eliminate the entire problem, will be accelerated.

When the Commission adopted the first temporary rule extending the date for prohibiting cesspools, this action was based on the expectation that Multnomah County, during the following six months would develop a plan for sewering the cesspool area.

Neither the Department nor Multnomah County anticipated the enormity of the undertaking (program and timetable for providing sewerage service) required by the rules. Although considerable progress has been made by the County, the anticipated schedule and financial plan have not been provided, for acceptable reasons.

The Department failed to follow up, as we should have, with the cities of Portland and Gresham. The METRO Master Plan, which the Department has approved, makes these two cities responsible for providing sewer service to parts of the cesspool area.

Progress to date on the more detailed planning, scheduling and financing has been reasonable, although not as rapid as we had hoped.

Not only due to the enormity of the task but also due to the current economic situation, significant additional time will be required to do the detailed planning, scheduling, and financial planning that is necessary for a viable program.

The METRO Master Plan calls for the entire area of concern to be sewered; thus we can accept this plan as meeting the rule for defining where sewers will be provided.

The most recent commitment by the County and the Home Builders to work for a systems development charge ordinance and a user fee for existing cesspools puts a new light on the entire cesspool question. It appears that if the cesspool problem is to be resolved, funds from new sources for sewer construction must be made available. These two proposals, systems development charge and use fee, should provide new revenue sources to partially deal with the problem.

It appears that what is needed is a targeted approach that looks at phased implementation rather than doing the entire project area at once. This means identifying the existing high-density areas: areas likely to be subject to immediate development or redevelopment; the light rail corridor; and planning for extension of sewers to those areas as a first priority.

Alternatives

There appear to be two alternatives for Commission consideration:

(1) Find that progress to date in eliminating cesspools is inadequate, take no action on the proposed rule amendments, and allow the October 1, 1981 prohibition on cesspools to be implemented.

(2) Recognize that the task of developing a plan for sewering the cesspool area is a complex one that requires an extended period of time to develop and implement. Further, it is appropriate to extend the prohibition date on cesspools to coincide with completion of the plan for sewers.

Summation

1. The Commission has adopted a rule, 340-71-335, which prohibits cesspools to serve new construction after October 1, 1981.

2. The October 1, 1981 implementation date has been delayed, by temporary rule, on two occasions. The second temporary rule expires on April 16, 1982.

3. Upon expiration of the temporary rule on April 16, 1982, the cesspool prohibition will become effective, unless the permanent rule is amended.

4. Multnomah County and the Home Builders Association of Metropolitan Portland have requested that the cesspool prohibition date be delayed further to allow time for development of a sewer systems development charge ordinance and to investigate a users fee for existing cesspools.

5. The delay sought by the county and the Home Builders Association may be accomplished by amending the permanent rule, after public hearing.

6. Notice of the Public Hearing before the Commission on April 16, 1982 was published in the Secretary of State's Bulletin April 1, 1982 edition. Additional notice was given by mailing to the Department's on-site sewage mailing list and by news releases. The notice indicated that final action may be taken on April 16, 1982.

Director's Recommendation

Based upon the summation, after public hearing, it is recommended that the Commission amend the permanent rule, OAR 340-71-335, as set forth in Attachment "A", extending the cesspool prohibition date, the rule amendments to be effective upon filing with the Secretary of State.

Bill

William H. Young

Attachment A - Proposed Amendments to OAR 340-71-335
Attachment B - Statement of Need for Rulemaking

T. Jack Osborne:l
229-6218
March 16, 1982

XG1014

Amend OAR 340-71-335 as follows:

340-71-335 CESSPOOLS AND SEEPAGE PITS. (Diagrams 16 and 17)

(1) For the purpose of these rules:

(a) "Cesspool" means a lined pit which receives raw sewage, allows separation of solids and liquids, retains the solids and allows liquids to seep into the surrounding soil through perforations in the lining.

(b) "Seepage Pit" means a "cesspool" which has a treatment facility such as a septic tank ahead of it.

(2) Prohibitions. Cesspools and seepage pits shall not be used except in areas specifically authorized in writing by the Director. After May 1, 1981, the Agent may not grant approvals or permits for cesspools or seepage pits to serve new structures without first receiving written authorization from the Director.

(a) Effective October 1, [1981:] <u>1982, unless the provisions of paragraph (2)(a)(C) of this rule are met:</u>

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

(A) Installation of new cesspools is prohibited. Cesspools may be used only to replace existing failing cesspools.

(B) Seepage pits may be used only on lots created prior to [adoption of these rules] March 13, 1981 , which are inadequate in size to accommodate a standard subsurface system, unless the land use plan for the area anticipates division of existing lots to provide for more dense development and a program and timetable for providing sewerage service to the area has been approved by the Department.

(C) The prohibitions contained in paragraphs (2)(a)(A) and (2)(a)(B) of this rule shall not become effective until January 1, 1985, provided that by October 1, 1982, the appropriate jurisdiction(s) have adopted a system whereby additional funds are collected for each cesspool installation, and the funds collected are used for planning, design and construction of sewers in the cesspool-seepage pit areas.

(b) The governmental entities responsible for providing sewer service to the seepage pit and cesspool areas within Multnomah and Clackamas Counties, as set forth in the METRO Master Plan, shall not later than

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

July 1, 1984, submit to the Department, detailed plans, scheduling, priorities, phasing and financial mechanisms for sewering the entire cesspool area.

(c) [(b)] Effective January 1, 1985 [:] , unless this rule is further modified in response to plans required in paragraph (2)(b) of this rule:

(A) Installation of cesspools is prohibited.

(B) Installation of new seepage pits is prohibited.

(C) Seepage pits may be used only to replace existing failing cesspools or seepage pits on lots that are inadequate in size to accommodate a standard subsurface system.

(3) Criteria for Approval. Except as provided for in Section 340-71-335(2) of this rule seepage pits and cesspools may be used for sewage disposal on sites that meet the following site criteria:

(a) The permanent water table is sixteen (16) feet or greater from the surface.

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

(b) Gravelly sand, gravelly loamy sand, or other equally porous material occurs in a continuous five (5) foot deep stratum within twelve (12) feet of the ground surface.

(c) A layer that limits effective soil depth does not overlay the gravel stratum.

(d) A community water supply is available.

(4) Construction Requirements.

(a) Each cesspool and seepage pit shall be installed in a location to facilitate future connection to a sewerage system when such facilities become available.

(b) Maximum depth of cesspools and seepage pits shall be thirty-five (35) feet below ground surface.

(c) The cesspool or seepage pit depth shall terminate at least four (4) feet above the water table.

(d) Construction of cesspools and seepage pits in limestone areas is prohibited.

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

(e) Other standards for cesspool and seepage pit construction are contained in Rule 340-73-080.

XG1003

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

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the Amendment of Rule OAR 340-71-335, On-Site Sewage Disposal, Cesspools	))))	Statutory Authority, Statement of Need, Principal Documents Relied Upon and Statement of Fiscal Impact

1. Citation of Statutory Authority:

ORS 454.625, which requires the Environmental Quality Commission to adopt rules pertaining to On-Site Sewage Disposal.

2. Statement of Need:

The Environmental Quality Commission has adopted administrative rules which prohibits installation of cesspools to serve new construction after October 1, 1981. That prohibition date has been extended by temporary rule. The temporary rule expires on April 16, 1982. In the event the Commission fails to modify the rule on April 16, 1982, the prohibition on cesspools to serve new construction will go into effect immediately. Multnomah County officials and the Home Builders Association of Metropolitan Portland have requested that the prohibition on cesspools be delayed in order to allow the county and other public entities involved to develop plans for sewering the cesspool area. The proposed rule amendment is in response to that request and would delay the prohibition date to January 1, 1985, provided the public entities involved take certain specified actions during the intervening period.

3. Documents Relied Upon in Proposal of the Rule Amendments:

None.

4. Fiscal and Economic Impacts:

In the event the prohibition date is not extended, developers would be required to use "seepage pit" sewage disposal systems rather than cesspools for new construction. The added cost for seepage pits is estimated to be approximately $500 per system. These costs are expected to be assumed by the developer, in developer-owned projects, or by the buyer in other projects. In lieu of seepage pit system requirements the proposed rule would delay the requirement for use of more costly seepage pit systems, provided the appropriate jurisdiction(s) adopt a system whereby additional funds are collected for each cesspool installation and used for planning, design and construction of sewers in the cesspool-seepage pit area.

William H. Young
Director

XL1474

VICTOR ATIYEH
GOVERNOR

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 I, September 12, 1986, EQC Meeting

Request for Extension of the July 1, 1986 Deadline for Providing the Opportunity to Recycle in the Douglas Wasteshed. (ORS 459.185(9))

Background and Problem Statement

The Recycling Opportunity Act, adopted by the 1983 Legislature, requires that the opportunity to recycle be provided to all persons in Oregon by 1986.

The opportunity to recycle includes:

(a) A place for receiving source separated recyclable materials, located either at the disposal site or at another location more convenient to the population being served;

(b) If a city has 4,000 or more people, on-route collection at least once a month of source-separated recyclable materials from collection service customers within the City's urban growth boundary; and

(c) A public education and promotion program that gives notice to each person of the opportunity to recycle and encourages source separation of recyclable material.

ORS 459.185(9) allows any affected person to apply to the Commission to extend the time permitted for providing all or part of the opportunity to recycle and submitting a recycling report to the Department. The Commission may: (a) grant an extension upon a showing of good cause; (b) impose any necessary conditions on the extension; or (c) deny the application in whole or in part.

The Department has received a request from both Douglas County and the City of Reedsport for an extension of the deadline for providing portions of the opportunity to recycle. Douglas County requested an extension because the county solid waste program was transferred from the county road department to the county engineering department on April 1, 1986 (Attachment I). The county reports that they have

begun a complete reorganization of the solid waste and landfill operations program and have not had an adequate opportunity or sufficient time to properly address the recycling program. The City of Reedsport has requested a time extension because Douglas County has not yet formulated plans for providing the opportunity to recycle, and because the city does not feel in a position to establish a recycling program until the county completes its plans (Attachment II).

Presently, portions of the opportunity to recycle are being offered in the Douglas Wasteshed. The identified principal recyclable materials in the Douglas Wasteshed are ferrous and non-ferrous metal, used motor oil, newspaper, glass, aluminum, corrugated cardboard and kraft paper, and ledger paper. The three Douglas Wasteshed cities that have populations exceeding 4,000 and thus are required to have on-route collection are Roseburg (15,800), Sutherlin (4,280), and Reedsport (4,885). In the City of Roseburg, the on-route portion of the opportunity to recycle is being provided through an alternative method approved by the Department that involves weekly on-route collection of newspaper, aluminum, used oil, and non-ferrous metals, monthly on-route collection of residential cardboard, weekly on-route collection of commercial cardboard, and use of an existing recycling depot at Sunrise Enterprises for glass recycling. This program began operation in July (Attachment III). Sutherlin Sanitary Service is providing a similar on-route collection program in the City of Sutherlin, although without applying for approval of an alternative method. In the City of Reedsport, Horning Brothers Sanitation provides weekly on-route collection of newspaper and used oil, while the Odd Fellows collects some commercial cardboard.

Douglas County operates twelve transfer stations and two landfills. Disposal of solid waste at each of these facilities is free to the residents of the county. Sunrise Enterprise, a sheltered workshop, offers recycling services at the Roseburg landfill and at the Canyonville, Glide, Lookingglass, Myrtle Creek, Oakland, and Yoncalla transfer stations, as well as at their workshop warehouse in Roseburg. Materials recycled include newspapers, glass, cardboard, aluminum, and tin cans at each of these locations. There are no provisions for providing for the recycling of scrap metal or used oil at these sites. Small signs direct users to McGovern and Sessler for scrap metal or to Roseburg Landfill or "local service stations" (no specific service stations mentioned) for used oil. In addition, used oil, cardboard, and scrap metal recycling is provided by Roseburg Sanitary Service at the Roseburg Landfill. At the Reedsport Landfill, the only recycling provided at present is a newspaper recycling box operated by Horning Brothers Sanitation Service. No recycling facility is provided at the Camas Valley, Elkton, Glendale, Lemolo, Slide Creek, or Tiller transfer stations. These six transfer stations are all unattended, and the county believes that the storage and monitoring of recyclables, including combustible recyclables, at these sites would be difficult. At each of these stations, a small sign is posted referring people to McGovern and Sessler in Roseburg for scrap metal and to Sunrise

Enterprises or the Roseburg Landfill for the other materials. DEQ regional staff feel that the signs provided at all of the transfer stations are too small and in some cases too difficult to read, and thus are inadequate. Prior to transfer of solid waste authority to the Engineering Department, the Douglas County Road Department had promised to work with cities and other government agencies to establish a series of additional recycling stations for glass and paper throughout the county, but that has not yet occurred.

Some education, promotion, and notification of recycling opportunities has also been done. For example, Roseburg Disposal published a large display ad in the Roseburg News-Review to notify their customers of the local recycling programs (Attachment III), and newspaper articles noted the beginning of on-route recycling in both Roseburg and Sutherlin. However, Douglas County has not yet devised a program to provide education, promotion, and notification to all the Douglas County residents.

Evaluation and Alternatives

In order to grant a request for a time extension, the applicants must show good cause for needing the extension. In Douglas County, when the county Engineering Department took over solid waste responsibilities in April, 1986, there were not yet specific plans as to how all of the notification, education, and promotion portion of the opportunity to recycle would be provided, and the recycling programs at the disposal sites were as described above. The Engineering Department feels that a minimum of three to six months would be required to develop and implement a satisfactory program that will satisfy all aspects of the opportunity to recycle.

The Commission may either approve an extension, deny an extension, or approve an extension with conditions. If the Commission approves the extension, this will allow the county additional time to plan and implement a thorough recycling program. If the Commission denies the extension, then the Department will as a result determine that no recycling report had been received and that portions of the opportunity to recycle are not being provided and report that finding to the Commission. The Commission must then hold a public hearing in the affected area of the wasteshed and determine whether the opportunity to recycle is being provided. If it is not, the Commission can by order determine how the opportunity to recycle will be provided, including a timetable for implementation. Any person who violates an order of the Commission would be subject to civil penalties.

The Department believes that since the Douglas County Engineering Department did not have solid waste authority until April, 1986, an extension until January 1, 1987 is warranted to allow enough time to adequately plan how all aspects of the opportunity to recycle should be provided, and to implement the program. Similarly, an extension is warranted for the City of Reedsport so that the city can coordinate with the county on the education, promotion, and notification aspects of the opportunity to recycle. These

extensions will allow Douglas County, the City of Reedsport, and the other affected persons in the wasteshed to address the following apparent deficiencies or uncertainties in providing the opportunity to recycle:

1. Written or more effective notice to each person in the Douglas Wasteshed that explains why people should recycle, the recycling opportunities available, the materials that can be recycled, and the proper preparation of those materials.

2. Development of an on-going education and promotion program to further promote the use of available recycling opportunities.

3. On-route collection of glass, aluminum, and cardboard in Reedsport and Sutherlin, or else an application for an alternative method for providing the opportunity to recycle these materials.

4. Recycling of ferrous and non-ferrous scrap metal, used oil, glass, and cardboard at the Reedsport Landfill.

5. Adequate signs at the unattended transfer stations, as well as the possible development of more convenient recycling depots for the residents served by the unattended transfer stations.

6. At the attended transfer stations:

   (a) Providing for used motor oil recycling either at the facility or by identifying specific "more-convenient" service stations or other locations where oil can be recycled.
   (b) Preparation of written recycling materials for distribution to site users.
   (c) More explicit provision for the recycling of scrap metal.

7. Where portions of the required opportunity to recycle are being provided by private companies, formal assurance either as part of a franchise agreement, written contract, or other written documentation that the opportunity to recycle will be provided.

Summation

1. The opportunity to recycle must be provided to all persons in Oregon as of July 1, 1986. The Commission may grant an extension of that deadline upon a showing of good cause, impose any necessary conditions on that deadline extension, or deny the application in whole or in part.

2. The Douglas County Engineering Department, which is the new wasteshed representative for Douglas County, has requested an extension of the July 1, 1986 deadline. This request is due to the transfer of solid waste authority in Douglas County from

the Road Department to the Engineering Department as of April 1, 1986. The Engineering Department believes that an extension is necessary to allow time to plan for and implement programs to correct the present deficiencies in providing the opportunity to recycle in Douglas County.

3. The recent transfer of solid waste authority in Douglas County is good reason to grant an extension for providing portions of the Opportunity to Recycle.

4. The City of Reedsport has also requested an extension of the July 1 deadline. The City of Reedsport has indicated that they are not in position to establish a full recycling program until they know the education, promotion, and other recycling-related programs that will be provided by Douglas County.

5. The fact that Douglas County has not yet completed plans for the education, promotion, and notification portions of the Opportunity to Recycle is good cause for the City of Reedsport to be granted an extension until Douglas County completes its plans.

Director's Recommendation

Based on the findings in the Summation, it is recommended that the Commission grant both Douglas County and the City of Reedsport an extension to January 1, 1987 of the July 1, 1986 deadline for providing the opportunity to recycle and for submitting the Recycling Report to the Department, with one condition, as follows:

If the City of Reedsport or the City of Sutherlin wishes to provide the on-route collection requirement through a method other than at least monthly collection of newspaper, glass, used motor oil, aluminum, tin cans, and corrugated cardboard, the City or other affected persons must submit an application for alternative method by November 1, 1986.

Fred Hansen

Attachments:
I. Letter from the Douglas County Engineering Department to DEQ dated June 13, 1986.
II. Letter from the City of Reedsport to DEQ dated June 24, 1986.
III. Recycling ad from the July 9, 1986 Roseburg News-Review page A3.

Peter H. Spendelow
229-5253
August 26, 1986

Attachment I
Agenda Item
9/12/86, EQC Meeting

COUNTY ENGINEER DEPARTMENT

KENNETH ERICKSON, COUNTY ENGINEER
ROOM 219 -- COURTHOUSE
ROSEBURG, OREGON 97470
(503) 440-4210

DOUGLAS COUNTY

Water Resources Division
440-4255

Engineering Division
440-4481

Hazardous & Solid Waste Division
Dept. of Environmental Quality

June 13, 1986

Ms. Marianne Fitzgerald
Department of Environmental Quality
Hazardous and Solid Waste Division
P. O. Box 1760
522 S. W. Fifth Avenue
Portland, Oregon 97207

RE: Douglas County Recycling Program

Dear Marianne:

Per our phone conversation on 6-12-86, please consider this as our request for a time extension with respect to Douglas County's Recycling Program. As you are aware, the solid waste program, effective April 1, 1986, was transferred to the County Engineering Department. Subsequently, we have begun a complete reorganization of the program and have not had an adequate opportunity or sufficient time to properly address the recycling program.

Please call if you need any further information. I can be reached at 440-4255.

Sincerely,

Terry Bounds

Terry Bounds, P. E.
Bridge and Facilities Engineer

TB:sl

cc: Ron Baker, Rsbg. DEQ
Ken Erickson, D.C. Eng.

Attachment II
Agenda Item
9/12/86 EQC Meeting

CITY OF REEDSPORT

451 WINCHESTER AVE. REEDSPORT, OREGON 97467
TELEPHONE (503) 271-3603

June 24, 1986

Department of Environmental Quality
PO Box 1760
Portland, OR 97207

RE: Recycling Report

Dear Sirs:

The City of Reedsport would like to request a time extension for submittal of the required recycling report. Since the City will be greatly affected by what Douglas County decides to do, and since they have not formulated their plans at this time, we do not feel in a position to establish a recycling program.

As soon as the County completes their study, and I am in contact with them, the City will submit the required report.

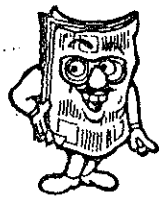
Sincerely,

Jefferson L. McIlvenna
Director of Public Works

JLM/bk

Roseburg Disposal Co. Invites You To Participate In

RECYCLING



NEWSPAPERS

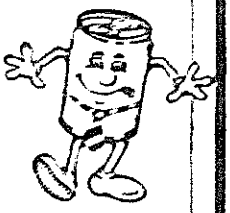
Tie in bundles - or sack in paper sacks (not plastic). Roseburg Disposal customers place with can on regular collection days. Non customers take to Sunrise Enterprises or deposit at the disposal sites.

WASTE OIL

Please pour into plastic jugs and close with lids. Roseburg Disposal customers place out with can on collection day.

ALUMINUM

Non returnable cans, foil, pie pans, chairs ect. Please clean all non aluminum materials off. Roseburg Disposal customers place for collection with your can on regular collection day, or deliver to Sunrise Enterprises or disposal sites.

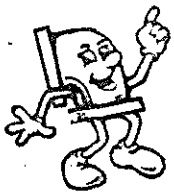


CARDBOARD

Please Call First. Cardboard is collected the last Tuesday of each month. From commercial establishments every Friday.

GLASS

Please sort bottles and jars by color and deliver to Sunrise Enterprises or disposal sites.



NON-FERROUS METALS

Brass, Copper.
Please take all Ferrous (Steel) materials off. Roseburg Disposal customers place in bag or box with your can on regular collection day. Others please deliver to Sunrise Enterprises or disposal sites.

RECYCLING LOCATIONS

Roseburg Disposal Co.

At your home or place of business.

Sunrise Enterprises

1950 NW Mulholland

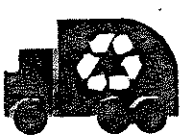
- Roseburg Landfill
- Oakland Transfer Station
- Lookingglass Transfer Station
- Glide Transfer Station
- Myrtle Creek Transfer Station
- Canyonville Transfer Station
- Yoncalla Transfer Station

IF YOU ARE CURRENTLY RECYCLING WITH SUNRISE ENTERPRISES OR JOB'S DAUGHTERS WE ENCOURAGE YOU TO CONTINUE TO SUPPORT THESE PROGRAMS.

ROSEBURG DISPOSAL CO.

835 S.E. Sheridan

673-7122



(reduced)

VICTOR ATIYEH
GOVERNOR

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 J, September 12, 1986, EQC Meeting

Request for Extension of the July 1, 1986 Deadline for Providing the Opportunity to Recycle in the Portland Wasteshed (ORS 459.185(9))

Background and Problem Statement

The Recycling Opportunity Act, adopted by the 1983 Legislature, requires that the opportunity to recycle be provided to all persons in Oregon by July 1, 1986.

The opportunity to recycle includes:

(a) A place for receiving source separated recyclable materials, located either at the disposal site or at another location more convenient to the population being served;

(b) If a city has 4,000 or more people, on-route collection at least once a month of source separated recyclable materials from collection service customers within the City's urban growth boundary; and

(c) A public education and promotion program that gives notice to each person of the opportunity to recycle and encourages source separation of recyclable material.

ORS 459.185(9) allows any affected person to apply to the Commission to extend the time permitted for providing all or part of the opportunity to recycle or submitting a recycling report to the Department. The Commission may: (a) grant an extension upon a showing of good cause; (b) impose any necessary conditions on the extension; or (c) deny the application in whole or in part.

The Department has received a request from the City of Portland for an extension of the July 1, 1986 deadline for providing on-route recycling collection and for providing public education and promotion in most portions of the Portland wasteshed (See Attachment I). The City of Portland submitted an implementation schedule with their request which indicates that the city's on-route recycling service will be available in January 1987, and the promotion program will begin in November-December 1986.

The City of Portland is the wasteshed representative for the Portland Wasteshed, which includes all of the area within the urban service boundary of Portland (See Map, Attachment II). The request for time extension does not include the area within the City of Maywood Park, because that city is already implementing the opportunity to recycle. The request also does not include recycling at disposal sites or commercial recycling collection, which are already being provided.

The City of Portland spent almost a year in the planning process which led to the development of Portland's Residential Recycling Collection Plan. The city convened a technical advisory committee and hired a recycling consultant to make recommendations on the city's recycling program options. The city also held several public meetings to gather input on the recycling proposals. The Portland City Council adopted the Portland Residential Recycling Plan on June 4, 1986. The Plan calls for monthly collection at the curb of recyclable materials by contract and weekly collection of newspaper at the can by garbage haulers permitted by the City. The city will contract for monthly recycling collection service in each of the areas outlined on the map in Attachment II.

The city made efforts to involve citizens in its planning process, but could not implement a recycling education and promotion program until it had decided which recycling collection option to implement.

The time extension is needed to allow the city time to implement the program adopted in June. The time extension is also needed to finalize an intergovernmental agreement between the City and Multnomah County to transfer responsibility to the City for providing recycling service outside the city limits and within the urban service boundary of Portland.

Prior to implementation, any citizen who wants on-route recycling collection can get this service by contacting one of the area recyclers, or by changing solid waste collectors to one who provides recycling service. However, the new program will encourage greater participation and, therefore, increase recycling by providing a consistent city-wide service that is easy to promote.

Alternatives and Evaluation

In order to grant the request for a time extension, the applicant must show good cause for needing the extension.

The Department finds that the city has good cause for needing a time extension because of the complicated bid process necessary to contract for recycling

services. The delays occurred in the beginning of the planning process, which should have begun a year earlier in order to meet the July 1 deadline. These delays cannot now be remedied and the City is moving at reasonable speed to implement the adopted program. The plan will provide consistent monthly on-route recycling collection service to all citizens within the Portland urban service boundary. The City will be responsible for developing and implementing the promotion program which will encourage people to recycle. The Department recommends that the Commission extend the deadline for providing on-route recycling collection service and the promotion and education program within the Portland urban service boundary (excluding the city of Maywood Park) to January 1987.

The Commission may either approve an extension, deny an extension, or approve an extension with conditions. If the Commission approves the extension, this will allow the city additional time to implement the recycling program.

The Commission may impose conditions on the extension. It could require the city to implement the on-route recycling collection program and education and promotion program in accordance with the schedule outlined in Attachment III, or it could propose another time schedule.

If the Commission denies the extension, then the Department will as a result determine that the recycling report cannot be approved and portions of the opportunity to recycle are not being provided and report that finding to the Commission. The Commission must then hold a public hearing in the affected area of the wasteshed and determine whether the opportunity to recycle is being provided. If it is not, the Commission can, by order, determine how the opportunity to recycle will be provided, including a timetable for implementation. Any person who violates an order of the Commission would be subject to civil penalties.

The Department feels that none of the alternatives for denying the application would result in more rapid implementation of the program than the schedule proposed by the City in requesting the extension.

Summation

1. The opportunity to recycle must be provided to all persons in Oregon by July 1, 1986. The Commission may grant an extension of that deadline upon a showing of good cause, impose any necessary conditions on that deadline or deny the application in whole or in part.

2. The city of Portland, the wasteshed representative for the Portland Wasteshed, has requested an extension of the July 1 deadline to January 1987.

3. The City's request is based on the need for additional time to implement the Residential Recycling Plan adopted on June 4, 1986.

4. The Plan calls for weekly newspaper collection by the solid waste collectors and monthly on-route collection of all other recyclable materials by contracted recycling collectors.

5. The time extension also is needed to implement a public education and promotion program which will promote the recycling program adopted in June.

6. The extensive planning process which led to the adoption of the Residential Recycling Plan and the time needed to implement the plan constitute good cause for requesting the time extension.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant the City of Portland an extension to January 1987 of the July 1, 1986 deadline for providing the opportunity to recycle to persons in Portland, Oregon with the condition that the City must follow the implementation schedule outlined in Attachment III.

Fred Hansen

Attachment: I. Letter from the City of Portland to DEQ dated June 30, 1986.
II. Map of Portland's Urban Service Boundary and potential recycling contract areas.
III. City of Portland Recycling Implementation Schedule.

Lorie Parker:f
YB5831
229-5826
August 26, 1986

CITY OF
PORTLAND, OREGON
BUREAU OF ENVIRONMENTAL SERVICES

Dick Bogle, Commissioner
John Lang, Administrator
1120 S.W. 5th Ave.
Portland, Oregon 97204-1972
(503) 796-7169

June 30, 1986

Lorie Parker
DEQ
PO Box 1760
Portland, OR 97207

Dear Lorie:

Enclosed is the Recycling Report for the Portland Wasteshed indicating how the wasteshed is and will be meeting the requirements of the Recycling Opportunity Act.

The Report has been reviewed and includes information from the City of Portland, the City of Maywood Park, and that portion of Multnomah County within the Urban Service Boundary. The report and attachments summarize current recycling opportunities and plans to improve recycling services.

Specifically, the Council of the City of Portland adopted a resolution on June 4, 1986 selecting an option for implementation of a City-wide recycling collection program. The program calls for monthly collection at the curb of recyclable materials by contract and weekly collection of newspaper at the can by garbage haulers permitted by the City. An integral part of implementation calls for adoption of an intergovernmental agreement with Multnomah County to provide the same service in that part of the County within the City's Urban Service Boundary.

The purpose of the adopted plan is to provide an organized, efficient, and uniform system of recycling collection for residents. Technically speaking, everyone in the City now has the opportunity to recycle if they take the initiative to seek the service from area recyclers. However, we feel that the adopted program will encourage greater participation and, therefore, increase recycling by requiring a consistent City-wide service that is easy to promote.

We are, therefore, requesting an extension of time to allow for implementation of the adopted plan. An implementation schedule is attached which anticipates six months before trucks are on-route. In the meantime, citizens can continue to participate in existing recycling programs.

We appreciate your work with us in developing the options which led to City Council decision on the recycling plan and we look forward to working together to make the new system successful.

Please call me at 796-7010 if you would like to discuss the Report and plan.

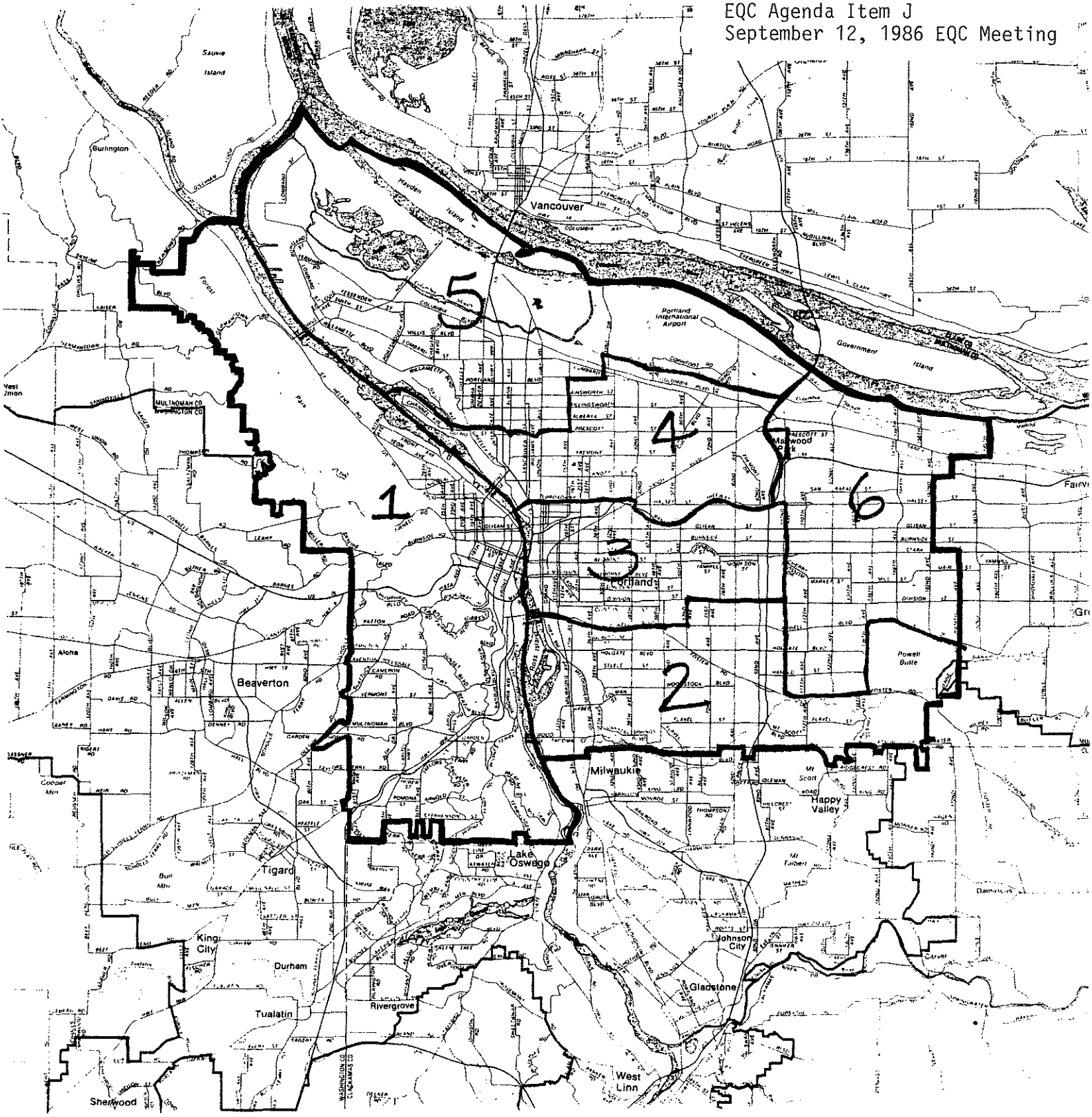
Sincerely,

Delyn Kies
Solid Waste Director

DK:al-
66:dk-parker

Enc.

Attachment II
EQC Agenda Item J
September 12, 1986 EQC Meeting



PORTLAND'S URBAN SERVICE BOUNDARY

POTENTIAL RECYCLING CONTRACT AREAS

Attachment III
EQC Agenda Item J
September 12, 1986 EQC Meeting

CITY OF PORTLAND RECYCLING IMPLEMENTATION SCHEDULE

July 1986

Recycling Contracts: Develop qualifications and specifications for bidding contracts

Meet with potential bidders re: requirements

Negotiate Intergovernmental Agreement with Multnomah County

Promotion: Draft Request for Proposals for promotion and education program

August 1986

Recycling Contracts: Review qualifications and specifications with potential bidders, and finalize the bid qualifications and specifications.

Complete Intergovernmental Agreement with Multnomah County

Develop budget and implementation staffing requests

Promotion: Issue Requests for Proposals

September 1986

Recycling Contracts: Issue request for bids

Hauler Permits: Revise City Code requirements re: newspaper collection

Promotion: Select contractor and negotiate contract

Plan and materials proposed

October 1986

Recycling Contracts: Award contracts for 6 areas

Hauler Permits: Coordinate billing with Metro

Promotion: Develop program and finalize schedule

November-December 1986

Recycling Contracts: Contractors design routes and prepare for implementation

Promotion: Materials developed for start-up phase

Advance notification of service to residential, commercial and industrial generators of waste

January 1987

Recycling Contracts: Start-up of curbside service

Program modifications

Promotion: Initial promotion campaign

March-April 1987

Recycling Contracts: Problem resolution

Promotion: Spring kick-off campaign

YB5831.3